Draft Meeting Notes
LCR MSCP Steering Committee Meeting
June 24, 2020

Attending Via GoToMeeting

Bert Bell	Doug Bonamici	John Bourne
Dee Bradshaw	Linda Carbone	Chuck Cullom
Jessica Gwinn	Chris Harris	Bill Hasencamp
Matt Jeppsen	Jimmy Knowles	Bill Lamb
Kara Mathews	Craig McGinnis	Aaron Mead
Craig McGinnis	Terry Murphy	Jessica Neuwerth
Wade Noble	Chuck Paradzick	Lisa Riveria
Sara Price	Seth Shanahan	Stevie Sharp
Jon Sjoberg	Catherine Stites	Jim Stolberg
John Swett	Laura Vecerina	David Vigil

ADMINISTRATIVE MATTERS

Introductions

The conference call was convened at 9:30 a.m. by John Swett. There were self-introductions of all attending. Seth Shanahan chaired the meeting.

Review of Agenda

The agenda was reviewed and there were no changes.

Public Comments

No public comments were offered.

Approve April 22, 2020 Meeting Notes

The April 22, 2020 meeting notes were approved with no changes (Moved by Jon Sjborg, seconded by Dee Bradshaw, and adopted by consensus).

WORK PLAN AND BUDGET

Final Implementation Report, FY2021 Work Plan and Budget, FY 2019 Accomplishment Report (FY2021 Work Plan)

John noted that the draft FY2021 Work Plan was posted in April and that there was a Technical Work Group meeting through GoToMeeting in early May. There were not a lot of comments on the draft FY2021 Work Plan during the review. John described a few of the changes between the draft and final reports. Although there were some minor changes between the draft and final inflation rate indicies, the overall inflation rate between the draft and final report remained the same at 1.518. This resulted in required federal contributions of $15,166,338, California adjusted contributions of $7,183,572.58, Arizona adjusted contributions of $4,590,777.34, and Nevada adjusted contributions of $3,391,988.08. In the past, if the proposed program funding was less than the required funding, Reclamation proposed that the remaining funds be placed in the Land and Water Fund. Since there is not as great a need for land and water funding going forward, Reclamation is proposing that any extra required funding be held by Reclamation in its federal state contributed funds account for future use. The total proposed program funding in the draft FY2021 Work Plan was $25,485,652 and the total amount in the final FY2021 Work Plan is $26,485,652. The increase of $1,000,000 was for Work Task E9, Hart Mine Marsh. It was determined that Reclamation could complete work on the new pump platform to manage the marsh in FY21.

John noted that the other change in the FY2021 Work Plan was in Attachment B - Description of Take, specifically Attachment B-1 which describes Federal (and Non-Federal) flow-related covered actions for calendar year 2019. John noted that Reclamation receives letters from the water users which document flow activities during the year. These activities are then included in Attachment B-1. John noted that this is our reporting requirement to the U.S. Fish and Wildlife Service (Service) which documents the amount of take that has occurred during the year.

In developing Attachment B-1, a question came up on Section 2.2.2.3, which documents flow changes in the river, specifically Reach 2 (Hoover Dam to Davis Dam). John noted that when water is left in Lake Mead due to undelivered water orders, due to weather and cancelled orders, it is considered part of on-going operations and is not included as a reduction in flow. If water is left in Lake Mead purposefully and documented in correspondence with Reclamation, it is included as a reduction in flow.

John said that several actions that resulted in a reduction in flow in 2019 were unique. He noted that if one state does not use its full allocation, the Secretary can make it available for use in another state. Arizona wrote a letter to Reclamation requesting that any unused apportionment not be reallocated with the intention of leaving water in Lake Mead to protect lake levels. Both IID and MWD sent letters to Reclamation noting that they had conserved additional water during the year. This additional conserved water was included in Attachment B-1 with the footnote from Reclamation's 2019 Water Accounting Report, noting that due to current limitations regarding the creation and storage of Extraordinary ICS, IID and MWD requested that this water remain in Lake Mead with the possibility of it being credited as ICS at a future date. In addition, IID conserved water that was left in Lake Mead for resolution of the 2010 Salton Sea Pre-delivery requirements.

John noted that every river reach has a cap on how much reduction in flow can occur to stay within ESA compliance limits. Reach 2 has a maximum reduction in flow of 845,000 acre-feet

per year. John noted that Section 2.2.2.3 in Attachment B-1 includes a range of flow reductions depending on how some of the actions are accounted for. He noted that if all of the actions are included in the reduction in flow, the program would be over the Reach 2 coverage amount.

Jess Gwinn noted that Reclamation had sent a letter to the Service requesting a consistency review of the FY2021 Work Plan. The Service has 60 days to respond and provide a concurrence letter. She noted that this would provide some time to figure out this issue. To be in good standing with the permit, she said a specific amount of flow reduction in Reach 2 needs to be identified. Jess noted that as currently written, she could not tell if coverage had been exceeded or not. She also noted that the Service cannot issue a take statement for actions that occur after the fact. She said she is working internally with Service leadership on this issue, noting that the question is whether the program has hit a reinitiation trigger. She questioned whether there was any action that caused an effect that was not considered in the Program Documents.

Jess asked how coordination among water user's actions for reductions in flow was done. John noted that it would be better if someone from Reclamation's Boulder Canyon Operations Office was here to address that question. They could better discuss how coordination with the water users occurs throughout the year.

Chuck Cullom discussed Arizona's Unused Apportionment Voluntarily Left In Lake Mead in more detail. He noted that the Central Arizona Project's amended water order letter in July of 2019 estimated that the voluntary contribution would be approximately 85,000 acre-feet. However, that amount increased to over 119,000 acre-feet by the end of December. Chuck noted that there had been weather events in December, as well as gaging issues, which could have contributed to the increased amount. He noted that this reduction was not accounted for until the final accounting was done in spring. Chuck noted that this could be viewed as an apparent exceedance, but that it could also stem from an artifact of accounting and a gaging issue. Chuck said that additional information was needed to better explain the origin of the number.

Jess noted that the Service needs a report of the covered actions that were taken during 2019 to see if it is within the boundaries of take. She needs to be able to explain to the Service's leadership if there was an exceedance and if there was, how to move forward and remedy the situation. She noted that there needs to be a discussion of the potential for increasing ESA coverage. Jess noted that the Service's leadership would be asking about that. She also asked that in the future, discussions with the Service over covered actions occur during the year, rather than at the end of the reporting period.

Jess asked how the group was planning on moving forward to address these concerns. John noted that the next step is for both Reclamation and the Permittee's to work with the Service. There is a need to document the current process and to demonstrate ways to make sure this issue will not occur again in the future. We also need to document what impacts, if any, this may have had. John proposed that a small group consisting of Reclamation, the Service, and the Steering Committee Chair be formed to identify information needs and an approach for moving forward. Jess said that she agreed with that approach.

Seth Shanahan concluded the discussion noting that there were 3 follow up actions; meeting of the small group to determine information needs and approach, coordination with the larger permittee group, and discussion on the path for moving forward in the future. He noted that these discussions needed to occur before the 60 day period ended so the Service could report on the sufficiency of the FY2021 Work Plan.

John then presented the resolution for Steering Committee approval of the final FY2021 Work Plan.

Resolution 20-005 "Review and Recommendation FY2021 Work Plan and Budget, FY2019 Accomplishment Report"

Move that the LCR MSCP Steering Committee approve, by consensus, the *Final Implementation Report, Fiscal Year 2021 Work Plan and Budget, Fiscal Year 2019 Accomplishment Report* for $26,485,652 and encourage the LCR MSCP Program Manager to submit the approved Final Implementation Report to the U.S. Fish and Wildlife Service for consistency review (Moved by Chuck Cullom, seconded by Wade Noble, and adopted by consensus).

GENERAL

John noted that the next Steering Committee meeting is scheduled for October 28, 2020.

SUMMARY AND ACTION ITEMS

Seth noted that the Steering Committee took action on one item and that there were three follow up action items.

ADJOURN

The meeting adjourned at 11:00 am.