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To: Ren_Lohofener@fws.gov
Subject: updates - should talk soon
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Ren - got your vmail. There are two areas we should discuss soon. (Today, if possible.) I'm pretty sure I've proceeded along lines you'd approve, but important to be sure. Both of these are likely to be important topics at the workshop.

(1) Goals and objectives. I shared the smelt habitat objective with DWR after updating it after we exchanged messages last week. Last Friday, we (us, NOAA, DFG, DWR, ICF) to go over all the goals and objectives. For the two smelts, here is where we are.

- Delta smelt. While there were some quibbles about the updated habitat objective, I think we are very close to having something that recognizes the habitat target for prescribed by the RPA as the primary BDCP objective but also allows for habitat restoration and possibly a rebalancing of the mix of habitat targets in the objective IF research someday demonstrates that such a rebalancing can be done without sacrificing recovery benefits to smelt. There are some nuances to the objective that we should talk about, but nothing, I think, that will alarm you.

- Longfin smelt. The objective for longfin is patterned along the lines of the one for delta smelt, but the most recent proposal from ICF does not recognize that any flow enhancement in spring is necessary. I explained the difference in life history and difference in flow/abundance relations (none for delta smelt overall, strong one for longfin), but their position is that D-1641 outflows are enough. The hard issue with this species is that because it's likely that different mechanisms are at work that may be mostly based on physical processes particular to enhanced freshwater outflow, it's not clear that we can prescribe an action based on habitat area. I.e. only flow suffices. That is Matt's opinion based on the literature and other information we have in hand. NOAA has also pointed out that enhanced outflow in spring should help encourage spawning by both sturgeons and improve outmigration of juvenile fall run chinook. The state will obviously find a flow-only prescription very hard to accept. I'd like to talk to you about the strengths and weaknesses of the reasoning on this before sharing a counter-proposal on the objective with DWR.

(2) Governance. As you heard yesterday, Jerry is unhappy about the "extensive edits" to section 3.6. Section 3.6 is all about adaptive management and its governance. Most of the edits he's complaining about were put in by me to restore key principles we edited into the document back in February, but which have since somehow disappeared. The gist of the edits is to establish that the adaptive management team, and not the implementation office, will have primary authority to make decisions about how science and scientific review is to be carried out, and what changes might be made to conservation measures based on new information. As we have proposed, the AMT would be a management-level body consisting of one person each from DWR, BOR, the contractors, and one person each from FWS, NOAA, DFG. That arrangement provides "balance" between the authorized entities and the fish and wildlife services, which I think you and the other principals agreed is desirable. We have also clarified that in the event the AMT cannot agree (by consensus -- all of this is intended to be consensus), then most decisions would go to the principals representing those parties, and if decision still can't be made then the final authority to resolve all these issues would be either the fish and wildlife agencies as a group or the relevant federal 'fish agency' + dfg director. As Jerry said, the contents of section 3.6 definitely do affect some details of the governance

plan in chapter 7, so we will have to cross-walk the two. Carl, Maria, and I have prepared a table showing the major types of decisions that will need to be made and who will make them, plus who has final authority to decide in the event of an impasse. I'm putting some finishing touches on it this morning.

Maria committed to the principals yesterday to circulate the decision table by this afternoon, with a disclaimer that it hasn't passed up the chains of command. However, if possible I'd like to confer with you before the document goes out, in case you have concerns.

I'm in the office this morning; will be on water call at noon. I'll send you the current versions of the habitat objectives, decision table, and section 3.6 when they're ready. Section 3.6 likely to take the longest.

Mike