



United States Department of the Interior

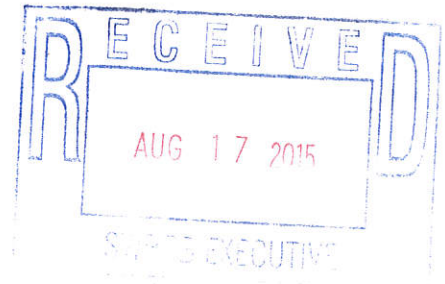
BUREAU OF RECLAMATION
Central Valley Operations Office
3310 El Camino Avenue, Suite 300
Sacramento, California 95821

DWR

IN REPLY
REFER TO:

CVO-100
ENV-7.00

AUG 07 2015



MEMORANDUM

To: Acting Field Supervisor
Attention: R1 AFF Lodi (KWebb)

From: Ronald Milligan
Operations Manager

Subject: Continuing Drought Response Measures under the 2008 Coordinated Long-term Operation of the Central Valley Project (CVP) and State Water Project (SWP) Biological Opinion (2008 BiOp) to Address Reinitiation Statement Regarding Consecutive Dry Years – West False River Emergency Drought Barrier

The Bureau of Reclamation (Reclamation) is submitting this memorandum as an addition to the consultation reinitiated on January 9, 2015. This ongoing consultation satisfies the requirement to reinitiate consultation consistent with the Reinitiation Statement for consecutive dry or critically dry years in the U.S. Fish and Wildlife Service's (Service) 2008 BiOp. By letter dated June 26, 2015, the Service accepted Reclamation's determination that the drought response actions described in our May 22 and June 25 memoranda are consistent with the range of effects previously analyzed in the 2008 BiOp. We are now seeking affirmation from the Service that the drought response actions described in the previously submitted Updated Project Description dated May 14, 2015, and Revised Sacramento River Water Temperature Management Plan submitted June 25, 2015, both which assume the West False River Emergency Drought Barrier (EDB) is in place, will result in effects that are consistent with the range of effects analyzed for Delta Smelt and its critical habitat in the 2008 BiOp and Reasonable and Prudent Alternative (RPA).

Faced with potentially insufficient water supplies to repel salinity in the Sacramento-San Joaquin Delta (Delta), the Department of Water Resources (DWR) installed an emergency, temporary rock barrier across West False River in May-June 2015. The barrier is scheduled to be removed by November 15, 2015. Keeping saltwater out of the central Delta is a priority, as a large portion of the state's freshwater supply travels through this part of the Delta. The barrier is intended to help prevent saltwater contamination of water supplies used by people who live in the Delta and in Contra Costa, Alameda, and Santa Clara counties, as well as the 25 million people who rely on the Delta-based federal and state water projects for at least some of their water supply.

The West False River EDB project was constructed by DWR under the U.S. Army Corps of Engineers' (Corps) procedures in emergency situations as described at 33 C.F.R. Section 325.2(e)(4). In a May 1, 2015, electronic mail (email), Reclamation requested emergency consultation under the Endangered Species Act (ESA) regulations (50 CFR 402.05) to address the effects of operating the CVP and SWP with the West False River EDB in place on listed species and designated critical habitats. In a May 2, 2015, email response, the Service recognized Reclamation's request for emergency consultation. Consistent with emergency consultation procedures, the Service sent a subsequent email on May 4, 2015, providing Reclamation with recommendations to minimize effects to Delta Smelt and outlining the next steps for Reclamation to consult under emergency consultation procedures. By letter dated July 15, 2015, the Corps has requested formal consultation with the Service under Section 7 of the ESA for a Department of the Army permit application for construction of the EDB project.

Reclamation and DWR previously reviewed the effects of the West False River EDB on listed species and their designated critical habitat and submitted this review to the Service as part of our May 22, 2015, and June 25, 2015, requests for concurrence on the Continuing Drought Response Measures under the 2008 BiOp to Address Reinitiation Statement Regarding Consecutive Dry Years. A review of the effects associated with operation of the CVP and SWP with and without the West False River EDB in place was provided in the Biological Review titled "*Biological Review for Endangered Species Act Compliance with the WY 2015 Drought Contingency Plan July through November 15 Project Description*" and dated May 14, 2015. The Updated Biological Information submitted June 25, 2015, associated with the Revised Sacramento River Water Temperature Management Plan also assumed implementation of the EDB. Based on this previously submitted biological information, and the Services' subsequent acceptance dated June 26, 2015, Reclamation seeks affirmation by the Service that the effects associated with the proposed July through November 2015 modifications to CVP and SWP operation, with the West False River EDB in place, on Delta Smelt and its designated critical habitat are consistent with the range of effects analyzed for Delta Smelt and its critical habitat in the 2008 BiOp and RPA, and will not affect Reclamation's ability to meet the RPA actions included in the 2008 BiOp.

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

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Subject: Continuing Drought Response Measures

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