

About the 2019 Biological Opinions

The federal Central Valley Project (CVP) and California State Water Project (SWP) together provide water for more than 31 million Californians and 4.15 million of acres of highly productive farmland. Coordinated operations of the CVP and SWP are critically important to the health of California's economy and environment, including native fish species like Delta smelt and Chinook salmon.

During the Obama administration, in August 2016, the Bureau of Reclamation (Reclamation) and the California Department of Water Resources (DWR) began to develop a new operations plan and jointly requested reinitiation of consultation under the Endangered Species Act (ESA), based on new science and data related to listed species and drought impacts.

Over the course of the subsequent three years, Reclamation and DWR worked with the other agencies, including the U.S. Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS), to develop a science-based real-time monitoring strategy that incorporates robust protections for native fish species into the proposed coordinated operations plan. Reclamation and DWR's approach and the services' draft biological opinions incorporated expert opinions not only from career biologists and other scientists, but also from independent scientific peer reviewers. Over the course of this consultation process, the proposed coordinated operations of the CVP and SWP were modified to ensure adequate protection of listed species and their designated critical habitat.

WHAT IS A BIOLOGICAL OPINION OR BiOP?

- The ESA requires a federal agency to consult with the FWS and the NMFS to determine if any action the agency intends to carry out, fund, or authorize – like operations of the CVP and SWP – would jeopardize endangered or threatened species or would harm or destroy designated critical habitat.
- During the consultation process, the relevant fishery services work with the federal agency to refine the proposed action to ensure the action will not jeopardize the continued existence of a listed species or adversely modify the species' critical habitat.
- A BiOp summarizes the analysis conducted through the consultation process and presents the service's conclusion regarding the potential harm the project poses to at-risk species and authorizes potential incidental take of a listed species.



About the 2019 Biological Opinions: *Continued*

In October 2019, the FWS and the NMFS released new biological opinions (BiOps), which determined that proposed coordinated operations would not jeopardize threatened or endangered species or adversely modify their designated critical habitat.

Reclamation's and DWR's proposed operations plan includes:

- Real-time adaptive management and greater management oversight of Delta pumping operations based on real-time risks instead of the calendar-based pumping schedule included in the former biological opinions.
- A bigger cold-water pool and better cold water management at Lake Shasta to protect Sacramento River winter-run Chinook salmon.
- Reduced early wintertime pumping in order to protect spawning Delta Smelt and reduced early springtime pumping to protect migrating salmonids.
- A commitment to use the newest science, the latest scientific thinking, and increased monitoring to ensure Reclamation's updated operations are benefitting fish.
- Significant actions to support collaborative habitat restoration that will help support fish species in the early stages of life.
- \$1.5 billion to support endangered fish over the next 10 years, including funding for a conservation hatchery in the Delta to assist in the recovery of Delta smelt and other species and \$14 million to accelerate work underway to reintroduce winter-run Chinook salmon in the Sacramento River and its tributaries.

Timeline: Biological Opinions Scientific Analysis

AUGUST 2, 2016: Reclamation and DWR jointly request reinitiation of ESA consultation on the coordinated long-term operation of the CVP and SWP.

DECEMBER 2017: Reclamation announces intent to prepare a draft Environmental Impact Statement (EIS) exploring long-term changes to the coordinated operations of the CVP and SWP.

JANUARY 31, 2019: Reclamation transmits to FWS its final biological assessment, which discusses proposed operational changes designed to better reflect real-time monitoring, as well mitigation factors to support at-risk species.



About the 2019 Biological Opinions: *Continued*

APRIL 2019: FWS conducts an independent peer review of the draft BiOp with a three-person review panel including experts in aquatic and fisheries science, population dynamics and ecology.

JUNE 2019: The NMFS conducts an independent peer review of the draft BiOp with academic experts in environmental science and aquatic and fishery sciences from the University of Maryland the University of Washington.

AUGUST 2019: The FWS conducts a second independent scientific review of the draft BiOp with a four-person review panel including experts from UC Santa Cruz, the University of South Florida and the U.S. Geological Survey. The NMFS also conducts a second independent scientific review of the draft BiOp with three fish and hydrodynamics experts.

OCTOBER 21, 2019: The FWS and the NMFS release separate BiOps on Reclamation's and DWR's proposed operations plan.

DECEMBER 19, 2019: As called for by the National Environmental Policy Act, Reclamation issues the EIS, which evaluates four alternatives and selecting one that includes a combination of flow-related actions, habitat restoration, and measures to increase water deliveries and protect fish and wildlife.

FEBRUARY 20, 2020: Reclamation's accepts the BiOps through a Record of Decision.

