



United States Department of the Interior

BUREAU OF RECLAMATION
Central Valley Operations Office
3310 El Camino Avenue, Suite 300
Sacramento, California 95821

IN REPLY
REFER TO:

CVO-100
ENV-7.00

MAR 24 2015

VIA ELECTRONIC MAIL

Ms. Maria Rea
Assistant Regional Administrator
California Central Valley Area Office
National Marine Fisheries Service
650 Capitol Mall, Suite 5-100
Sacramento, CA 95814

Subject: Contingency Plan for Water Year (WY) 2015 Pursuant to Reasonable and Prudent Alternative (RPA) Action I.2.3.C of the 2009 Coordinated Long-term Operation of the Central Valley Project (CVP) and State Water Project (SWP) Biological Opinion (NMFS 2009 BiOp)

Dear Ms. Rea:

By letter dated January 29, 2015, the National Marine Fisheries Service (NMFS) concurred that the Bureau of Reclamation's (Reclamation) and the Department of Water Resources' (DWR) Interim Contingency Plan for February and March 2015, is consistent with RPA Action I.2.3.C NMFS 2009 BiOp. Reclamation now requests concurrence from NMFS that the operations described in the attached *Project Description for April – September 2015 Drought Response Actions to Support Endangered Species Act Consultations* (Project Description) are within the limits of the Incidental Take Statement of the BiOp and serves as the Contingency Plan for the remainder of WY 2015 in accordance with RPA Action I.2.3.C. Additionally, Reclamation requests concurrence that CVP and SWP operations described in the Project Description concerning RPA Action IV.2.1 are within the limits of the Incidental Take Statement.

As you are aware, California is facing unprecedented critically dry conditions in the current water year, following three previous dry years. As a result of this continued aridity, the CVP and the SWP reservoir levels were significantly below average in October at the beginning of WY 2015. The State's snow survey is currently dismal at best and the State's overall water storage levels remain far below average. Adequate storage is needed throughout the year and especially in dry times of the year in order for the CVP and SWP to supply human needs, continue repelling saltwater in the Delta, and provide for cold water needs of Chinook salmon, steelhead, and green sturgeon.

The enclosed Project Description, developed in coordination with DWR, the U.S. Fish and Wildlife Service (USFWS), NMFS, the California Department of Fish and Wildlife (DFW), and

the State Water Resources Control Board (State Board), outlines proposed actions and a likely range of coordinated operation of the CVP and SWP through September 30, 2015.

Modifications of the enclosed Project Description could occur based on evolving information which could include additional conditions in the State Board regulatory approvals as well as federal Endangered Species Act (ESA) and California ESA requirements. Reclamation and DWR also intend to continue to refine operations of the CVP and SWP as hydrological and biological information becomes available, in coordination with federal and state resources agencies.

In response to this water shortage crisis, Reclamation and DWR are submitting a Temporary Urgency Change (TUC) Petition Regarding Delta Water Quality, requesting that the State Board temporarily modify requirements of D-1641 for 180 days, with specific requests for April through September to enable changes in operations that will provide minimum human health and safety supplies and conserve water for later protections of instream uses and water quality. As described in the Project Description, Reclamation and DWR are specifically requesting modification of the D-1641 Delta outflow requirements, San Joaquin River at Vernalis flow requirements, export limits, Delta Cross Channel (DCC) gate operations, Rio Vista flow requirements, Western Delta salinity compliance point requirements, San Joaquin River salinity requirements, and change of compliance point for the Ripon dissolved oxygen requirement (see attached Project Description for further details). These changes would reduce reservoir releases from those otherwise required to meet D-1641 from April through September to conserve storage for later fishery protection, minimum health and safety needs, and if necessary, salinity control. The Project Description also includes: (1) a description of a framework for possible future requests for Old and Middle River flow management flexibility, if conditions warrant; (2) a list of additional modifications required in the event that Temporary Emergency Drought Barriers are installed; and (3) identification of possible future conditions warranting additional modifications that may be implemented in 2015 and beyond to address the ongoing drought conditions, or to help recover from the conditions created from the previous three years of drought in the event the hydrology becomes wetter. Lastly, specific to NMFS RPA Action IV.2.1 modifications, Reclamation and DWR continue the commitment made in 2014 to (1) provide, in a future year when hydrology allows, an amount of water equal to one half the total of additional amounts exported, due to modifications to the San Joaquin River I:E ratio, above 1,500 cubic feet per second in the April/May 2015 timeframe; and (2) preferentially pump natural or abandoned flow during the April and May period at the Jones Pumping Plant up to the federal capacity.

The Project Description will serve as the drought contingency plan for the months of April through September 2015, and are consistent with the drought exception procedures outlined in RPA Action I.2.3.C of the NMFS 2009 BiOp.

Reclamation and DWR reviewed the effects of the specific request for April through September 2015 on listed species. Based on the Biological Review, which is enclosed, Reclamation believes that the effects of the actions requested for April through September on listed salmonids, green sturgeon and their designated critical habitats will not result in violation of the incidental take limit in the NMFS 2009 BiOp, nor will these actions jeopardize the continued existence of the listed species or destroy or adversely modify their designated critical habitats.

Similar to 2014, Reclamation and DWR will continue close coordination on current and projected operations on a weekly basis through the Real-Time Drought Operations Management Team (RTDOT) and other on-going meetings (Smelt Working Group, Delta Operations for Salmonids and Sturgeon technical work group, Delta Conditions Team, Water Operations Management Team, *etc.*). The RTDOT was formed in 2014 and includes designated representatives from Reclamation, DWR, the State Board, DFW, NMFS, and the USFWS. The RTDOT has proven effective as a forum to discuss potential changes to SWP and CVP operations to meet health and safety requirements and to reasonably protect all beneficial uses of water. The RTDOT will continue to meet at least weekly to ensure effective coordination among the pertinent agencies. The results of these efforts will inform both future determinations associated with the USFWS 2008 Coordinated Long-term Operation of the CVP and SWP Biological Opinion, the NMFS 2009 BiOp, and additional TUC petitions to the State Board, if necessary. Additionally, Delta Smelt and salmonid monitoring, as described in the *CVP and SWP Drought Contingency Plan, October 15, 2014 - January 15, 2015*, submitted to the State Board on October 15, 2014, will continue as needed to inform operational decisions.

RPA Action I.2.3.C is triggered based on a February forecast showing that end of September Shasta storage will be less than 1.9 million acre feet (MAF), or that a Clear Creek temperature compliance point is not achievable. The February 2015 forecast shows Reclamation to be unable to meet 1.9 MAF at the end of September. Also, RPA Action I.2.3.C requires a relaxation of the Wilkins Sough navigation criteria. Reclamation will target a navigation control point at Wilkins Slough not to exceed 3,800 cubic feet per second during April through September 2015. Reclamation will coordinate changes to Wilkins Slough and Keswick release requirements with NMFS.

The enclosed Biological Review supports Reclamation and DWR's conclusion that the effects associated with changes identified in the Project Description and TUC Petition are within what was analyzed in the NMFS 2009 BiOp. Any incidental take resulting from these changes are within the existing incidental take limits in the NMFS 2009 BiOp. Because these actions are contemplated within the drought exception procedures described in the NMFS 2009 BiOp, they do not jeopardize the listed species or adversely modify or destroy designated critical habitats addressed in the NMFS 2009 BiOp. Reclamation seeks NMFS' concurrence in this determination.

We look forward to working with you and your staff as we navigate through what appears to be another extremely challenging water year and appreciate your willingness to work with us on this time sensitive matter.

Sincerely,



Ronald Milligan
Operations Manager

Enclosures – 2

Please see next page.

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