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RECLAMATION

Record of Decision

Long-Term Operation of the Central Valley Project and State Water Project

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Mission Statements

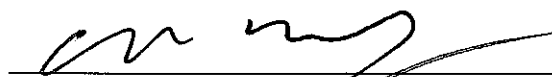
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The mission of the Bureau of Reclamation is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public.

Record of Decision

Long-Term Operation of the Central Valley Project and State Water Project

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Date 12/2/2025

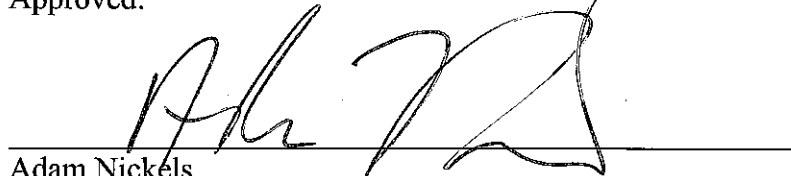
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1. Introduction

From the snowy peaks of Mount Shasta, through the tidal reach of the Delta, and to the coasts of Southern California, the Central Valley Project (CVP) and the State Water Project (SWP) deliver water to more than 30 million people in high-need communities, irrigate over 4 million acres of some of the nation’s most fertile and productive agricultural lands, and generate up to 4 million megawatt-hours of surplus energy each year beyond. This Record of Decision (ROD), developed under the framework of the National Environmental Policy Act (NEPA), adopts an updated Long-Term Operation Plan for these critical water systems.

This ROD provides a summary of the submitted alternatives, information, and analyses in the final environmental impact statement, together with other relevant material in the record. The Bureau of Reclamation (Reclamation) last signed a ROD for the Long-Term Operation of the CVP and SWP on December 19, 2024 (2024 LTO ROD). The 2024 LTO ROD implemented the proposed action consulted upon with the National Marine Fisheries Service (NMFS) and U.S. Fish and Wildlife Service (USFWS) that resulted in the two Biological Opinions on the Long-Term Operation of the CVP and the SWP (dated December 6, 2024 and November 8, 2024, respectively). Collectively, these two opinions are called the “2024 Biological Opinions”. The 2024 LTO ROD updated the Long-Term Operation of the CVP and SWP in the ROD signed on February 18, 2020 (the 2020 LTO ROD).

On January 24, 2025, President Donald J. Trump issued *Executive Order 14181 “Emergency Measures To Provide Water Resources In California And Improve Disaster Response In Certain Areas.”* A Presidential Memorandum titled “Putting People Over Fish” was signed four days before the Executive Order and references a reliable water supply, but the specific direction to the CVP is found in Executive Order 14181. Section 2 of Executive Order 14181 requires, among other measures,

(c) The Secretary of the Interior, including through the Bureau of Reclamation, shall utilize his discretion to operate the CVP to deliver more water and produce additional hydropower, including by increasing storage and conveyance, and jointly operating federal and state facilities, to high-need communities, notwithstanding any contrary State or local laws. The Bureau of Reclamation shall take all available measures to ensure that State agencies — including the California Department of Water Resources — do not interfere with the Bureau of Reclamation’s operation of the project to maximize water delivery to high-need communities or otherwise, including but not limited to the issuance of a new Record of Decision maximizing water deliveries and consistent with the 2020 Record of Decision.

Subsection (g) calls for a “*proposed plan, for review by the Secretaries, to appropriately suspend, revise, or rescind any regulations or procedures that unduly burden such projects and are not necessary to protect the public interest or otherwise comply with the law.*”

This ROD implements initial actions in response to Executive Order 14181.

2. Purpose and Need

The study area (Figure 1) includes CVP service areas and CVP dams, power plants, diversions, canals, gates, and related federal facilities located on Clear Creek, the Trinity, Sacramento, American, Stanislaus, and San Joaquin rivers, and in the Sacramento–San Joaquin Delta (Delta). The study area includes SWP service areas downstream of the Feather River and SWP facilities in the Delta, Cache Slough Complex, and Suisun Marsh.



Figure 1. Study Area Map

The purpose of the action being considered in this ROD is to continue the operation of the CVP and the SWP, for authorized purposes, in a manner that:

- Meets requirements under federal Reclamation law; other federal laws and regulations; and State of California water rights, permits, and licenses pursuant to Section 8 of the Reclamation Act;
- Satisfies Reclamation contractual obligations and agreements; and
- Implements authorized CVP fish and wildlife project purposes and meets federal trust responsibilities to Tribes, including those in the Central Valley Project Improvement Act (CVPIA).

Operation of the CVP and SWP is needed to meet multiple authorized purposes: river regulation, improvement of navigation and flood control; irrigation uses, domestic uses, and fish and wildlife mitigation, protection, and restoration; power generation; and fish and wildlife enhancement. Operation of the CVP and SWP also provides recreation and water quality benefits.

3. Decision

Reclamation's decision is to implement the "Action 5" Operations Plan for the Long-Term Operation of the CVP and SWP. Action 5 modifies components included in Alternative 2 in the 2024 LTO Final Environmental Impact Statement (2024 LTO Final EIS). Alternative 2 was analyzed as the Proposed Action in the 2024 USFWS and 2024 NMFS Biological Opinions, described in the 2024 LTO Final EIS and identified as the "Preferred Alternative," and selected in the 2024 LTO ROD. Action 5 responds to Section 2 of E.O. 14181 by operating the CVP to deliver more water to high need communities, including by increasing storage and conveyance and coordinated operations of federal and state facilities.

Action 5 removes the Delta Smelt Summer and Fall Habitat Action (Fall X2) and the Early Implementation measure of the Delta export reduction of the Healthy Rivers and Landscapes (HRL) Program, formally Voluntary Agreements from Alternative 2 (section 5.9 of Action 5, *Spring Delta Outflow*). Action 5 also updates Alternative 2 Delta operating criteria and Governance. Removal of Fall X2 is based upon the USFWS 2024 LTO Biological Opinion determination that Fall X2 is not anticipated to have observable effects on Delta smelt survival. The Early Implementation measure removal is due to the lack of necessary processes and progress to develop data and a program that could assist with determining whether and how to implement the HRL Program. Updates to Delta operating criteria include conditions for Old and Middle River (OMR) management at no more negative than -5,000 cubic feet per second (cfs), and a stormflex action of -6,500 cfs (section 5.3 of Action 5, *Entrainment Management*). Under Action 5, the governance structure is revised to ensure actions that restrict water supply provide a material benefit to listed species by using predictive tools for real-time assessment of environmental conditions (section 11 of Action 5, *Governance*). Action 5 includes an adaptive

management program with scientific standards consistent with E.O. 14303 *Restoring Gold Standard Science*. Full details for Action 5 are provided in *Environmental Compliance Sufficiency Memorandum for the Central Valley Project and State Water Project Long-Term Operation, Operations Plan – Action 5* (Attachment 1).

Action 5 best meets the Purpose and Need while maximizing water deliveries to high-need communities, complying with the requirements of the ESA and other applicable laws, and contributing to the implementation of Executive Order 14181. Action 5 does not change the Shasta Framework from the 2024 LTO Final EIS. Effects to listed anadromous species under Action 5 are within the range of effects analyzed in the 2024 NMFS Biological Opinion. Effects to Delta smelt, longfin smelt, and terrestrial species are within the range of effects analyzed in the 2024 USFWS Biological Opinion. Water supply deliveries will be maximized within current operational and legal constraints and are within the range analyzed in the 2024 LTO Final EIS. Under Action 5 annual CVP deliveries may increase by up to 180 thousand acre-feet (TAF) beyond amounts contemplated in Alternative 2, and SWP may increase by up to 220 TAF compared to Alternative 2.

4. Statutory Background

The CVP is operated consistent with federal Reclamation laws, rules, regulations, promulgations, and policies. Section 2 of the Rivers and Harbors Act of August 26, 1937, transferred construction of the CVP from the Secretary of War to the Secretary of the Interior. Congress added the following Divisions and Units for inclusion as a part of, or for integrated operation with, the CVP: (1) American River Basin Development, Act of October 14, 1949; (2) Sacramento Valley Canals, Act of September 26, 1950; (3) Trinity River Division, Act of August 12, 1955; (4) San Luis Unit, Act of June 3, 1960; (5) New Melones Project, Act of October 23, 1962; (6) Auburn – Folsom South Unit, Act of September 2, 1965; and, (7) San Felipe Division, Act of August 27, 1967.

The purposes of the CVP were modified by statute several times, including by the Waterfowl Management Act of August 27, 1954, which first added fish and wildlife as a purpose. In 1992, Congress passed the CVPIA, Title 34, P.L.102-575. Section 3406(a) made protection of fish and wildlife an equal purpose with irrigation and municipal and industrial uses. Congress directed Reclamation to operate the CVP for the following purposes: *first, for river regulation, improvement of navigation, and flood control; second, for irrigation and domestic uses and fish and wildlife mitigation, protection and restoration purposes and, third, for power and fish and wildlife enhancement*. The CVPIA also directs Reclamation to meet applicable federal and state law obligations, including the ESA (CVPIA § 3406(b)). The CVPIA included fish and wildlife restoration activities with operational measures, water deliveries to wildlife refuges, habitat restoration, and facility improvements.

In 1960, California voters approved construction of the SWP through the Burns-Porter Act. (Water Code Sec. 12930-12944). Recognizing the need for criteria for the coordinated operation of the CVP and SWP, Reclamation and the California Department of Water Resources (DWR)

entered into an initial Coordinated Operations Agreement (COA) in 1960, followed by a more comprehensive and detailed agreement in 1986, authorized by P.L. 99-546. Reclamation and DWR coordinate operations pursuant to the 1986 COA, as amended in 2018, which provides the operational framework to guide operations of Project facilities and features to meet requirements and water management goals for the CVP and SWP.

Section 8 of the Reclamation Act of 1902 states: “[n]othing in this Act shall be construed as affecting or intended to affect or to in any way interfere with the laws of any State or Territory relating to the control, appropriation, use, or distribution of water used in irrigation, or any vested right acquired thereunder” and directs the Secretary of the Interior to proceed in conformity with such laws. In 1999, the State Water Resources Control Board (State Water Board) issued Water Right Decision 1641 (D-1641), which amended the water right license and permits for the SWP and CVP to require the Projects to meet certain objectives in the Bay-Delta Water Quality Control Plan. Reclamation operates Shasta and Keswick dams in coordination with other CVP and SWP facilities to meet those objectives, including Delta water quality and flow objectives to improve fisheries conditions, which includes releases for salinity objectives. In 2018, the State Water Board issued a framework document for potential amendments to the Bay-Delta Water Quality Control Plan.

Executive Order 14154, *Unleashing American Energy* (Jan. 20, 2025) repeals Executive Orders 12898 (Feb. 11, 1994) and 14096 (Apr. 21, 2023). Reclamation has complied with the statutory and procedural requirements of NEPA (42 U.S.C. §§ 4321–4370h), including the Department’s regulations and procedures implementing NEPA at 43 C.F.R. Part 46 and 516 Department Manual 1 which includes the U.S. Department of the Interior Handbook of NEPA Implementing Procedures (2025 DOI NEPA Handbook), consistent with the President’s January 2025 Order and Memorandum.

5. Alternatives Considered

The scope of the Long-Term Operation of the CVP and Delta facilities of the SWP in this ROD covers alternative actions to:

1. Store water in CVP reservoirs and reduce downstream flows;
2. Release water from CVP reservoirs and increase downstream flows;
3. Blend water released from CVP reservoirs through temperature control devices to use the coldwater pool at beneficial times;
4. Route water at CVP and Delta SWP facilities to move flow down different paths; and
5. Divert water at CVP and Delta SWP facilities for beneficial uses.

The 2020 ROD included numerous Reclamation and partner programs and projects with varying and independent utility to address habitat, hatchery, and harvest effects on species and proceed

simultaneously with state and local efforts. These programs beneficially affect species and address some of the impacts inherent in the long-term operations of the CVP and SWP. These independent related actions with their independent NEPA and section 7 consultations, where warranted, are part of the affected environment in the study area but are not part of the operation of the CVP and SWP. Some of the independent related actions rectify, reduce, and compensate for impacts associated with operation of these facilities; however, the independent related actions do not influence the alternatives considered for operations in this ROD.

5.1 No Action Alternative

Under the 2024 LTO Final EIS No Action Alternative, Reclamation would operate the CVP consistent with the 2020 ROD implementing the Proposed Action consulted upon for the 2019 Biological Opinions. DWR would operate the SWP consistent with the 2019 Proposed Action and the CDFW's 2020 Incidental Take Permit for the SWP.

5.2 Action Alternatives

Reclamation underwent a robust alternatives formulation process with water users, power customers, and other interested parties including an initial alternatives report in September 2022 and direct coordination with relevant environmental Non-Governmental Organizations. Alternatives considered by Reclamation in reaching its decision and analyzed in the 2024 LTO Final EIS include:

- **Alternative 1 – Water Quality Control Plans, e.g. D-1641, 90-5:** Reclamation and DWR would operate to water right terms and conditions, including obligations for water quality control plan objectives for the Bay-Delta, water quality and minimum flows on CVP tributaries, and water right settlements. The needs of listed fish would rely upon habitat restoration and facility improvements completed since the 2008 and 2009 Biological Opinions.
- **Alternative 2 – Multi-Agency Consensus Proposal:** Reclamation and DWR would operate to actions developed with California Department of Fish and Wildlife (CDFW), DWR, NMFS, and USFWS. It includes a new framework for Shasta Reservoir operation for more protections for cold water pool across multiple years of drought, reconciles operating criteria for the CVP and the SWP in the Delta, and proposes an adaptive management program to collaboratively develop the science for potential revisions to operation of the CVP and SWP with interested parties.
- **Alternative 3 – Modified Natural Hydrograph:** Reclamation and DWR would operate to increased Delta outflow up to 65% of unimpaired inflow and to carryover storage requirements to protect coldwater pool in upstream reservoirs, in addition to other measures. This alternative was developed in coordination with members of the NGO community and meets downstream requirements in the following priority order: (1) meeting D-1641; (2) releasing for minimum flow requirements; (3) diverting for human

health and safety; (4) meeting carryover storage requirements; (5) meeting established Delta Outflow requirements by limiting water service, settlement and exchange contractors diversions; (6) meeting established Delta operational requirements; (7) delivering water for wildlife refuges; and (8) diverting water for CVP and SWP water service contractors.

- **Alternative 4 – Risk Informed Operation:** Reclamation and DWR would operate to modified Shasta and Folsom Dam operations for a different balance between water made available for diversion and storage to protect against subsequent dry years. This alternative builds off the 2020 ROD selected alternative with real-time analytics and machine learning to support water deliveries in the Delta while limiting effects on listed species. It scales Delta operations based on effects on listed fish populations.

The *Determination of NEPA Adequacy, Attachment 1 - Environmental Compliance Sufficiency Review for the Central Valley Project and State Water Project Long-Term Operations Plan – Action 5*, found the range of alternatives described in the 2024 LTO Final EIS is appropriate with respect to Action 5 given current environmental concerns and resource values. The range of alternatives in the 2024 LTO Final EIS provides the bounds for reasonable long-term operation of the CVP and SWP by emphasizing different operational tradeoffs among the multiple purposes of the CVP and SWP (See *Chapter 3 – Alternatives and Appendix E* of the 2024 LTO Final EIS).

6. Key Considerations

A federal agency may modify a selected alternative to better align a project with its current management direction or goal. After environmental compliance is completed, an agency can proceed with a modified project, unless the project changes in a way that could result in environmental impacts not previously analyzed. If the agency modifies the project (the “Proposed Action”) after compliance, NEPA regulations require the agency to reevaluate whether the previous analysis still applies.

In accordance with the 2025 DOI NEPA Handbook, Reclamation reviewed the 2024 LTO Final EIS, documented in Attachment 1, and determined that it adequately covers the Action 5 modifications to the selected alternative in the 2024 LTO ROD (Alternative 2). Reclamation determined that:

1. Action 5 is like an alternative analyzed in the existing environmental document because Action 5 reflects the foundational components and overarching approach to water management of the Preferred Alternative in the 2024 LTO Final EIS (i.e., Alternative 2).
2. Action 5 is within the exact same analysis area as was considered in the 2024 LTO Final EIS.
3. The range of alternatives described in the 2024 LTO Final EIS is appropriate with respect to Action 5 given current environmental concerns and resource values.

4. The existing analysis in the 2024 LTO Final EIS is valid as no new information since December 2024 has become readily available. Environmental circumstances, including hydrologic conditions, remain consistent and similar to the affected environment described and evaluated in the 2024 LTO Final EIS.
5. The environmental effects that would result from implementation of Action 5 are similar to those analyzed in the 2024 LTO Final EIS.

Action 5 implements Section 2(c) of Executive Order 14181, which provides for issuance of a new ROD maximizing water deliveries and consistent with the 2020 ROD.

6.1 Considerations since the 2020 LTO ROD

This Decision includes the operational effects from an expanded San Luis Reservoir and the programmatic analysis of operations for a future Sites Reservoir and Delta Conveyance Project (DCP). The 2020 ROD did not include considerations for San Luis Expansion, Sites Reservoir, or the DCP. The 2020 ROD did not address the now federally listed longfin smelt.

6.2 Considerations since the 2024 LTO ROD

The Decision considered the various factors that arose after the signing of the 2024 LTO ROD.

- E.O. 14181 (*Emergency Measures to Provide Water Resources in California and Improve Disaster Response in Certain Areas*), dated January 24, 2025, directed Reclamation to override existing activities that unduly burden efforts to maximize water deliveries; and directs operation of the CVP to deliver more water and produce additional hydropower, including by increasing storage and conveyance, and jointly operating federal and state facilities, to high-need communities, notwithstanding any contrary State or local laws (see Section 9.2).
- E.O. 14148 (*Additional Rescissions of Harmful Executive Orders and Action*) of January 20, 2025 rescinded E.O. 12898 (*Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*) resulting in the removal of Environmental Justice as a resource considered, as well as the associated mitigation measures in the 2024 LTO ROD.
- Rescinded Council on Environmental Quality (CEQ) Guidance: On February 25, 2025, CEQ published an interim final rule to remove the existing implementing regulations for the National Environmental Policy Act of 1969, 42 U.S.C. 4321 et seq., as amended, in response to E.O. 14154, *Unleashing American Energy*. The effective date for the rescission was April 11, 2025. On February 19, 2025, in a *Memorandum for Heads of Federal Departments and Agencies on the Implementation of NEPA* (CEQ's memorandum) federal agencies were instructed to revise or establish their NEPA implementing procedures within 12 months to expedite permitting approvals and align

with NEPA's 2023 deadline amendments pursuant to the Fiscal Responsibility Act (PL 118-5).

- **New NEPA regulations and 2025 DOI NEPA Handbook:** In July 2025, the Department of the Interior issued an interim final rule that partially rescinded its previous NEPA regulations and transitioned the majority of its NEPA procedures to a new 2025 DOI NEPA Handbook, distinct from the Code of Federal Regulations. This shift, along with updated CEQ guidance, reflects a broader federal effort to streamline environmental reviews and comply with recent statutory changes, necessitating alignment of Reclamation's decision-making framework with the new procedural requirements.
- **Lag in HRL Adoption:** The Early Implementation Action component of the Spring Delta Outflow provided a two-year stop gap measure for the State Water Board to adopt the HRL Program and develop data to assist decisions regarding whether and how to implement the HRL Program. However, the delayed status and uncertainty by the State Water Board in updating the Bay-Delta Water Quality Control Plan, along with the inconsistency by the State of California in omitting this component in its Incidental Take Permit created a misalignment between the CVP and SWP. The State Water Board's documents and workshops do not indicate its intent to approve the HRL Program as substantially proposed by the HRL parties, nor within the two-year stop-gap period.
- **Determinations on the Fall X2 Component of Alternative 2:** The 2024 USFWS Biological Opinion determined that: "*The Fall X2 action is not anticipated to have observable effects on Delta smelt survival*" and that "*since there may be circumstances when measurable benefits could be achieved with outflow augmentations; adaptive experimentation regarding flow pulses in the summer or fall could be helpful.*" (USFWS 2024, page 135).

6.3 Listed Species Protections

Native species face numerous stressors in addition to the operation of the Projects. Action 5 reasonably minimizes impacts on species while balancing other competing needs. Alternative 2 included actions developed as part of the Multi-Agency Consensus. Some additional restrictions on the operation of the CVP and SWP between Action 5 and Alternative 2 likely provide limited benefit to listed species populations and are costly to water supply. Specific considerations are described in the subsections below.

6.3.1 Operation of Shasta Reservoir through Multiple Years of Drought

The Decision implements the Shasta Framework in Alternative 2, which includes actions by the Sacramento River Settlement Contractors to address the effects of multiple years of drought on water temperature management for winter-run Chinook salmon during egg incubation. Actions by the Sacramento River Settlement Contractors would reduce diversions by 500 TAF in the worst of critical years and leave more water in Shasta Reservoir in case the next year is dry.

6.3.2 Real-time Assessments to Avoid Population Level Impacts

The Decision implements Delta *Entrainment Management* provisions of Action 5 (section 5.3 of Action 5). Alternative 2 provided the certainty of restrictions triggered in response to observed detections of fish in salvage. Action 5 favors proactive measures and seasonal thresholds with certainty provided through the use of analytical tools. Action 5 may result in listed species more frequently reaching seasonal and weekly salvage thresholds. Real-time assessments and the use of science-based tools will inform export restrictions to avoid population level impacts and remain within the estimated incidental take from the 2024 Biological Opinions. Action 5 maintains protections minimizing routing fish into the south Delta and may reduce mortality of listed species by drawing fish already in the south Delta more frequently into export facilities for salvage instead of continued exposure to the poor survival conditions in the south Delta.

6.3.3 Delta Smelt Supplementation

The Decision recognizes many stressors on Delta smelt, many of which are not under Reclamation and DWR's control. The Decision implements supplementation of Delta smelt in Alternative 2 to address impacts to survival due to insufficient numbers of fish (Allee effect). Future incorporation of the CVP component of the HRL Program is expected to increase Delta inflow, which may address ecosystem drivers on Delta smelt populations.

6.3.4 Longfin Smelt

The Decision allows Reclamation to operate facilities based on flow contributions made by water contractors and the State under the HRL Program within the *Spring Delta Outflow* provisions of Alternative 2 (section 5.9 of Action 5). The literature (Kimmerer et al., 2022) found entrainment stressors do not drive the status of longfin smelt populations; however, the preferred alternative includes salvage thresholds to further limit potential effects. The completion of tidal habitat restoration and other related actions may contribute to longfin smelt populations. Any future implementation of the HRL Program by the State of California may address ecosystem drivers on longfin smelt populations.

6.4 Water Service and Repayment Contracts

The Decision considers impacts to water supply from the updated environmental requirements of storage for cold water across multiple years of drought, Delta flows as an environmental surrogate for ecosystem processes, and minimization of entrainment due to exports at Jones and Banks pumping plants to minimize impacts to through-Delta survival during migration.

The Shasta Framework established three “bins” with an “A” and a “B” based on end of April and end of September storage in Shasta Reservoir. Each bin includes biological objectives. “A” and “B” describe actions to take to preserve storage. Storages consider the value of water in the current year, the risk of spill, and the risk of insufficient cold water if the next year is dry. In Bin 1, actions are unlikely to impact water supply. In Bin 2, actions reduce water available for CVP water service and repayment contracts from Shasta Reservoir. In Bin 3 years, Reclamation would not release water from Shasta Reservoir for repayment and water service contracts. In Bin 3B years, Sacramento River Settlement Contractors would voluntarily reduce diversions from the 75% under their contracts to 50% of contract totals to preserve water in Shasta Reservoir. Bin 3B

is anticipated to preserve sufficient cold water to protect winter-run Chinook salmon egg incubation across most multi-year droughts.

Delta outflow provides a broad metric of ecosystem processes incorporating hydrology, storage, and diversions. The Decision considers objectives for the HRL Program (formerly called “Voluntary Agreements”) alternative to unimpaired flow for updating the Bay-Delta Water Quality Control Plan. Reclamation and DWR’s role in Voluntary Agreements would be to operate the CVP and SWP to maximize the benefits of the water made available by local water agencies. Voluntary Agreements could provide a clear path for implementation and include a separate program of habitat restoration to improve the physical landscape. The Decision allows Reclamation to facilitate the implementation of the HRL Program within the *Spring Delta Outflow* provisions of Alternative 2 (section 5.9 of Action 5).

The Decision includes an Adaptive Management Plan for incorporating new science including science-based salvage thresholds related to population dynamics. Adaptive management provides a path for identifying actions that work for both water supply and species. The Adaptive Management Plan includes habitat restoration effectiveness related elements to potentially take advantage of investments in habitat restoration over the past few years.

6.5 Fall-Run Chinook Salmon

Fall-run Chinook salmon form the backbone of California’s salmon fishing industry. Federal and state hatcheries produce large numbers of fry and smolts for commercial and sport harvest to supplement natural production. Operation of the CVP and SWP may impact fall-run Chinook salmon through water temperature management, redd dewatering, migratory conditions, and entrainment at the export facilities. This ROD includes coordination with Sacramento River Settlement Contractors to reduce inundation of spawning areas that would later be dewatered. The ROD includes pulse flows in the spring that, while targeting non-project spring-run Chinook salmon, occur at similar times as the fall-run Chinook migration period. OMR no more negative than -5,000 cfs is likely to avoid route selection and entrainment impacts. Additionally, a mitigation measure for a fall-run Chinook salmon cohort report will gather and share information that may support improvements to the fishery.

6.6 Power Generation

The decision supports power generation as a project purpose consistent with the priorities in the CVPIA. The CVP Power Initiative, established by Reclamation’s Commissioner in 2019, addresses powerplant bypasses for species protection and requires that Reclamation use the best available information and science to weigh the biological benefits against the economic and environmental impacts of a powerplant bypass operation (<https://www.usbr.gov/mp/docs/hydro-memo.pdf>).

6.7 Governance and Adaptive Management

The Decision implements the *Governance* provision (section 11 of Action 5). Alternative 2 included technical teams to provide information to agency managers. Action 5 better aligns action agency and regulatory agency roles during implementation following completion of consultation and provides for interested party engagement for transparent and accountable decision-making. The Action 5 structure encourages the use of lines of evidence to inform decision-making.

The Decision implements the *Adaptive Management Plan* provision of Action 5 (section 12 of Action 5). Alternative 2 included an Adaptive Management Plan supported by the state and federal fish agencies focused on listed species. Action 5 adds the water supply and power generation project purposes as objectives and emphasizes the use of Structured Decision Making as an organized framework to reduce cognitive biases and objectively weigh alternatives against metrics while incorporating scientific and environmental uncertainty. Special studies are anticipated to continue; however, there are no impacts to disclose nor effects to consult upon at this time.

6.8 Healthy Rivers and Landscapes Program

The Decision allows Reclamation to modify the operation of CVP and Delta facilities of the SWP to facilitate implementation of the HRL Program, formerly “Voluntary Agreements” consistent with the limiting provisions included in the *Memorandum of Understanding Advancing a Term Sheet for the Voluntary Agreements to Update and Implement the Bay-Delta Water Quality Control Plan, and Other Related Actions*, dated March 29, 2022 (Voluntary Agreements Parties 2022), and as further developed by the VA parties as part of the State Water Resources Control Board’s (SWRCB’s) ongoing process to update the Bay-Delta Water Quality Control Plan. Reclamation’s facilitation of this implementation would be contingent on commitments from the relevant HRL parties that have requested use of CVP facilities to implement their program. The HRL Program provides an alternative to unimpaired flows for the SWRCB update to the Bay-Delta Water Quality Control Plan. The HRL Program includes habitat restoration needed for flows to interact with the landscape in a manner that drives ecosystem processes.

The 2024 LTO Final EIS uses reliable information and tools to represent Reclamation’s understanding of proposed system operations and related performance under the HRL Program. Throughout the resource sections of the 2024 LTO Final EIS, as well as in their corresponding appendices, the impacts of each phase of Alternative 2 are evaluated and discussed. This evaluation includes impacts to aquatic species. Alternative 2 and Action 5 include a pre-HRL Program phase to demonstrate the range of potential impacts (both beneficial and adverse) that could occur due to implementation. Action 5 does not include the Early Implementation of Delta export reduction component. The State Water Board has not adopted the HRL Program and does not appear likely to adopt the HRL Program within the 2-year timeframe provided by the early implementation program. The State did not adopt the early implementation provision as part of

its 2024 ITP. Removal of the Early Implementation of Delta export reduction component does not result in impacts outside of the range discussed and analyzed in the 2024 LTO Final EIS.

6.9 Authority to Implement

Alternatives are not rendered infeasible simply due to their potential to result in environmental impacts. NEPA is a procedural statute that does not require agencies to select the least environmentally impactful alternative, but rather to ensure that environmental consequences are thoroughly considered before decisions are made. Although NEPA does not mandate particular outcomes, it requires that agencies take a “hard look” at the environmental impacts of their actions and disclose that information to the public. (*Robertson v. Methow Valley Citizens Council*, 490 U.S. 332 (1989)). Appendix E of the 2024 LTO Final EIS presents the full spectrum of individual components considered during the formulation of the alternatives evaluated in the 2024 LTO Final EIS. Appendix E of the 2024 LTO Final EIS also presents the screening exercise that was completed by Reclamation to support the narrowing and refinement of these components to formulate the alternatives evaluated in the 2024 LTO Final EIS, which included feasibility considerations.

Concerns were raised by commenters on the 2024 LTO Final EIS about the legality of Alternatives 2, 3, and 4, asserting, among other things, that they are potentially inconsistent with Reclamation’s statutory authorities, regulations and contracts. Reclamation may consider a reasonable range of alternatives that are technically and economically feasible, meet the purpose and need for the proposed action, are within the jurisdiction of the bureau, and, where applicable, meet the goals of the applicant when determining what reasonable alternatives should be considered (2025 DOI NEPA Handbook). Reclamation reviewed Action 5 and determined it has sufficient authority to implement the actions, subject to continued appropriations. Actions by third parties, specifically SRSC and DWR, were developed in collaboration with those parties.

Reclamation did not select Alternative 3, in part, because of the dependence on extensive actions by third parties, which is outside of Reclamation’s control. These include reductions in diversions by senior water right holders not voluntarily agreed to, curtailments by the State Water Resources Control Board, and out of scope actions by the State Water Project at Oroville Dam and Reservoir on the Feather River. Alternative 3 significantly impacts water supply and does not achieve a reasonable balance among competing demands for use of CVP water. Further, while previous NEPA implementing regulations allowed for consideration of reasonable alternatives not within the jurisdiction of the lead agency—which were in place at the time Reclamation finalized the 2024 LTO Final EIS—these regulations have since been rescinded. As discussed above, Reclamation must focus on reasonable alternatives within its jurisdiction, and thus, Alternative 3 was not selected. With that said, Section 2.3(b)(3) of the NEPA Handbook says: “To the extent it assists in reasoned decision-making, the bureau may, but is not required to by NEPA, analyze environmental effects from other projects separate in time, or separate in place, or that fall outside of the bureau’s regulatory authority, or that would have to be initiated by a third party. If the bureau determines that such analysis would assist it in reasoned decision-making regarding the proposed action, it will document this determination in the environmental impact statement and explain where it drew a reasonable and manageable line relating to the consideration of such effects from such separate projects.”

Alternative 4 provided some environmental benefits, however, more environmental benefits were realized under other alternatives; therefore, no additional consideration of authorities was necessary for Alternative 4.

7. Mitigation Measures

Mitigation measures are provided to avoid, minimize, rectify, reduce, or compensate for effects caused by a proposed action or alternatives as described in an environmental document or ROD and that have a nexus to those effects. While NEPA requires consideration of mitigation, it does not mandate the form or adoption of any mitigation. The 2025 DOI NEPA Handbook identifies that NEPA does not require adoption of any mitigation measure, nor does it provide independent authority to approve or implement mitigation and that such authority must be provided by other applicable laws. The 2025 DOI NEPA Handbook provides that a ROD may include any mitigation, monitoring, or enforcement plan, as appropriate. As such, the monitoring and enforcement program for enforceable mitigation requirements or commitments are included as Attachments 3 to this ROD. Attachment 3 includes a discussion of monitoring programs, the time frame for implementation, and the monitoring parties, as well as a description of enforcement programs where applicable.

Appendix D in the 2024 LTO Final EIS includes a detailed description of mitigation measures identified for fish and aquatic resources. Attachment 4 to this ROD includes the avoidance and minimization measures that are built in as part of Action 5. These measures include water temperature and storage management, minimum instream flows, ramping rates, pulse flows, fall and winter baseflows, rice decomposition smoothing, OMR management, increased Delta outflow, salinity management, a drought plan and toolkit, flow measures from the Voluntary Agreements, rebalancing between CVP reservoirs, water supply reductions and allocations to conserve storage, modifying water transfers, coordinating on refuge needs to conserve storage, adjustments of minimum release requirements for redd dewatering purposes, Delta Cross Channel gate closures, pumping plant operations specific to timing and fish screening, Delta smelt supplementation, and monitoring of listed species. Mitigation measures may be modified through adaptive management, as appropriate. The Decision implements the mitigation measures identified in the 2024 LTO ROD, except for the measures related to environmental justice. As described in the *Statutory Background* of this Decision, Executive Orders 12898 (Feb. 11, 1994) and 14096 (Apr. 21, 2023), which required analysis of Environmental Justice concerns, have been rescinded.

Under the 2024 LTO Final EIS and in this ROD, Reclamation committed to the following additional measures:

- **Mitigation Measure AQUA-4: Fall-run Chinook Salmon Brood Year Assessment:** To assess the condition of fall-run Chinook salmon populations on CVP tributaries, Reclamation will complete a fall-run Chinook salmon brood year assessment for the previous year's cohort and the cohort of returning adults that hatched three years prior. The brood year assessment will be based on the best available science each year and

teams may consider using indicators similar to the *Annual Winter-run Chinook Brood Year Assessment* that is part of Action 5. Information will be reviewed by technical teams coordinating specific divisions or watersheds and attached to the Long-Term Operation Annual Report by Reclamation.

- **Mitigation Measure BIO-4: Flow Criteria and Real-time Group Considerations for Bank Swallow:** Develop flow criteria that avoid impacts of high water flows by limiting frequency and duration of peak flows over 14,000 cfs (Sacramento River) or rapid draw-downs to nesting bank swallow habitat during the breeding season (April 1 through August 31); this measure takes into consideration including downstream tributary flows when timing water releases (Bank Swallow Technical Advisory Committee 2013).
- **Mitigation Measure WS-1: Coordination with Byron Bethany Irrigation District:** DWR will coordinate with Byron Bethany Irrigation District prior to herbicide treatments.
- **Mitigation Measure WS-2: Coordination with Contra Costa Water District:** Reclamation will coordinate with Contra Costa Water District (CCWD) to avoid creating new or additional restrictions on CCWD's ability to fill Los Vaqueros Reservoir, beyond the restrictions that are imposed under the then current CCWD Biological Opinions and Incidental Take Permits, so that with implementation of the selected alternative, CCWD will have opportunities to fill Los Vaqueros Reservoir that are at least comparable to the current opportunities. Measures will include developing a replacement to the OMR index that results in a better representation of entrainment risk and in consideration of separate biological opinions for the operation of CCWD diversions.

Attachment 5 presents the rationale for mitigation measures considered in the 2024 LTO Final EIS but not adopted in this ROD.

In addition to mitigation associated with the Alternatives discussed in the 2024 LTO Final EIS, there are independent but related programs and activities that address some of the impacts inherent in the long-term operations of the CVP and SWP. Examples include habitat restoration, facility improvements, hatcheries, and water conservation grants. The scope and complexity of agency actions in the Central Valley involve multiple activities with ongoing effects on federally listed species that are implemented separately from the long-term operation. These "independent related actions" with their independent NEPA and section 7 consultations, where warranted, are part of the affected environment but are not part of the operation of the CVP and SWP to store, release, divert, route, and blend water. Nevertheless, because of the ongoing and long-term operation of the CVP and SWP, some of these actions rectify, reduce, and compensate for impacts associated with operation of these facilities.

8. Public Review

Reclamation started monthly meetings to inform interested parties on the progress of the project in March of 2022. Reclamation held 21 interested party meetings with water users in parallel

with 21 interested party meetings with representatives from the NGO community covering the same topics. Due to the complicated nature of water operations modeling, separate outreach meetings specific to CalSim results were held beginning in February 2022. Reclamation held 17 modeling meetings with partner agencies, in parallel with 17 meetings for water users, and 17 meetings for representatives from the NGO community covering the same topics. In June 2022, Reclamation held its first quarterly “Water Infrastructure Improvements for the Nation (WIIN) Act” meeting, which were open to the public. To date, Reclamation has held 16 of these meetings. In 2025, Reclamation held quarterly meetings to discuss regulations and executive orders leading to Action 5 and the regulations guiding the environmental compliance approach. Reclamation distributed the Environmental Compliance Sufficiency Memorandum for Action 5 (Attachment 1) on October 7, 2025, for 30-day interested party review.

8.1 Scoping Report

Reclamation held public scoping meetings to obtain public and stakeholder input on the Notice of Intent (NOI) and to comply with NEPA requirements. Reclamation held six virtual public scoping meetings for interested parties between March 8 and March 17, 2022. The Public Scoping Report is included in the EIS as Appendix AE.

8.2 Peer Review of Aquatic Effects

Reclamation engaged the Delta Stewardship Council’s Delta Science Program to review the aquatic effects sections of the Biological Assessment consistent with the Office of Management and Budget (OMB) directive, Final Information Quality Bulletin for Peer Review, dated December 16, 2004. Results and response are posted at <https://deltacouncil.ca.gov/delta-science-program/long-term-operations-for-the-central-valley-project-and-state-water-project-fish-and-aquatic-effects-analysis-review-panel>.

The 2024 LTO Final EIS relied on the peer-reviewed Biological Assessment analysis, and the Environmental Compliance Sufficiency Memorandum for Action 5, in turn, relied on the aquatic effects sections from the 2024 LTO Final EIS.

8.3 Comments on the Public Draft EIS

In compliance with 40 C.F.R. Section 1506.10(a) (requirement rescinded in 2025), the Draft EIS was filed with the Environmental Protection Agency; the Environmental Protection Agency then published the Notice of Availability in the *Federal Register* on July 26, 2024, and notifications regarding the availability of the Draft EIS for review were distributed to the project email list. Reclamation also issued a press release announcing the availability of the Draft EIS for review and comment. The Draft EIS was made available on Reclamation’s Long-Term Operation (LTO) website.¹

¹ The project website is at https://www.usbr.gov/mp/nepa/nepa_project_details.php?Project_ID=54661.

Three in-person and three virtual public meetings were held to solicit public comments on the Draft EIS

1. Los Banos Community Center’s Grand Room (In-person) – Wednesday, August 7, 2024, 6–8 p.m.
2. Redding Veterans Memorial Hall (In-person) – Tuesday, August 13, 2024, 6–8 p.m.
3. Virtual via Zoom – Thursday, August 15, 2024, 12–2 p.m.
4. Sacramento Capitol Event Center (In-person) – Tuesday, August 20, 2024, 6–8 p.m.
5. Virtual via Zoom – Thursday, August 22, 2024, 6–8 p.m.
6. Virtual via Zoom – Thursday, September 5, 2024, 3–5 p.m.

The public meeting locations were based on the best opportunities to reach those potentially interested in the Draft EIS. Meeting locations were selected from venues throughout the CVP service area that were accessible and had capacity for at least 100 meeting attendees. Spanish translation services were made available to attendees at the Los Banos meeting and the second virtual meeting, and a virtual audio presentation of the informational posters presented at the in-person public meetings was provided for those unable to attend. At the public meetings, handouts were provided in Spanish, including project information, comment cards, and meeting agendas. Paired with the three virtual meetings accessible across the state and beyond, these meetings meet the spirit of the regulation to consider the ability of affected entities to access electronic media and ensure accessible options.

The CEQ’s NEPA Implementing Regulations used to require a minimum of 45 days for public review and comment on an EIS (40 C.F.R. § 1506.11[d] - rescinded in 2025). Reclamation circulated the Draft EIS for public review for 45 days (July 26, 2024, to September 9, 2024). The duration of the comment period therefore complied with NEPA requirements. Over the course of developing the EIS, Reclamation staff and management remained available throughout the environmental review process to coordinate with interested parties and the public.

Reclamation divided comments into 1,077 individual blocks and documented responses in Appendix AD, *Response to Comments* to the EIS.

8.4 Comments on the Final EIS

Reclamation noticed the Final EIS on November 15, 2024, and received four comment letters during the cooling off period (Attachment 6). Although Reclamation is not required to respond to comments on a 2024 LTO Final EIS, Reclamation considered the comments in the decision. Similar comments were received and addressed during the public comment period as provided in Appendix AD. None of the comments raised new information.

One commenter cited the State Water Resources Control Board’s Water Quality Control Plan and identified inadequacies with the Staff Report, including comments by other agencies on the staff

report. This decision represents a consensus between state and federal agencies. Commenters had the opportunity to comment on Reclamation's Public Draft EIS. Reclamation responded to comments received on the Public Draft EIS.

One commenter raised concerns on the adequacy of Reclamation and DWR implementing the draft Bay-Delta Plan. Comments on the Public Draft EIS related to the Bay-Delta Plan were responded to in the EIS as Standard Response 10.

One commenter requested more information on Temporary Urgency Change Petitions (TUCPs). Comments on the Public Draft EIS related to TUCPs were responded to in the EIS as Standard Response 10. The State Water Resources Control Board approves TUCPs pursuant to California Water Code, typically in response to scarce water resources conditions during drought.

Commenters expressed concerns on the level of analysis and adequacy of compliance for actions including, Water Transfers, Trinity River operations, and the Delta Conveyance Project. Comments on the Public Draft EIS were responded to in the EIS in standard responses one, four, and eight. Some components of these actions have additional environmental compliance separate from the LTO. Appendix Z of the EIS addresses the Delta Conveyance Project operations programmatically.

Commenters expressed concerns on the adequacy of analyses for the following resource areas: cyanobacteria harmful algal blooms (water quality), terrestrial, environmental justice (including disadvantaged communities), air quality, groundwater, aquatic (including temperature dependent mortality), and water supply. Comments on the Public Draft EIS were responded to in the EIS as Standard Response five. Analysis is appropriate and meets the standards for documents of this scope and magnitude. Reclamation used reliable data and scientific information resources throughout the 2024 LTO Final EIS including a wide range of relevant data, literature, and tools and multiple lines of evidence where different analytical approaches might strengthen or inform conclusions.

Commenters provided new alternatives and components of alternatives and expressed concerns that the 2024 LTO Final EIS did not include a reasonable range of alternatives. The LTO underwent a robust alternatives formulation approach. Alternatives were developed based on the purpose and need with some proposed components and alternatives having independent utility and effects. Comments on the Public Draft EIS were responded to in the EIS as Standard Response four. Reclamation undertook a multiyear process to develop and select an appropriate range of alternatives to be analyzed that fully comply with all applicable legal requirements. This process is described in Appendix E.

One commenter identified the need to analyze conflicts between projects and state policies and laws, California Endangered Species Act (CESA), Delta Reform Act, Public Trust Doctrine, CA Reasonable Use Doctrine. Comments on the Public Draft EIS were responded to in the EIS as Standard Response 2. The decision is made pursuant to federal law and is consistent with applicable state laws and policies.

One commenter identified a need to analyze consistency with water service and repayment contracts. Comments on the Public Draft EIS were responded to in the EIS as Standard Response

4. Actions in the decision are within Reclamation's authority to implement and are consistent with the contracts.

8.5 Comments on the Environmental Compliance Sufficiency Memorandum for Action 5

The 2025 DOI Handbook, Appendix 3, describes substantive comments as those that question, with a reasoned basis related to the analysis, the accuracy of information, methodology for, or assumptions used; present new information, additional issues, or a reasonable alternative for analysis; or a comment which prompts a potential change or revision to one or more of the alternatives. Non-substantive comments are those that only agree or disagree with bureau policy or resource decisions but do not provide justification or supporting data; comments for or against the proposed action or alternatives without supporting criteria; comments that do not pertain to the proposed project; open-ended questions or vague comments; comments citing other comments or sources without providing substantive reasoning.

Reclamation provided a draft Action 5 on May 2, 2025 and a final Action 5 on June 27, 2025. Reclamation held quarterly WIIN Act meetings on June 10, 2025 and September 9, 2025. On October 7, 2025 Reclamation provided the Environmental Compliance Sufficiency Memorandum for Action 5 (Action 5 memo) to interested parties. Letters and responses are appended to the Environmental Compliance Sufficiency Memorandum as Exhibit 5. Reclamation received comment letters from San Luis & Delta Mendota Water Authority and San Joaquin River Exchange Contractors Water Authority, Sacramento River Settlement Contractors and Tehama Colusa Canal Authority, Grassland Water District, and Westlands Water District. Reclamation coordinated with these contractors. No changes were required, and Reclamation appreciates the support.

Reclamation received comments from DWR, CDFW, and the State Water Board. Reclamation considered these comments in the decision. Minor clarifications to the Environmental Compliance Sufficiency Memorandum for Action 5 resulted from these comments. Themes and responses from the State are summarized below:

- **Species Protection Effectiveness Based on Water Supply Impacts:** The comments assert impacts to species solely because water supplies increase under Action 5. These comments provide a comparison of the number of times additional restrictions are imposed beyond the protection of OMR reverse flows no more negative than -5,000 cfs and reduction in Delta outflow. However, Action 5 considers scientific lines of evidence based on literature, datasets, and models that evaluate effects to listed fish species. Modern science (Salmon Technical Working Group 2024; Buchanan et al. 2021; 2017 Salmon Team Scoping Report) shows Action 5 minimizes the effects of entrainment of salmonids and smelts into the central and south Delta with OMR reverse flows no more negative than -5,000 cfs. Modern science shows through Delta survival is unaffected within the range of exports analyzed. Action 5 continues the conservative approach historically taken toward project operations to account for uncertainty. Investments in science to reduce uncertainty similarly results in reducing the need for overly

precautionary restrictions. Undermining these investments in science and adaptive management ultimately harms the California communities that depend on the water supply and responsible stewardship of the environment. Maintaining or increasing restriction on water supplies should not be viewed as the sole or primary means to achieve success of protections for listed species.

- **Decreased Survival Based on Detections in Salvage:** The comments assert that species are impacted under Action 5 because detections at export facilities increase. However, Detections at salvage facilities count fish at a single location within the Delta that represents less than 1% of juvenile salmonid populations and less than 5% of larval and juvenile smelt populations. Even large relative changes are unlikely to affect the recruitment of subsequent generations (e.g. a 100% increase would equate to only 2% of the population). Lines of evidence shows the effects of exports within the Action 5 ranges are limited to the south Delta and do not influence the routing of salmonids through the mainstem corridors (2017 Salmon Team Scoping Report; 2024 Salmon Technical Working Group, Environmental Compliance Sufficiency Memorandum for Action 5 (Attachment 1). Once salmonids enter the south Delta, acoustic tagging studies show CVP entrainment and salvage provide for the highest survival outcomes. Action 5 may reduce mortality by more rapidly drawing fish into export facilities for salvage instead of leaving them exposed to severely altered hydrodynamics and poor survival conditions in the south Delta. Action 5 includes additional backstops, e.g. OMR no more negative than -3,500 cfs, if detections in salvage indicate more fish than considered within the 2024 Biological Opinions are anticipated to reach export facilities and a change to operations would increase survival.
- **Insufficiency of Protections:** The comments assert insufficiency of protections for listed species under Action 5. However, little to no objective criteria nor scientific information are provided to add additional lines of evidence for consideration. Many comments from the State lack the scientific foundation, citations, or peer review to provide a basis for modification of Action 5. Conclusions appear to reflect opinions rather than modeling and analysis of data. The analysis of Action 5 uses an approach based on multiple lines of evidence for literature, datasets, and models coordinated with USFWS and NMFS. Action 5 adopts specific scientific standards consistent with Executive Order 14303 *Restoring Gold Standard Science*. Action 5 considers the state of modern science and draws reasonable conclusions on an operation plan that maximizes water supplies for the people of California while protecting species. The 2024 LTO Final EIS and analysis of Action 5 provides a scientific framework by considering population viability parameters in tables that track populations through different life stages in addition to peer reviewed models where available.
- **Certainty and Reliability of Protective Measures:** The comments assert that many of the protective measures in Action 5 are vague and not implementable because they rely on models or metrics that do not exist, or are not based in best available science. Reclamation has supported real-time operations for over a decade and proposed only tools it knows exist. Proposed tools have well-established peer review and can be deployed in real-time. All but longfin smelt measures have been used in and before 2024. Perry (2018) provides a through-Delta survival model. The Delta Passage Model

(Attachment 1, Exhibit 4 attachment I6), DSM2 (Attachment 1, Exhibit 2), Eco-PTM (Attachment 1, Exhibit 4 attachment I7), and other readily available tools are also used by the State. Kimmerer (2024) provides a population model for longfin smelt. Hatchery release groups have been used as surrogates for estimating the percentage of a population entrained since at least the 2009 NMFS Biological Opinion and such measures are included in the Incidental Take Permit (ITP). Seasonal Reports for OMR Flow Management (2020-2025) document weekly assessments performed, and actions taken when scientific evidence shows effects to species. The State asserts a need for lifecycle models to draw conclusions, yet makes assertions on the sufficiency of minor changes in protections within Action 5 without identifying any such models. Reclamation's use of modern science is documented by a Delta Science Program peer review of the aquatic effects analyses for the 2024 Biological Opinions with results and responses posted at https://www.usbr.gov/main/qoi/docs/lto-peer-review-report_updatedv2.pdf. Action 5 uses the same analyses.

- **Governance and Decision Making:** The comments raise concerns about collaborative decision-making under Action 5. The governance under Action 5 is consistent with the authorities and responsibilities of each agency providing both transparency and accountability in decision making. Action 5 increases collaboration through the inclusion of the communities impacted by federal and state decisions in the evaluation of those decisions. The incorporation of interested parties increases accountability. For example, comments question whether operations will implement “First Flush” measures. The open and transparent analyses of real-time conditions is more likely to trigger the action early, if warranted, or modify the magnitude or duration based on science indicating effects on listed species, rather than relying on a closed-door, agency-only negotiation. The use of tools described in Action 5, rather than opinion, makes implementation of species protections more likely, more defensible, and more predictable.
- **Potential Scientific Advancements:** The comments assert that new tools and new information will better support operations in the future. Speculative science to be purposed to be developed next year does not warrant delay in implementing Action 5 which uses current science. Action 5 includes the development of new tools through robust, transparent and participatory use of adaptive management. Reclamation looks forward to collaborating consistent with the principles of Gold Standard Science.
- **Agency Responsibilities under the ESA:** The comments misrepresent roles and responsibilities under the federal Endangered Species Act including the application of Biological Opinions to the operational requirements of the CVP. Biological Opinions do not analyze alternatives. Reclamation must reinitiate consultation if:
 1. The amount or extent of take specified in the incidental take statement is exceeded;
 2. New information reveals effects of the action that may affect listed species or critical habitat in a manner or to an extent not previously considered;

3. If the identified action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in the biological opinion or written concurrence; or
4. If a new species is listed or critical habitat designated that may be affected by the identified action.

As described in the 2024 Adaptive Management Program, in the event that a change is required to the Incidental Take Statement, and the change is fully consistent with the analysis in the biological opinion, the Services can revise the Incidental Take Statement without reinitiating the consultation.

- **Agency Responsibilities under NEPA:** The comments question whether Reclamation has carried out the necessary environmental review for the Action 5 operations. In accordance with 2025 DOI NEPA Handbook, Reclamation reviewed the LTO 2024 Final EIS and answered yes to the following questions to determine whether the EIS adequately covers Action 5:

1. Is the new proposed action a feature of, or essentially like an alternative analyzed in the existing environmental document?
2. Is the proposed action within the same analysis area?
3. Is the range of alternatives analyzed in the existing environmental document appropriate with respect to the new proposed action, given current environmental concerns and resource values?
4. Is the existing analysis valid considering any new information or circumstances relevant to the proposed action? Can the bureau reasonably conclude that new information and new circumstances do not warrant substantial change to the analysis of the new proposed action?
5. Are the environmental effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing environmental document?

No information was included to suggest Reclamation did not analyze a reasonable range of alternatives and disclose potential impacts. Reclamation is not required to analyze every possible combination of alternatives. Reclamation has made all of its modeling available should parties desire to explore additional options under Adaptive Management.

- **Misalignment of CVP and SWP Operations:** The comments raise concerns on a misalignment between the operating rules of the CVP and SWP. The comments assert that Reclamation should update its modeling to accurately reflect SWP's anticipated operations, which will be governed by the then-current ESA and CESA authorizations. A consistency determination (Fish and Game Code § 2080.1) would allow the State to align SWP criteria under the California ESA with the federal Long-Term Operation Plan. This

approach was used in the 2000s including during the consultations in 2008 and 2009 to avoid misalignment. The State does not provide for public participation nor does the State coordinate with Reclamation on whether the contents of its ITP may create the potential for misaligned operations. As of 25 November 2025, the State has not made its current ITP and subsequent amendments publicly available (<https://water.ca.gov/Programs/State-Water-Project/Endangered-Species-Protection>). The State may voluntarily operate to divert less water, subject to COA, but must ensure those actions do not exceed effects analyzed and are consistent with the ROD, which incorporates the 2024 Biological Opinions.

- **Redirected Water Supply Impacts:** The comments from the State raise concerns on the potential for redirected impacts that could reduce water supplies for the SWP. Under Action 5, modeled annual CVP deliveries may increase by up to 85 TAF and SWP may increase by up to 129 TAF compared to Alternative 2. If DWR operates to more stringent operations than Federal requirements then it is likely that water supply benefits to the SWP associated with Action 5 will be reduced. From 2000 to 2025, the CDFW salvage database shows 69% of genetically identified winter-run Chinook salmon, 71% of length-at-date spring-run Chinook salmon, and 85% of unclipped steelhead salvage loss occurs at SWP facilities. The CVP continues to be disproportionately restricted due to impacts on listed species associated with operation of the SWP. The decision by the State to limit its operation to comply with its own ITP does not constitute a redirected impact. Action 5 is within the range of impacts analyzed with the 2024 Final EIS and Biological Opinions.
- **Coordinated Operations Agreement:** The comments raise concerns on compliance with COA including guarding against conditions of shortage and sharing of water under excess conditions. The State misrepresents the requirements of COA.
- **Drought Planning:** The comments object to the consideration of Temporary Urgency Change Petitions (TUCPs) and Orders from the Board. Despite advancement in forecasting tools and three decades of new hydrologic information, including two severe multi-year droughts, the State Water Board has consistently not updated D-1641. In order to alleviate the impacts of droughts on communities and protect listed species, Reclamation and DWR have been required to seek multiple TUCPs, each with onerous additional requirements. The assumptions for Action 5 assume the terms of the multiple previous Orders issued by the State Water Board. While past Orders do not guarantee a future decision, they are a reasonable basis for analysis. Reclamation is unaware of the State Water Board repudiating its prior Order. Historically, the State Water Board seeks a determination from the federal fish agencies under their ESA authorities prior to granting a TUCPs. Waiting until a drought occurs places all agencies under tremendous time pressure. Delays cost valuable water, thus limiting the State's ability to alleviate drought impacts on communities and species. The State's proposed update to the Bay-Delta Water Quality Control Plan would not address the droughts of the last decade nor the month-to-month hydrologic variability ("weather whiplash") that necessitate TUCPs for known hydrologic conditions.
- **Healthy Rivers and Landscapes Program:** The comments assert that Action 5 changes the accounting performed for the HRL Program and recommends coordination with HRL

parties. Action 5 includes the ability for Reclamation to facilitate implementation of the CVP component of the HRL Program, as contemplated in the March 2022 MOU signed by the HRL parties, which included coordination with the State Water Board. For operation under the HRL Program, Reclamation agreed to operate its facilities to maximize the benefits of water contributed by HRL parties including not diverting protected flows and potentially making reservoir releases to advance flow contributions into more favorable times of the year. Reclamation has engaged extensively with the HRL parties, with the only impact being the State Water Board's modification of the HRL Program proposal and constant delays through recirculation of Water Quality Control Plan documents.

- **Monitoring and Exceedance of Incidental Take:** The comments make assertions unrelated to Action 5 on exceedance of incidental take and sufficiency of monitoring programs that are unsubstantiated and factually incorrect. These comments are considered non-substantive comments.

CDFW provided some suggested modeling refinements. Reclamation incorporated those changes as an errata to confirm that results remain unchanged (Attachment 1, Exhibit 2).

9. Permitting and Compliance

The following sections describe Reclamation's findings required by other Environmental Laws and Regulation, and Executive Orders.

9.1 Clean Water Act

Reclamation will operate in compliance with all applicable state and Federal laws including those which regulate water quality such as D-1641 and its associated salinity standards. Additionally, coordination with the State Water Board will be ongoing regarding the update to the Bay Delta Water Quality Control Plan. The Delta Cross Channel would be operated to manage water quality and prevent exceedance of water quality thresholds.

9.2 Endangered Species Act

On November 9, 2023, Reclamation submitted its Biological Assessment to USFWS and NMFS and met during their sufficiency review to facilitate development of the biological opinions. The USFWS 2024 LTO Biological Opinion (2022-0059509) was issued on November 8, 2024. The NMFS 2024 LTO Biological Opinion (WCRO-2024-02917) was issued December 6, 2024. Reclamation considered the 2024 Biological Opinions in reaching its 2024 ROD. Action 5 modifies mainly Delta operations in the Proposed Action considered in the NMFS 2024 LTO Biological Opinion in response to Executive Order 14181. Effects on species outside the Sacramento River and the Delta remain unchanged.

Reinitiation of ESA consultation is required and shall be requested by the Federal agency, where discretionary Federal involvement or control over the action has been retained or is authorized by law and:

- 1) If the amount or extent of taking specified in the incidental take statement is exceeded;*
- 2) If new information reveals effects of the action that may affect listed species or critical habitat in a manner or to an extent not previously considered;*
- 3) If the identified action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in the biological opinion or written concurrence; or*
- 4) If a new species is listed or critical habitat designated that may be affected by the identified action.*

Coordination with NMFS and USFWS on the analysis necessary for determining if Action 5 is within the range of effects evaluated in the 2024 Biological Opinions began in June 2025. Lines of evidence developed with input from NMFS and USFWS include: Delta Passage Model, CVPIA SIT Decision Support Model, Salvage Density Model, Negative Binomial Salvage Model, ECO-PTM, Winter-run Chinook Salmon Coded Wire Tag Salvage Model, Redd Dewatering Analysis, Particle Tracking Fate Modeling, Delta Smelt Lifecycle Modeling, Longfin Abundance Analysis, Delta Export Zone of Influence (ZOI) Analysis.

On October 7, 2025, Reclamation provided letters to USFWS and NMFS notifying them of the updated operations plan, stating that the effects remain within the range of those considered in the 2024 Biological Opinions and that reinitiation of consultation is not warranted. Although Reclamation determined that reinitiation was not warranted, based on the modifications associated with Action 5, Reclamation requested that USFWS evaluate whether the Incidental Take Statement for Delta smelt in the 2024 USFWS Biological Opinion needed to be amended.

9.2.1 U.S. Fish and Wildlife Service Biological Opinion

The USFWS provided a final Biological Opinion on November 8, 2024, concluding the proposed action is not likely to jeopardize threatened or endangered species or destroy or adversely modify their designated critical habitat. Reclamation conducted a review to determine whether implementation of Action 5 would cause an effect to listed species or critical habitat not previously analyzed in the USFWS 2024 LTO Biological Opinion. As a result of this review, Reclamation determined that implementation of Action 5 would be within the range of effects analyzed in the USFWS 2024 LTO Biological Opinion (Attachment 1 at Exhibit 4 *Endangered Species Act Compliance*), but that the USFWS might need to amend the incidental take statement. The USFWS provided an amendment with an updated incidental take statement on November 14, 2025 (Attachment 8).

The Decision includes the RPMs from the 2024 LTO Biological Opinion and the 2025 modified terms and conditions.

1. Reclamation and DWR shall minimize the impact of incidental take of delta smelt and longfin smelt from operations of the CVP and SWP.
2. Reclamation and DWR shall minimize the impact of incidental take of delta smelt from operations of the Bay-Delta Division.
3. Reclamation and DWR shall minimize the impact of the incidental take of northwestern pond turtles from operations of the CVP and SWP.
4. Reclamation shall minimize the impact of incidental take of giant garter snakes from operations of the Shasta Division.
5. Reclamation and DWR shall monitor and report the amount and extent of take of delta smelt, longfin smelt, and northwestern pond turtle to the Service. Reclamation shall monitor and report the amount and extent of take of giant garter snake to the Service.

The terms and conditions for RPMs 1, 2 and 5 were modified by USFWS in response to Action 5 and are provided below:

The following terms and conditions implement reasonable and prudent measure 1:

- a. Reclamation and DWR shall implement the proposed operational measures as described in the Proposed Action.
- b. Reclamation shall document and report operational decisions to the Service prior to implementation that are determined through the Governance process in the 2025 Operation Plan. The documentation shall include any assessments prepared, supporting data, environmental and biological rationale, and a description of the timeframe and the OMR index that would occur.
- c. DWR, in coordination with Reclamation, the Service, NMFS, and CDFW shall develop a Standard Operating Procedures document for the operation of diversions into the Roaring River Distribution System. This document shall demonstrate how RRDS is operated to maintain specified approach velocities. This document shall be finalized before the 2025 fall flood up season.

The following terms and conditions implement reasonable and prudent measure 2:

- a. Reclamation shall continue to support development of the Delta Smelt Supplementation Program. This support includes:
 - i. Assisting the Service in development of a Hatchery and Genetic Management Plan (HGMP) that will provide a detailed overview of the Delta Smelt Supplementation Program's operational components for each stock captively reared at a facility. Final review and approval of the initial HGMP will be completed by the Service. The HGMP is intended to be a "living document" that will guide sound hatchery management activities for delta smelt supplementation ensuring the well-being and caretaking of the captive delta smelt broodstock. The HGMP will document the

actions being taken such as husbandry techniques, fish health, nutrition, spawning methods, behavior, handling, and transport and release strategies. Revisions to the HGMP will be coordinated with the Service and informed by the Culture and Supplementation of Smelt (CASS) group to review program success and critical actions that require undertaking including: production numbers, genetically sound management, revealing new information from monitoring and research that lead to improving hatchery practices, review of previous propagation efforts, direction of the program into new locations and/or continued releases in current planting areas, and other monitoring results. Effort will be put into rebuilding the natural population through the broodstock collections and taking a safeguard against extinction approach to build population numbers, genetically link broodstock to the wild population, and guard against catastrophic failure.

- ii. Minimizing impacts to delta smelt during the capture, transport, spawning, rearing, and release phases of the broodstock development process.
 - iii. Continuing to support studies that evaluate post-release survival and recruitment which are critical to understanding the success of the Delta Smelt Supplementation program to offset loss of individuals from operations of the SWP and CVP.
 - iv. Working with the Service to identify and design compliance and effectiveness monitoring tools, which may include life cycle models and the more traditional in-water monitoring methodologies, to evaluate the Delta Smelt Supplementation Program accomplishments that are expected to occur.
 - v. Preparing reports in collaboration with the Service, and other CASS members, on an annual frequency regarding Delta Smelt Supplementation Program evaluations, upcoming activities, accomplishments, lessons learned, and areas to adaptively manage to further achieve the goals and objectives of the program. All final reports shall be provided in electronic format to the Service.
 - vi. In a coordinated manner with the Service, securing additional infrastructure (space, tanks, laboratory supplies and equipment, etc.) as necessary, to ensure the broodstock program can be maintained securely and successfully to meet production targets identified in the PA.
- b. Reclamation and DWR shall report to the Service annually on the status of the construction, protection, and management of the 8,000 acres of tidal habitat restoration projects implemented in the Delta to reduce the food availability stressor for the benefitted listed fishes, including delta smelt.

The following terms and conditions implement reasonable and prudent measure 5:

- a. Reclamation will provide a report annually to the Service which describes implementation of real-time operations of OMR Management/Seasonal Operations. This report shall include information on environmental conditions, flows, temperature, salinity, turbidity, fish and other biotic monitoring, species distribution, delta smelt and longfin smelt salvage, fish genetic identification, fish condition, and other parameters as

agreed to in coordination with the Service. This report will describe implementation and/or non-implementation of the proposed OMR protection measures. If any measures were not implemented as described in the PA, a description of why the measure was modified or not implemented will be provided in the report.

- b. Reclamation and DWR shall report to the Service on the results of the planning, structured decision making, and implementation of the Summer and Fall Suisun Marsh Salinity Control Gate Operation Action. This reporting shall include details regarding how and if the SMSCG were operated. This report shall be submitted to the Service annually no later than July 31 of the following year.
- c. For all lands subject to cropland idling/shifting due to water reductions caused by implementation of the Shasta Framework, Reclamation will request from the Sacramento River Settlement Contractors information about acreages and locations that were fallowed as a result of water reductions. If this information is provided, Reclamation will submit the information to the Service.

9.2.2 National Marine Fisheries Service Biological Opinion

- NMFS provided a final Biological Opinion on December 6, 2024, concluding the Proposed Action is not likely to jeopardize threatened or endangered species or destroy or adversely modify their critical habitat. Reclamation conducted a review to determine whether implementation of Action 5 would cause an effect to listed species or critical habitat not previously analyzed in the NMFS 2024 LTO Biological Opinion. As a result of this review, Reclamation determined that implementation of Action 5 would be within the range of effects analyzed in the NMFS 2024 LTO Biological Opinion (Attachment 1 at Exhibit 4 *Endangered Species Act Compliance*).

The Decision includes the RPMs from the 2024 LTO NMFS Biological Opinion. RPMs 5 and 9 reference the previous governance structure, specifically the Water Operations Management Team. For Action 5, these references apply to the newly established Fish and Water Operations Group, which is replacing the WOMT under the updated governance.

- For the Sacramento River, reasonable and prudent measure 1, NMFS has required additional coordination and consideration of technical assistance; hindcast reporting; independent reviews; and to review and updating of the WRAP actions and to make recommendations for their implementation or non-implementation.
- For Clear Creek, reasonable and prudent measure 2, NMFS has required annual update reports; consideration of federally listed species information regarding operational adjustments; notifications; operational adjustments to protect federally listed fish if exceedance of temperature requirements is proactively determined; coordination on flow release schedules; continued implementation of the segregation weir.
- For American River, reasonable and prudent measure 3, NMFS has required the installation of a dissolved oxygen gage and monitor; conduct stranding monitoring and rescue if Adaptive Management changes ramping rates.

- For Stanislaus River, reasonable and prudent measure 4, NMFS has required reporting, coordination on decisions affecting the application of the Minimum Instream Flow seasonal flow volumes based on priorities, coordination on monitoring, and data and summary statistics submittals.
- For the Bay-Delta, reasonable and prudent measure 5, NMFS has required monitoring, calculation and reporting of salvage and loss at fish protection facilities, development of a protocol with WOMT for Voluntary Agreement pre-adoption period volumes, and additional aquatic weed action notifications and reports.
- For Killer Whales, reasonable and prudent measure 6, NMFS has required monitoring and reporting on the change in freshwater survival and subsequent availability of adult listed and non-listed Chinook salmon.
- In reasonable and prudent measure 7, NMFS has required monitoring the amount and extent of incidental take through the continued use of programs and processes and to coordinate with the Interagency Ecological Program Biotelemetry Project Work Team.
- In reasonable and prudent measure 8, NMFS has required development of conservation measures for steelhead, including a prescribed schedule for accelerating steelhead science to develop population-based approaches to minimize entrainment.
- In reasonable and prudent measure 9, NMFS has unilaterally modified the scope of WOMT to require the use WOMT as a forum for coordinating on pulse flows in the Central Valley, with a goal of aligning the timing to improve in-river flow conditions that improve the survival of out-migrating salmon.

Operations of the CVP's Trinity Division will continue to be implemented pursuant to the NMFS' October 12, 2000, *Biological Opinion for the Trinity River Mainstem Fishery Restoration EIS and Its Effects on Southern Oregon/Northern California Coast Coho Salmon, Sacramento River Winter-run Chinook Salmon, Central Valley Spring-run Chinook Salmon, and Central Valley Steelhead*. Future Trinity Reservoir operations that affect federally listed species in the CVP's Trinity River Division are expected to be addressed in additional consultation, anticipated to be completed in late 2025 or early 2026.

9.3 Executive Order 14181

On January 24, 2025, President Donald J. Trump issued *Executive Order 14181 "Emergency Measures To Provide Water Resources In California And Improve Disaster Response In Certain Areas."* Section 2 of the Order requires, among other measures,

(c) The Secretary of the Interior, including through the Bureau of Reclamation, shall utilize his discretion to operate the CVP to deliver more water and produce additional hydropower, including by increasing storage and conveyance, and jointly operating federal and state facilities, to high-need communities, notwithstanding any contrary State or local laws. The Bureau of Reclamation shall take all available measures to ensure that State agencies — including the

California Department of Water Resources — do not interfere with the Bureau of Reclamation’s operation of the project to maximize water delivery to high-need communities or otherwise, including but not limited to the issuance of a new ROD maximizing water deliveries and consistent with the 2020 ROD.

Subsection (g) calls for a “proposed plan, for review by the Secretaries, to appropriately suspend, revise, or rescind any regulations or procedures that unduly burden such projects and are not necessary to protect the public interest or otherwise comply with the law.”

This ROD contributes to the implementation of Executive Order 14181.

9.4 Indian Trust Assets

Reclamation adhered to the requirements for Indian Trust Assets (ITA) in the development of the EIS. Multiple federally recognized tribes are located in the vicinity of the project area on the Trinity, Sacramento, American, and San Joaquin rivers. Based on the analysis conducted, there are no anticipated impacts to ITAs as a result of erosion, degradation of water quality, or impacts to fishing rights as a result of Action 5. Consistent with the aquatics analysis, Action 5 is expected to improve water temperatures for salmonid populations while other parameters important for salmonid populations are not expected to vary significantly from the No Action Alternative.

Action 5 continues Reclamation’s ability to ensure that there is no interference with the exercise of a federally reserved water right, or degradation of water quality where there is a federally reserved water right, nor with the use, value, occupancy, character or enjoyment of an Indian Trust Asset and are within the impacts analyzed in the 2024 LTO Final EIS (Attachment 1).

9.5 Magnuson-Stevens Fishery Conservation and Management Act

On October 31, 2024, Reclamation transmitted to NMFS an Essential Fish Habitat (EFH) assessment on the Long-Term Operation of the CVP and SWP, and requested EFH consultation under the Magnuson-Stevens Fishery Conservation and Management Act, as amended (16 U.S.C. 1801 et seq.) for Pacific Coast Salmon (Sacramento River winter-run Chinook salmon, Central Valley spring-run Chinook salmon, fall-run Chinook salmon, and late fall-run Chinook salmon), Coastal Pelagic Species (Northern anchovy), and Pacific Coast Groundfish (starry flounder). Reclamation concluded there may be minimal effects to Pacific Coast Salmon, and effects to Coastal Pelagic Species and Pacific Coast Groundfish are not anticipated to increase.

NMFS provided recommendations on April 14, 2025, at which point, Reclamation evaluated the recommendations and determined which recommendations to implement, based on existing environmental compliance, the adequacy of existing conservation mechanisms, feasibility, authorities and existing requirements. Many of the recommendations to operate the multipurpose project that were suggested are being implemented as part of Action 5, such as maintaining technical teams and conducting real-time assessments to inform operation.

The EFH consultation conducted for the 2024 LTO ROD remains applicable to Action 5 (Attachment 9).

9.6 National Historical Preservation Act

Reclamation is responsible for complying with Title 54 U.S.C. § 306108, commonly known as Section 106 of the National Historic Preservation Act (NHPA). Project-level activities under the action alternatives will not result in changes to peak flows or reservoir levels compared to the No Action Alternative. As a result, in accordance with 36 C.F.R. § 800.3(a)(1), project level actions have no potential to cause effects on historic properties and do not require further consideration under Section 106 of the NHPA.

Storage changes under Action 5 are relatively small during each year type and follow existing patterns in reservoir storage. Therefore, Action 5 would not adversely affect historic properties if they are present and are within the impacts analyzed in the 2024 LTO Final EIS (Attachment 1).

9.7 Water Infrastructure Improvements for the Nation Act

Section 4004 of the WIIN Act includes provisions for inclusion of public water agencies that contract for delivery of water from the CVP or the SWP in any consultation or reconsultation on the operation of the CVP and SWP. Provisions and Reclamation's compliance were met as follows.

- Routine and continuing opportunities to discuss and submit information during development of any biological assessment – Reclamation hosted monthly meetings on the consultation and preparation of the EIS. Reclamation additionally solicited input through Knowledge Base Papers on specific topics. Reclamation additionally hosted separate monthly meetings on modeling during the period of model parameterization.
- Informed on the schedule for preparation of a biological assessment – Reclamation covered schedule in the monthly meetings.
- Informed on the schedule for preparation of the biological opinion – NMFS and FWS provided schedules at Biological Opinion specific meetings.
- Received a copy of any draft biological opinion and have the opportunity to review that document and provide comment for due consideration: NMFS and USFWS provided draft sections of biological opinions related to aquatic species.
- Informed on the Environmental Compliance Sufficiency Memorandum for Action 5, including Determination of NEPA Adequacy and Biological Opinion Coverage Review.

No reasonable and prudent alternatives were developed requiring conferring or additional analyses.

The WIIN Act additionally provides for input from the Collaborative Adaptive Management Team (CAMT) and Collaborative Science and Adaptive Management Program (CSAMP). Reclamation provided regular updates consistent with the scope identified by CAMT and CSAMP. Neither CAMT nor CSAMP are active.

The WIIN Act additionally requires a quarterly stakeholder meeting. Reclamation held 11 quarterly meetings and NMFS and USFWS held supplemental WIIN Act meetings specific to Biological Opinions.

10. Conclusion

This ROD certifies that Reclamation considered the alternatives, information, analyses, and objections submitted by State, Tribal, and local governments and public commenters in developing the Final Environmental Impact Statement for the Long-Term Operation of the CVP and SWP and the subsequent Environmental Compliance Sufficiency Memorandum for Action 5, including a Determination of NEPA Adequacy and Endangered Species Act Compliance Review. Action 5 modifies the selected alternative (Alternative 2) in the 2024 LTO ROD to maximize water supply by ensuring actions that restrict water supply provide a material benefit to listed species through the use of predictive tools for real-time assessment of environmental conditions. Action 5 best implements Executive Order 14181 within current operational and legal constraints. The Bureau of Reclamation verifies that it has complied with the requirements of NEPA, including the Department's regulations and procedures implementing NEPA at 43 C.F.R. Part 46 and Part 516 of the Departmental Manual, consistent with the President's January 2025 Order and Memorandum.