

# Myths vs. Facts: 2019 Biological Opinions for Long-Term Operations of the Central Valley Project and the State Water Project

In October of 2019, the U.S. Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS) released new biological opinions (BiOps) analyzing the operation of the Federal Central Valley Project (CVP) and the California State Water Project (SWP). Following the release of the BiOps, there were numerous inaccurate characterizations of the opinions. Below are the facts about the BiOps and comments from independent peer reviewers.

## MYTH

"The BiOps do not use the best available science and manipulate the data to achieve a biased result."

## FACTS

- Rather than relying on the outdated science from the previous BiOps, the new BiOps are based upon the best available science that has been developed over the past ten years.

*"Substantial strides in research have been made in recent years... for the most part, this is the best available scientific information."*<sup>2</sup>

- The BiOps are based on newly-developed adaptive management operating plans that incorporate the best available science in order to advance conservation of threatened and endangered species and their habitats.
- The BiOps reflect a formalized decision-making process in order to ensure that a careful and organized analytical approach is used as the basis for forming decisions.

*"In general, I have found the quality of science that contributes to Delta Smelt management to be very high."*<sup>4</sup>

*"The overall presentation of materials used to analyze the effects of the proposed action in the draft BiOp are scientifically sound and provide a rationale for the conclusions drawn."*<sup>6</sup>

*"The use of life cycle models as additional tools is also noteworthy and a very positive step in preparing these BiOps."*<sup>7</sup>

## MYTH

"The BiOps will weaken protections for endangered species."

## FACTS

- The BiOps rely on a variety of new programs and management procedures intended to enhance protection of endangered species.
- The BiOps are based on the U.S. Bureau of Reclamation (Reclamation), and the California Department of Water Resources (DWR) reducing early wintertime pumping in order to protect spawning Delta Smelt and also reducing early springtime pumping to protect migrating salmonids.

- The BiOps are based on Reclamation implementing a 4-tiered Cold Water Management Plan to protect Sacramento River winter-run Chinook salmon.

*"This plan is a significant improvement over the current reservoir operating guidelines with regard to managing the cold-water pool during drought conditions."*<sup>5</sup>

- The BiOps rely on systemwide enhancements that are based on real-time risks rather than the existing calendar-based pumping schedule. These efforts include real-time monitoring of fish populations, a commitment to reduce pumping when sensitive species are present, and in general, efforts to increase monitoring effectiveness.

*"The status of the listed species documented in the BiOp would, if the adaptive management is done correctly, greatly benefit."*<sup>7</sup>

## MYTH

"The BiOps will harm the ecosystem and endangered species habitats."

## FACTS

- Reclamation, in close coordination with FWS and NOAA, developed and analyzed the proposed new operations for the CVP and SWP and their effects on imperiled species, with the goal of ensuring they provide flexibility and water supply while also protecting the environment.
- The BiOps rely on Reclamation's and DWR's commitment to support habitat through both flow and non-flow actions.  
*"The operation of the Head of Old Barrier reduces the problem [low dissolved oxygen at Stockton ship channel] by directing more flow through the Stockton Deep Water Ship channel which, in turn, reduces water residence time in this region."<sup>5</sup>*
- Integrated into the proposed new operations for the CVP and SWP is Collaborative Habitat Restoration designed to support fish species in the early stages of life.
- The proposed new operations for the CVP and SWP include monetary support to the recovery work underway in the Battle Creek Watershed, with the goal of reintroducing winter-run Chinook salmon to the historical habitat. This includes funding that otherwise would not be available for fish passage improvements, facility needs, and monitoring support.

## MYTH

"Changes to the existing BiOps are politically motivated."

## FACTS

- During the consultation period, Reclamation, FWS, and NMFS aligned on a science-based, real-time monitoring strategy. Changes were made to the proposed new operations for the CVP and SWP to address science-based concerns raised through the collaborative effort involving federal agencies, in consultation with California state agencies.
- Early in 2019, FWS and NMFS conducted rigorous independent peer reviews of their draft analyses. In July, both agencies conducted a second independent scientific review. As a result, changes were made to the proposed new operations for the CVP and SWP and BiOps, as a result of this iterative process.  
*"The recent revisions to the BiOp clearly involved a good-faith effort to accommodate the comments and suggestions that were made during the first independent peer review."<sup>4</sup>*  
*"The revisions to the proposed action were a good sign, as they indicate ongoing discussions about the effects and that the science is being used to inform analyses."<sup>7</sup>*  
*"There has been significant improvements to [the Species Legal Status and Life Cycle Summary] section."<sup>3</sup>*

## Independent Reviewers

### FWS Peer Reviewers

1. Michael A. Chotkowski, Ph.D.
2. Ronald T. Kneib, Ph.D.
3. Joseph E. Merz, Ph.D.
4. Ernst Peebles, Ph.D.

### NMFS Peer Reviewers

5. Nancy Monsen, Ph.D.
6. Hans B. Berge
7. Kenneth A. Rose

### Other References

FWS fact sheets: <https://www.fws.gov/sfbaydelta/CVP-SWP/index.htm>

