

Review Process of FWS and NMFS 2019 Biological Opinions  
For Long Term Operations of the CVP and SWP

Concerning the review directed by Executive Order 13990 entitled “Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crises”, of (a) the “Biological Opinion on Long Term Operations of the Central Valley Project and the State Water Project” issued by the National Oceanic and Atmospheric Administration, dated October 21, 2019, and (b) the “Biological Opinion for Reinitiation of Consultation on the Coordinated Operations of the Central Valley Project and State Water Project”, issued by the United States Fish and Wildlife Service, dated October 21, 2019, these parties in coordination with the United States Bureau of Reclamation (Federal Agencies) will undertake a review of said Biological Opinions in accordance with the following:

The Federal Agencies believe the Biological Opinions can best be reviewed through a process that is underway with the State of California to reconcile measures provided for in such Biological Opinions with the State’s “Incidental Take Permit for Long-Term Operations of the State Water Project . . .”, dated March 31, 2020. The reconciliation process also contemplates development of Voluntary Agreements between various parties, and State and Federal Agencies to, among other things, provide for additional conservation measures of flows of water and improvement of habitat for the benefit of fishery resources, including species protected under the Federal Endangered Species Act (ESA).

The parties anticipate that this process could result in an agreement in principle to modify the plan for Long Term Operations of the Central Valley Project and State Water Project, which could be subject to further compliance by the Federal Agencies consistent with applicable federal law, including likely reinitiation of consultation under the ESA.

Anticipated areas of discussion as part of this process may include:

- Operation of Shasta Reservoir for Outflow and Cold Water Pool Management.
- Delta operations for fish migration, recruitment, and survival.
- Incidental take.
- Agency roles in decision making.
- Adaptive Management.

- Exploration of additional measures and actions that support fish species and reduce extinction risk including, but not limited to, Delta outflows and habitat restoration.

Should an agreement in principle not be reached by the Federal Agencies and the State of California by the end of November 2021, a further review of this matter may be undertaken by these Federal Agencies.



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Barry A. Thom  
Regional Administrator  
National Marine Fisheries Service  
West Coast Region

**PAUL SOUZA**

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Paul Souza  
Regional Director  
U.S. Fish and Wildlife Service

**Ernest A Conant**

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Ernest Conant  
Regional Director  
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