

Southwest Region
National Marine Fisheries Service
National Oceanic and Atmospheric Administration

SECTION 515 PRE-DISSEMINATION REVIEW & DOCUMENTATION FORM¹

AUTHOR/RESPONSIBLE OFFICE: Garwin Yip; Sacramento Area Office

TITLE/DESCRIPTION: Biological and Conference Opinion on the Long-Term Operations of the Central Valley Project and State Water Project (CVP/SWP operations); Endangered Species Act (ESA) section 7 formal consultation

PRESENTATION/RELEASE DATE: June 4, 2009

MEDIUM: Posting on the Southwest Region website

PRE-DISSEMINATION REVIEW:

Name and Title of Reviewing Official: Russell M. Strach, Assistant Regional Administrator, Protected Resources Division
(Must be at least one level above person generating the information product)

Pursuant to Section 515 of Public Law 106-554 (the Data Quality Act), this product has undergone a pre-dissemination review.

Russell M. Strach
Signature

June 4, 2009
Date

SECTION 515 INFORMATION QUALITY DOCUMENTATION

I. Utility of Information Product

Explain how the information product meets the standards for **utility**:

A. Is the information helpful, beneficial or serviceable to the intended user?

The Opinion includes a thorough analysis of the effects of the CVP/SWP operations on endangered Sacramento River winter-run Chinook salmon (winter-run), threatened Central Valley spring-run Chinook salmon (spring-run), threatened Central Valley (CV) steelhead, threatened Southern Distinct Population Segment of North American green sturgeon (Southern DPS of green sturgeon), endangered Southern Resident killer whales (Southern Residents), threatened Central California Coast steelhead, and their proposed and designated critical habitats. As NMFS concluded that the CVP/SWP operations is likely to jeopardize the continued existence of winter-run, spring-run, CV steelhead, Southern DPS of green sturgeon, and Southern Residents, it provided a proposed RPA to the U.S. Bureau of Reclamation (Reclamation). The Opinion is useful to Reclamation and the California Department of Water Resources (applicant) in that it helps them comply with section 7(a)(2) of the ESA, which still being able to

¹Note: Some documents are not initially "disseminated to the public" when finalized, but may subsequently be disseminated by, for instance, posting on an agency website. Thus, this form is completed to ensure that documents that are eventually disseminated meet applicable information quality guidelines. Completion of this form does not in and of itself signify that the covered document has been "disseminated to the public" for purposes of application of the Data Quality Act.

implement the intended purposes of the action.

B. Is the data or information product an improvement over previously available information? Is it more current or detailed? Is it more useful or accessible to the public? Has it been improved based on comments from or interactions with customers?

The previous Opinion on CVP/SWP operations was issued on October 22, 2004. Since then, new species were listed (e.g., Southern DPS of green sturgeon), critical habitats were designated (e.g., CV steelhead), and a new species is considered (Southern Residents). Since 2004, a wealth of information, particularly in the form of studies in the Delta, were conducted and published, providing us with up-to-date, real time, and best available scientific information to use in conducting our analysis. As scientific studies are developed and implemented, the scientific methods are more refined to answer specific questions regarding management of the Delta. Additionally, specific models (e.g., CALSIM II, CalLite, Particle Tracking Model) were utilized to test assumptions and determine the fate of juvenile salmonids and green sturgeon within the Delta, given various water flow and export scenarios.

NMFS considered all sources of information in our analyses and from all sources (e.g., agency, academia, private water contractors). A draft Opinion was issued on December 11, 2009, to Reclamation and for peer review through the CalFed Science Program and the Center for Independent Experts (CIE). Comments and peer review reports provided additional information sources that we used and considered in the development of our final Opinion.

C. What media are used in the dissemination of the information? Check all that apply.

Printed publications CD-ROM Internet Other (state): _____

Is the product made available in a standard data format? Yes No

Does it use consistent attribute naming and unit conventions to ensure that the information is accessible to a broad range of users with a variety of operating systems and data needs? Yes No

II. Integrity of Information Product

Explain (check box) how the information product meets the standards for **integrity**:

A.

All electronic information disseminated by NOAA adheres to the standards set out in Appendix III, "Security of Automated Information Resources," OMB Circular A-130; the Computer Security Act; and the Government Information Security Reform Act.

B.

If information is confidential, it is safeguarded pursuant to the Privacy Act and Titles 13, 15, and 22 of the U.S. Code (confidentiality of census, business and financial information).

C.

Other/Discussion

(e.g., Confidentiality of Statistics of the Magnuson-Stevens Fishery Conservation and Management Act; NOAA Administrative Order 216-100 - Protection of Confidential Fisheries Statistics; 50 CFR 229.11, Confidentiality of information collected under the Marine Mammal Protection Act.)

III. Objectivity of Information Product

A. Indicate which of the following categories of information products apply for this product:

Original Data

Synthesized Products

XX Interpreted Products

- Hydrometeorological, Hazardous Chemical Spill, and Space Weather Warnings, Forecasts, and Advisories
- Experimental Products
- Natural Resource Plans
- Corporate and General Information

B. Describe how this information product meets the applicable objectivity standards.

(See the DQA Documentation and Pre-Dissemination Review Guidelines for assistance and attach the appropriate completed documentation to this form.)

–Synthesized Products–

Identify data sources (preferred option) or be prepared to make them available upon request.

Data sources include published scientific journal articles, peer-reviewed Federal and State agency documents, gray literature, and data outputs from model runs made specifically for the subject consultation

Are the data used or known quality or from sources acceptable to the relevant scientific and technical communities?

Yes. Published and peer-reviewed documents are acceptable to the relevant scientific and technical communities. CALSIM II has been peer-reviewed, and although there may be issue regarding the assumptions built in to the model, it is the best available tool to model the effect of various water operations. There is not complete agreement on the use of various models. For example, Reclamation opines that we should use PTM in order to determine the fate of particles, and thus, juvenile salmonids and smolts as they move through the Delta. On the other hand, the California Department of Water Resources (DWR) opines that juvenile salmonids and sturgeon do not behave as particles, and therefore, results from PTM should not be used to determine effects of exports on juvenile salmonids and sturgeon. NMFS utilized PTM in our analysis as one of many lines of evidence, and was explicit in the assumptions we made while using the data.

Are the methods used to create the synthesized product published in standard methods manuals or generally accepted by the relevant scientific and technical communities?

Yes. The Opinion complies with the Endangered Species Act section 7 statute, regulations, and internal policies. Basic and advanced section 7 consultation training has been available through the U.S. Fish and Wildlife Service's (USFWS) National Conservation and Training Center. USFWS and NMFS (1998) provides a detailed instructions on how to conduct section 7 consultations.

Are the methods documented in readily accessible formats by the disseminating office?

Yes. USFWS and NMFS (1998) has been widely circulated among offices that conduct section 7 consultations. The disseminating office also has copies of the statute, regulations, internal policies, and documents provided through the basic and advanced section 7 consultation training sessions.

Describe the review process used to ensure the validity of the synthesized product or the procedures used to create them, e.g., statistical procedures, models, or other analysis tools.

As discussed above, the 2004 Opinion, and the December 1, 2008, draft Opinion, were peer reviewed to ensure that our final Opinion utilized the best available scientific and commercial information, that we utilized the information sources correctly, and that our analysis was clear and lead to the conclusions that we made.

There is a formal review process for non-routine (defined as novel, controversial, or complex) formal consultations that includes the review and clearance of the area office Section 7 Coordinator, Area Office

Supervisor, Southwest Regional Section 7 Coordinator, NOAA general counsel, and Assistant Regional Administrator for Protected Resources Division. All of the above folks have reviewed and cleared the Opinion.

If the synthesized product is unique or not regularly produced, was this product reviewed by internal and/or external experts?

Yes. Biological opinions are regularly produced, but not with the controversy and complexity as the CVP/SWP operations Opinion. See above for details. In general, the Opinion received peer reviews and the internal review and clearance process.

If this is a routinely produced synthesized product, was the process for developing the product reviewed by internal and/or external experts?

Not applicable, not a routinely produced synthesized product.

Does the synthesized product include information about the methods used to create the product? If not, the methods must be made available upon request.

Yes. See above regarding instructions on implementing section 7 consultations.

–Interpreted Products–

Are all data and information sources identified or properly referenced?

Yes. Data and information sources are identified through citations within the Opinion, with a separate section at the end of the Opinion for the references.

Are the methods used to create the interpreted product generally accepted by the relevant scientific and technical communities?

Yes. See above under “Synthesized Product.”

Is information concerning the quality and limitations of the interpreted product provided to help the user assess the suitability of the product for the user's application?

Yes. NMFS considered all sources of information, including that from Reclamation and DWR. General and specific assumptions were made, including the rationale for those assumptions, in order to provide transparency in our analysis and conclusions.

Describe the review process used to ensure that the product is valid, complete, unbiased, objective and relevant. For example, peer reviews, ranging from internal peer review by staff who were not involved in the development of the product to formal, independent, external peer review. The review should be conducted at a level commensurate with the importance of the interpreted product.

See above for specifics. In general, NMFS used the recommendations from the peer reviews conducted on our 2004 Opinion and December 11, 2008, draft Opinion, in addition to the internal review and clearance process.

Does the interpreted product include a description of the methods used to create the product? If not, they must be made available upon request.

After the consultation history, the Opinion describes in detail the specific processes, analytical tools, and lines of evidence that we used in the development of the final Opinion.