Appendix 2A

Attachment 2: Tidal Habitat Restoration Administrative Process and Documentation Requirements

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The purpose of this appendix is to describe the process that will be implemented by the California Department of Water Resources (DWR) and U.S. Bureau of Reclamation (Reclamation) to fulfill the proposed commitment to complete tidal habitat restoration through a collaborative agency forum. Habitat restoration is intended to provide food web support and rearing habitat for the federally and state-listed Delta Smelt, and federally proposed and state-listed Longfin Smelt. This process was previously described in the September 30, 2011 *MEMORANDUM OF AGREEMENT REGARDING THE EARLY IMPLEMENTATION OF HABITAT PROJECTS FOR THE CENTRAL VALLEY PROJECT AND STATE WATER PROJECT COORDINATED OPERATIONS and BAY DELTA CONSERVATION PLAN*. This proposed action and appendix supersedes the 2011 Memorandum of Agreement for the purposes of Delta Smelt and Longfin Smelt habitat restoration commitments. This appendix is not intended to address any habitat restoration commitments or obligations for salmonid species.

2.1 Roles and Teams

The agencies who have roles in this process are DWR, Reclamation, U.S. Fish and Wildlife Service (USFWS), California Department of Fish and Wildlife (CDFW), and National Marine Fisheries Service (NMFS).

The Tidal Habitat Restoration Strategy Team (THRST) is comprised of technical representatives from CDWR, CDFW, Reclamation, USFWS, and NMFS. The role of THRST is to review and develop consensus on habitat project designs that will maximize food web and/or rearing habitat for Delta Smelt and Longfin Smelt.

The Fishery Agency Strategy Team (FAST) is comprised of technical representatives from USFWS and CDFW. The role of FAST is to review administrative documentation that habitat projects will be managed in perpetuity, including but not limited to incorporation of conservation easements, land management plans, and site-specific agreements.

2.2 Process and documentation

a. THRST will review proposed projects early in the design phase to incorporate recommendations to maximize to the extent possible food web and/or rearing habitat for Delta Smelt and Longfin Smelt.

b. Final project designs will incorporate anticipated fulfillment of Reclamation's and DWR's acreage commitments under the Long-term Operations or the State Water Project and Central Valley Project (LTO acreage commitments) and will be routed by the THRST to the sub-directors for approval (see Governance in the Biological Assessment for the Long-term Operation of the Central Valley Project and State Water Project and Incidental Take Permit application for the Long-term Operations of the SWP). In the event a project design needs to be revisited due to unforeseen circumstances that the project cannot be carried out as designed, the THRST will reconvene to develop a new project design that will be routed to the sub-directors for approval.

c. DWR and Reclamation will provide all of the documentation in Figure 2A-2-1 to fulfill biological opinion requirements. USFWS will review for adequacy.

d. DWR and Reclamation will provide all of the documentation in Figure 2A-2-2, any necessary documents prescribed in the State Water Project Incidental Take Permit, and any documentation required by the Project-specific permits issued by CDFW to partially fulfill State Water Project Incidental Take Permit mitigation requirements. CDFW will review for adequacy.

e. THRST will meet at least once a month to discuss the status of documentation to ensure progress toward the 2026 commitment. THRST will develop a framework for prioritization of project reviews in order to manage workload and avoid overlapping documentation reviews. Meetings may be cancelled if there nothing for THRST to review or discuss.

f. FAST will meet at least once a month to discuss adequacy of documentation toward fulfillment of the mitigation commitments. Meetings may be cancelled if there nothing for FAST to review or discuss.

g. Documentation may require legal review and, upon mutual agreement by all parties, legal representatives may be invited to attend THRST and/or FAST meetings as needed.

h. Post-construction, FAST will review the as-builts to verify the projects were constructed as designed and approved.

i. Upon verification that project as-builts met designed and approved designs, USFWS and CDFW will formally approve and acknowledge the habitat acres restored count towards the full mitigation acre requirement.

j. If the project as-builts indicate the project was not constructed as designed, DWR and Reclamation will take appropriate measures to ensure the project is restored to the original approved design specifications.

k. However, each project is not considered complete for fulfillment of the acreage commitment until all documentation identified in both flowcharts are determined to be complete and approved in writing by USFWS and CDFW for a project. CDFW and USFWS will determine per their agency requirements if the project documentation is sufficient and acceptable. CDFW project-specific permit requirements must be completed prior to fulfillment toward the LTO acreage commitment.

Upon completion of (g) thru (i), USFWS and CDFW will issue letters to Reclamation and DWR documenting the total number of acres toward the LTO acreage commitment.

2.3 Project design criteria

THRST will consider habitat project designs consistent with the Fish Restoration Program Agreement, including tidal marshes, open-water habitat, and seasonal floodplain habitat. In addition, THRST will incorporate potential climate change effects into project designs as appropriate. Project designs that enhance rearing habitat for Chinook Salmon may be given a higher priority over different alternatives if the alternatives provide equal maximum benefits for Delta Smelt and Longfin Smelt.

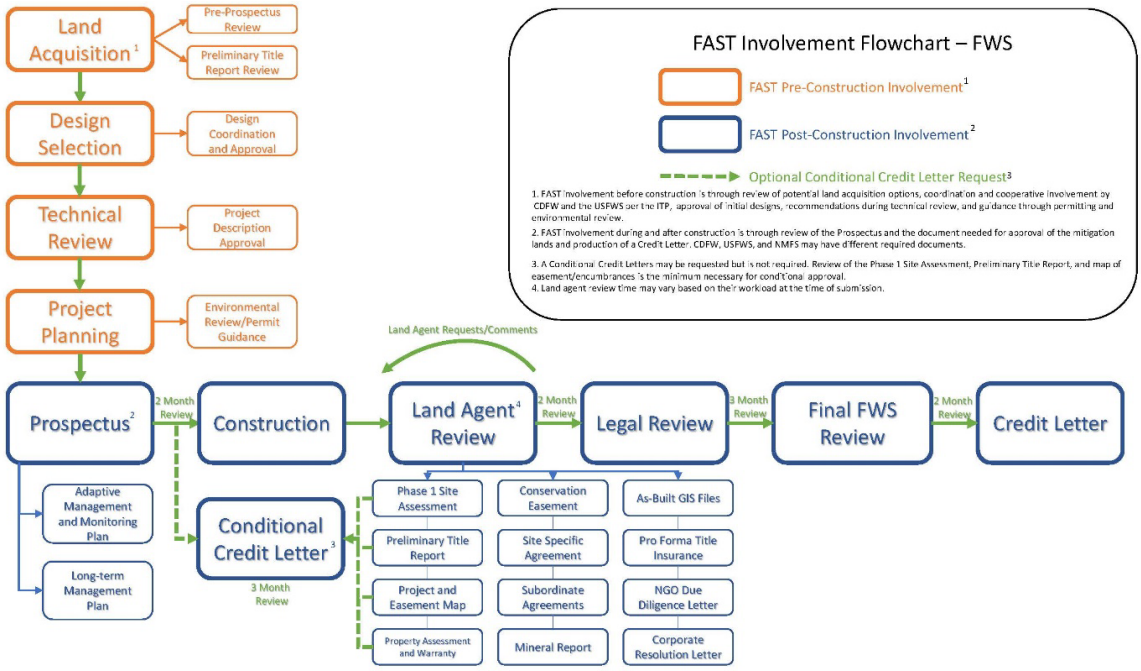

Figure 2A-2-1. USFWS Flowchart

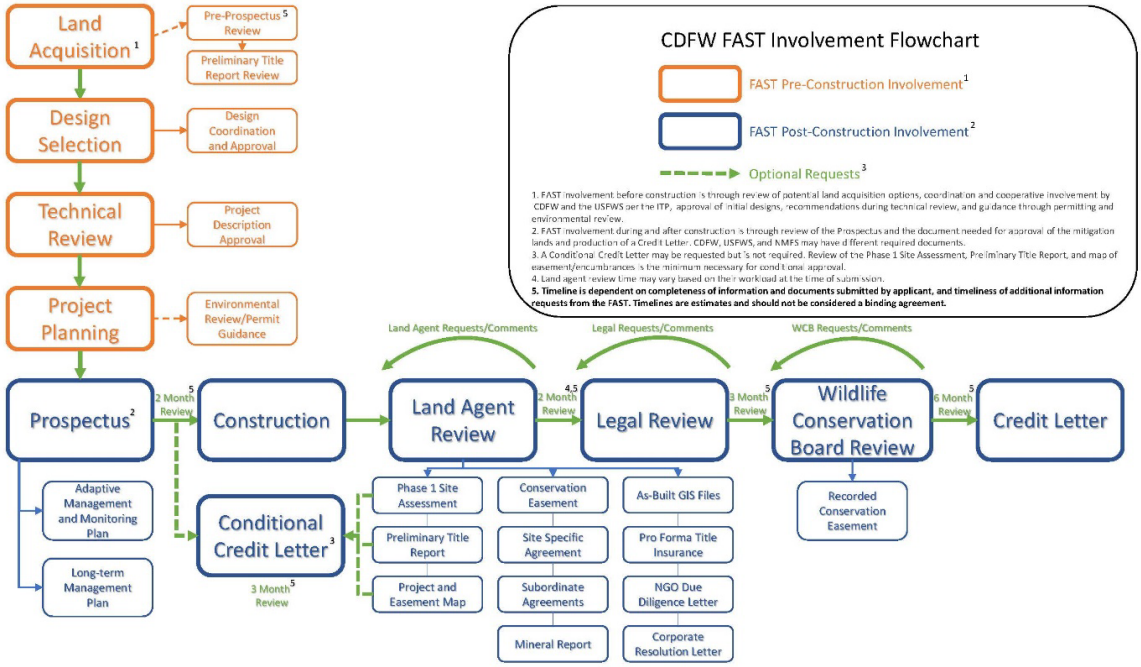

Figure 2A-2-2. CDFW Flowchart