

CALFED Conservation Strategy

Staff Team Meeting Notes

**March 2, 1999
9:00 AM to Noon**

These meeting notes summarize major topics of discussion. The attendance list and a list of upcoming meetings are included at the end of these notes.

1. Call to Order, Introductions, Order of Business

Item 2 of the agenda was revised to include an update by Marti Kie and Danae Aitchison on their meeting with Rick Breitenbach.

2. Schedule and Update on Meeting with Rick Breitenbach

Sandy Goldman distributed the Conservation Strategy's Revised Schedule. Marti Kie distributed the list of proposed title sheets for the appendices in the Revised Draft EIS/EIR and the schedule for the EIS/EIR. Note that by 4/1/99, titles must be finalized and the production staff needs to be informed of special duplicating work (extra large pages, color pages, etc.).

Marti Kie explained that it is necessary to differentiate our Conservation Strategy from the Water Use Efficiency Program's water conservation strategy. At the meeting it was suggested that Biological Conservation Strategy is a good title to adopt. After the meeting, various titles were suggested through email. These recommendations include: Conservation Strategy for ESA/CESA Compliance, Ecosystem Conservation Strategy, Multi-species Conservation Strategy, and Natural Communities Conservation Strategy. Multi-species Conservation Strategy, suggested by Chris Beale, appears to have the most votes (preferred by Ron Rempel, Dana Jacobsen, and Dawn Andrews). The title needs to be final by 4/1/99.

Danae Aitchison noted that Rick Breitenbach does not anticipate any problems incorporating the Conservation Strategy into the EIS/EIR because of the programmatic nature of the CALFED EIS/EIR.

According to the EIS/EIR schedule, all the impact assessment chapters should be submitted for review by 3/12/99. However, JSA's Chapter 5, Effects of CALFED Actions and Conservation Measures, will not be available until 3/26/99. Danae Aitchison and Marti Kie will review it for consistency with other portions of the EIS/EIR to make up the two-week delay. The Administrative Draft EIS/EIR, including the Conservation Strategy, must be submitted on 4/12/99 for final formatting and printing. The final document is due on 6/1/99. These deadlines are solid, so do not expect delays.

Danae Aitchison noted that Ron Rempel has been persuaded that the Conservation

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Strategy will be covered by the EIS/EIR. The Conservation Strategy will be an element of the regulatory compliance chapter of the EIS/EIR and will be an appendix.

3. Document Review

The process for internal review of the Conservation Strategy by the Staff Team was discussed and set forth as follows:

1. Each author will distribute his/her section to the Staff Team.
2. Staff Team reviewers will distribute the section to appropriate staff within their agencies.
3. Staff Team reviewers will compile the comments within their agencies and will submit one set of comments from each agency (CALFED, USFWS, NMFS, CDFG) to the author.
4. The author will email his/her revised section to Sandy Guldman by close of business 4/2/99. (Note: That date is a Friday, but it is a real deadline. Sandy plans to work over the weekend on the document.)
5. Sandy Guldman and Lori Cheung will finalize the section, QA/QC the section, and prepare the chapter summaries and executive summary.
6. The document will be submitted to CALFED no later than 4/12/99.

4. Relationship Between the Conservation Strategy and Stage 1 Actions

It was agreed that the Conservation Strategy will not authorize take for Stage 1 actions. The Conservation Strategy would be less likely to be subject to legal challenge if it does not authorize take. The tiered BO/subregional NCCPs authorizing take for specific actions will be issued after issuance of the BO/NCCP for the programmatic Conservation Strategy. Danae Aitchison will diagram the process for tiered documentation in Chapter 7, Process for Compliance with ESA, CESA, and NCCPA.

5. Species List and Covered Species: Definition and Criteria for Selection

Paul Cylinder explained that the comprehensive list of 400 species was selected from those species occupying CALFED's 14 Ecological Management Zones. The geographic area covered does not include the footprints of all the reservoir sites under consideration. Some reservoir sites were analyzed, but only for those locations for which information was available approximately 18 months ago. In addition, there are 3 groundwater storage sites that are not reflected in the species list. The geographic area does not include watershed areas. There is not adequate time to expand the geographic area and add species to meet the CALFED schedule. It is possible that a supplemental Conservation Strategy or an amendment to the Conservation Strategy will be needed for additional geographic areas, because the programmatic document can only be used for species which it covers.

To deal with reservoir sites if the impacted species are on the list of covered species, the Staff Team will use information gathered during the reservoir screening process, which is expected to be complete between the Revised Draft EIS/EIR and the Final EIS/EIR. For a

description of how take authorization could be obtained for species that are not on the list of covered species, Jeff Single outlined the following approach. The documents prepared for compliance with ESA, CESA, and NCCPA could not be tiered off of the Conservation Strategy in preparation. The process would call for identification of:

- Possible sites
- Existing information
- Studies in progress
- Needed information (operations, footprint, surrounding region, upstream/downstream)
- How information would be evaluated in Conservation Strategy
- Possible (gross) outcomes of Conservation Strategy process (conservation goals; take/no take; conservation measures; etc.)

Sandy Guldman distributed suggestions by Jeff Single, Ron Rempel, and Marti Kie for defining covered species, including a diagram prepared by Marti Kie. Ron Rempel had earlier suggested simplifying the diagram to show the list of species being shortened by using filters. Filters were discussed and added to the diagram. The following categorization was suggested:

- Comprehensive List of Species

Filter: May affect. Applying this filter removes all the species that would not be affected by the CALFED action (except that listed and candidate species remain on the list). The resulting list consists of:

- Evaluated Species

Filter: Adequately conserved (state)/no jeopardy (federal). Applying this filter leads to species that are covered by the programmatic Conservation Strategy, but for which incidental take is not necessarily authorized. The resulting list consists of:

- Covered Species

Filter: Subarea plans, change in law, change in information. Applying this filter removes species for which there is not adequate information to authorize take or for which there are legal constraints to authorizing take. The resulting list includes species for which take can be authorized if the permitted action is adequately described. This list consists of:

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- Species currently subject to take (Action Specific Plan is complete)

Paul Cylinder will provide specific examples of species in the various categories that must be covered to Dana Jacobsen and Chris Beale, who will develop general criteria for the categories.

6. Responsibility for Implementation of Conservation Strategy

It was agreed that all the CALFED agencies would be signatories to the Record of Decision. The agencies would abide by the Conservation Strategy as described in the project description of the Biological Opinion. When the bundles of actions are processed, incidental take would be authorized. It is possible that Memoranda of Agreement could be used to provide enforcement authority for the tiered documents. Danae Aitchison will coordinate with the lawyers on issues regarding implementation of the Conservation Strategy.

7. Action Items

- Jeff Single will email Scott Cantrell regarding the internal reviewers for CDFG.
- Mike Fris, Dana Jacobsen, and Chris Beale will collect existing federal and state documents that may cover CALFED activities.
- Kevin Shaffer identified 6 plant species to add to the comprehensive species list. He will coordinate with JSA on doing a quick analysis to see if they should be added to the list of evaluated species.
- Ken Bogdan will provide Danae Aitchison with descriptions of Stage 1 actions.
- Jeff Single and Kevin Shaffer will review the JSA material summarizing the species experts meetings, identify species that need population monitoring, and supply that list to Peter Stine for use in the CMARP.
- Paul Cylinder will provide example species to Dana Jacobsen and Chris Beale by 3/5/99.
- Dana Jacobsen and Chris Beale will develop criteria for categories of species by 3/9/99.
- Danae Aitchison will collaborate with the lawyers regarding implementation of the Conservation Strategy.

Attendance at 3/2/99 Staff Team Meeting

Danae Aitchison, AG
 Dawn Andrews, NOAA (phone)
 Chris Beale, CDFG
 Pat Brantley, CDFG
 Scott Cantrell, CDFG
 Lori Cheung, Toyon
 Paul Cylinder, JSA

Michael Fris, USFWS
 Sandy Guldman, Toyon
 Karl Halupka, NMFS
 Dana Jacobsen, SOL/DOI
 Marti Kie, CALFED
 Kevin Shaffer, CDFG
 Jeff Single, CDFG

Upcoming Meetings

The Staff Team will meet:

Tuesday	March 16, 1999	9 AM to Noon	Resources Building Room 804 Call-in Number (916) 657-4113
Tuesday	March 30, 1999	9 AM to Noon	Resources Building Room 804 Call-in Number (916) 657-4113

The Policy Team will meet:

Friday	March 12, 1999	9 AM to 11 AM	Resources Building Room 1147 C1 Call-in Number (888) 476-3762 Access Number 458933
Monday	March 22, 1999	Noon to 2 PM	Resources Building Room 1147 C1 Call-in Number (888) 476-3762 Access Number 458933
