



# United States Department of the Interior



FISH AND WILDLIFE SERVICE  
San Francisco Bay-Delta Fish & Wildlife Office  
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Sacramento, California 95814-4700

Ms. Eileen Sobeck  
Executive Director  
State Water Resources Control Board  
1001 I Street  
Sacramento, California 95814  
[Eileen.Sobeck@waterboards.ca.gov](mailto:Eileen.Sobeck@waterboards.ca.gov)

Re: Temporary Urgency Change Petition Regarding Delta Water Quality

Dear Ms. Sobeck:

We, the U.S. Fish and Wildlife Service (Service), are writing in regards to the Temporary Urgency Change Petition (TUCP) filed by U.S. Bureau of Reclamation (Reclamation) and the California Department of Water Resources (DWR) on March 18, 2022. The State Water Resources Control Board (SWRCB) has requested that the Service provide the SWRCB with information regarding the effects to fish and wildlife resources. With this response, we are providing technical assistance regarding processes to ensure coordination on operations and fish and wildlife considerations in 2022. Please note that we are providing technical assistance to Reclamation regarding this process and the requirements of the Endangered Species Act.

As described in the TUCP, the Central Valley Project and State Water Projects' (Projects) storage and inflow may not be enough to meet Water Rights Decision 1641 (D-1641) water quality requirements and Reclamation and DWR are requesting to modify certain terms to provide needed additional operational flexibility of the Projects. Reclamation and DWR request changes to outflow requirements for the Sacramento-San Joaquin Delta and associated export constraints and San Joaquin River flow requirements from April 1 through June 30 of 2022. Reclamation and DWR stated that these modifications are urgently needed because of the extraordinarily dry conditions of water year (WY) 2020 and WY 2021 in combination with the potential of low future precipitation and low reservoir storage that would require management of water resources in WY 2022. Reclamation and DWR also stated that these modifications would help to support balancing the competing demands on water supply and providing some protection of all beneficial uses of the Delta, including for fish and wildlife, salinity control, and critical water supply needs.

In support of a subsequently withdrawn TUCP filing applicable to the February 1 through April 30, 2022 period, Reclamation and DWR prepared a biological review identifying the potential impacts of the drought and TUCP on listed species and habitat. The Service participated in a meeting on November 17, 2021 with Reclamation and DWR on the preparation of that document, including providing comments

that were incorporated into the final biological review submitted to the SWRCB with the TUCP. In addition, the Service participated in an open house on the biological review for the new TUCP on March 14, 2022.

For the remainder of WY 2022, areas of high priority for the Service include the survival of winter-run Chinook salmon in the mainstem Sacramento River and maintenance of appropriate water temperatures and quality at Livingston Stone National Fish Hatchery to support enhanced production of winter-run Chinook. The operation described under the TUCP will allow Reclamation to preserve as much cold water as possible in Shasta Reservoir through the summer months that will help contribute to meeting our priorities. The long-term drought conditions continue to be the primary cause of impacts to delta smelt, and we do not anticipate that the requested modifications in this TUCP will meaningfully contribute to those impacts. However, we will continue to assess potential impacts to delta smelt.

We are committed to coordinating with Reclamation and DWR and other relevant agencies through the Water Operations Management Team (WOMT) and the Shasta Planning Group (established under the Interim Operations Plan (IOP) for 2022) during implementation of any adjustments to operations as a result of the TUCP process. As described in the TUCP, from April 1 through June 30, 2022, DWR and Reclamation will meet and confer weekly with the SWRCB to coordinate Project operations and water management. DWR and Reclamation will use the IOP, WOMT and the Long-term Operations Agency Coordination Team, comprised of staff from Reclamation, DWR, NMFS, USFWS, CDFW, and the SWRCB, for this coordination effort. The WOMT meets weekly to provide hydrology and operations updates and coordinate Project operations, and will discuss TUCP actions and other drought actions, as appropriate. WOMT also has a defined mechanism to elevate unresolved operational matters to the Directors of the six agencies where necessary. In addition, as part of the TUCP, DWR and Reclamation will continue to coordinate with each of the Long-term Operations Agency working groups to continue the robust monitoring programs for long-term Project operations through completion of the 2022 Drought Contingency Plan, with updates to the Long-term Operations Agency Coordination Team. We are confident that this coordination process will improve planning for this year as well as planning for future droughts.

We believe that the robust coordination processes described in the TUCP are the best way to reasonably address potential effects on fish and wildlife resources. We are committed to working through this difficult water year together with our state and federal agency partners and appreciate the opportunity to provide input on this process. Please direct questions regarding this letter to Jana Affonso, Assistant Field Supervisor – Endangered Species, San Francisco Bay-Delta Fish and Wildlife Office at (916) 930-2664 or via e-mail at [jana\\_affonso@fws.gov](mailto:jana_affonso@fws.gov).

Sincerely,

Donald Ratcliff  
Field Supervisor  
San Francisco Bay-Delta Fish and Wildlife Office