

Voluntary Operations Mechanism to Enhance Fishery and Water Supply Benefits

As part of CM-1, a mechanism will be included that will allow for adjustment to be made to water operations, within an established range, to respond to changing conditions for the purpose of maximizing opportunities to benefit covered fish species. Such operational changes will be made on a voluntary basis and will not be required to maintain compliance with the plan or its associated regulatory authorizations.¹

The agencies (DFG, FWS, NMFS, DWR, and USBR) will form a “Response Team” to collaborate on this operational decision-making. Any member of the Response Team may propose (e.g., hourly/daily/weekly), an operational action intended to achieve the purposes specified above. A proposed action will be adopted by the Response Team and implemented by DWR and/or Reclamation only if the fish and wildlife agencies and the operator of the affected project (i.e., DWR and/or Reclamation) jointly agree to the proposed operational change. To improve the timeliness of decision-making, the agencies may choose to assign the responsibility for such operational changes to a single individual, or to two individuals; one from the operating agencies and one from the fishery agencies.

Under this mechanism, operations decisions will be designed to increase fish benefits without compromising water supply availability as provided for by the plan and its regulatory authorizations. Should the agencies choose to make operations adjustments to provide short-term fisheries benefits, the resulting impacts to water supply will be calculated.² Subsequent operations actions would be taken to restore, to levels established for the particular water year, any water supply impact resulting from such adjustments.

Operational adjustments under this mechanism will be limited to a defined range. That is, changes made through the operations mechanism may only occur within the operations boundaries set out in the Plan. The operational parameters that will be subject to such adjustments, and the allowable range of those adjustments, will be described in CM1.

This mechanism is separate and distinct from the adaptive management process that will be included in the BDCP. The final BDCP will contain a suite of conservation measures, including CM1, that together will have been determined to meet regulatory obligations, including the requirement that the impacts of covered activities will be appropriately minimized and mitigated and that the Plan provide for the conservation and management of the covered

¹ If a change in operations is necessary to avoid exceeding take limits or jeopardizing a species, the BDCP adaptive management process would be initiated to address such circumstances.

² The operating criteria that determines water supply for the current year will be reflected in the Annual Operating Plan.

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species. The purpose of the adaptive management process is to allow for adjustments to be made to conservation measures, including operational criteria, should monitoring of the Plan's implementation suggest that changes may be necessary to improve its effectiveness and advance biological goals and objectives. Adaptive management changes will be based on best available science in accordance with the guidelines and procedures set out in the Adaptive Management Program.