

From: [Flaherty, Scott](#)
To: [Darrin Thome](#); [Michael Chotkowski](#)
Subject: Fwd: Talking points on likely subjects for Sec. visit to California this Friday
Date: Thursday, February 05, 2015 9:19:18 AM
Attachments: [USFWS Talking Points- Secretary Jewell visit - 2-4-15 \(1\).RD.docx](#)

Thanks for quick turnaround on talking points....underwent some editing here and by Ren and have been sent to HQ. Many thanks

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----- Forwarded message -----

From: **Lohofener, Ren** <ren_lohofener@fws.gov>
Date: Thu, Feb 5, 2015 at 7:56 AM
Subject: Talking points on likely subjects for Sec. visit to California this Friday
To: Betsy Hildebrandt <betsy_hildebrandt@fws.gov>
Cc: Scott Flaherty <Scott_Flaherty@fws.gov>, Alexandra Pitts <alexandra_pitts@fws.gov>

Betsy

We got a request for talking points in case the Secretary gets questions this Friday.

The attached covers the most likely subjects, can you get them to 6th floor?

thanks
Ren

USFWS Talking Points- Secretary Jewell visit .pdf

USFWS Talking Points
Secretary Jewell's Visit to Sacramento, California
Prepared February 4, 2015

ESA and California High Speed Rail

- The Fish and Wildlife Service has been consulting with the California High Speed Rail Authority (Authority), under the Endangered Species Act, on construction of multiple segments of their project since 2011.
- In the fall of 2014, the Authority informed the Service that the contractor for the Fresno/Madera line had staged equipment on 2 parcels (9 acres) of land considered to be habitat for the endangered San Joaquin kit fox and outside the authorized construction footprint. We also learned a fox den on one of the parcels had been monitored and collapsed after 4 days.
- This activity was not authorized in our 2012 biological opinion on the Fresno to Madera segment. We informed the Authority of our compliance concerns January 26, and outlined the process to reinitiate consultation as called for under the Endangered Species Act. Our letter was the subject of several recent media stories (LA Times, Fresno Bee, others)
- No kit foxes were injured or killed, to our knowledge and we do not believe there was intent to cause adverse effects to the species.
- Work on the project continues while we consult with the Authority to ensure the kit fox and other are sensitive wildlife are protected and the project is in compliance with federal wildlife law.

Delta Smelt

- California is entering the fourth year of severe drought and the challenge of managing limited water supplies is increasing. This year's trend indicator surveys report the lowest recorded values for Delta Smelt.
- Last year, with Bureau of Reclamation funding, the Fish and Wildlife Service implemented "early warning" surveys for Delta Smelt monitoring program to provide information if Delta Smelt move into an area of increased risk to entrainment from water exports.
- The Service is also working collaboratively with State and Federal partners and stakeholders to develop new management models and other scientific information to help us protect Delta Smelt while also protecting California's limited water supply.

- We are working as part of the Federal/State team to focus on real-time monitoring to minimize reduced water exports to the maximum extent possible while minimizing risk to Delta smelt.
- Current water operations are based on continuing dry weather and likely pose little entrainment risk to smelt. However, a major storm event is expected late this week.
- The incoming series of storms will likely result in a substantial spike in river flows in the Sacramento Valley and possibly the San Joaquin Valley.
- Following protocol, the “early warning” surveys are being conducted daily.
- The Service is working with the State/Federal agencies on a strategy that may allow increased water exports without undue risk to Delta smelt.

Shasta Lake Water Resources Investigation Project and the FWS Fish and Wildlife Coordination Report

- The Fish and Wildlife Coordination Act (FAWCA) is a law first enacted in 1934 and predates the Endangered Species Act by nearly 40 years.
- Traditionally, the Service prepares a FAWCA report at the request of another federal agency, most often the Corps of Engineers or the Bureau of Reclamation. Unfortunately these reports are often completed before federal agencies seek consultation under the ESA. These reports address effects to fish and wildlife resources, and do not consider effects to water supply reliability or other human concerns. The reports only make recommendations and it is the project agency’s discretion whether or not to implement the recommendations.
- The draft FWCA report for increasing the height of the Shasta Lake dam was started in 2000. An earlier draft of the report was placed on Reclamation's website in 2013. Reclamation received comments from the public based on that version.
- A more recent draft of the FWCA report for Shasta enlargement was mistakenly transmitted to Reclamation on November 24th without appropriate internal review by the Service. The report was immediately withdrawn and will remain withdrawn pending internal review and review by the National Marine Fisheries Service, the agency with lead responsibilities for federally protected salmon.

- Reclamation will need to consult with the Service and with the National Marine Fisheries Service on the effects of the Shasta project on species protected under the Endangered Species Act. Therefore, any recommendations in the draft report are premature as measures that may be required to minimize or mitigate harm to federally protected species will be the controlling environmental law for federally listed species and these measures will likely affect the other species considered in the report.
- A FOIA request for the draft report from the California Impact Network was received on December 18, 2015 [sic] and it was provided to them on January 23, 2015.

FOR addendum: This version with highlighting and [sic] correction (obviously, the year should have been 2014).