

From: Garwin.Yip@noaa.gov

Sent: Thursday, February 26, 2015 9:12 PM

To: Grober, Les@Waterboards

Cc: Rea, Maria@NOAA; Stein, Russell@DWR; Leahigh, John@DWR; RMILLIGAN@usbr.gov; Fry, Susan@USBR; Rabin, Larry@fws.gov; Wilcox, Carl@Wildlife

Subject: E-mail 1 of 2: Additional Info to consider for TUCP

Les,

Per your request for additional information, I am sending you two e-mails with a few attached documents that may be helpful to the State Water Board as it considers the TUC Petition, and specifically the "mid-step" proposal, and whether or not it would have unreasonable effect upon fish, wildlife, or other instream beneficial uses. This e-mail has one attached file, almost 8.5 MB.

In addition, in July 2014, NOAA Fisheries released a *Recovery Plan for Sacramento River winter-run Chinook salmon, Central Valley spring-run Chinook salmon, and Central Valley steelhead* (http://www.westcoast.fisheries.noaa.gov/protected_species/salmon_steelhead/recovery_planning_and_implementation/california_central_valley/california_central_valley_recovery_plan_documents.html). Chapter 5.4 provides Delta Recovery Actions.

As I mentioned during my February 18, 2015, presentation to the State Water Board, NOAA Fisheries' concurrence on the entirety of the TUC Petition, as proposed, was limited to Endangered Species Act-listed salmon, steelhead, and green sturgeon species. Specifically, and according to NOAA Fisheries' January 29, 2015, letter (http://www.westcoast.fisheries.noaa.gov/publications/Central_Valley/Water%20Operations/2015_01_29_nmfs_drought_tucp_response_letter.pdf), "...NMFS concurs that Reclamation's Project description is consistent with Action I.2.3.C and meets the specified criteria for an interim contingency plan. We are making this finding based on both the Biological Review attached to Reclamation's letter, which describes the additional adverse effects of the drought and drought operations, and our conclusion that the potential effects of the types of operations proposed in the interim contingency plan were considered in the underlying analysis of the CVP/SWP Opinion..."

-Garwin-

Garwin Yip

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

From: **Grober, Les@Waterboards** <Les.Grober@waterboards.ca.gov>
Date: Sat, Feb 21, 2015 at 5:45 PM
Subject: RE: Additional Info
To: "Rabin, Larry@fws.gov" <Larry_Rabin@fws.gov>, "Wilcox, Carl@Wildlife" <Carl.Wilcox@wildlife.ca.gov>, "Garwin.Yip@noaa.gov" <Garwin.Yip@noaa.gov>

Larry, Carl, Garwin,

Per my earlier email, here are two questions that we would like answered.

What if any additional information that has not already been submitted should the Board be considering when determining whether the proposed changes included in the TUCP would have unreasonable impacts on fish, wildlife and other instream beneficial uses? As you have expressed to us, your review of the TUCP changes were for compliance with the BO requirements and not necessarily to determine the potential unreasonable effects of the modifications to D-1641 on fish and wildlife. Specifically, what additional issues beyond those you have already evaluated for your ESA findings should be evaluated to determine the potential unreasonable effects of the modifications to D-1641 on fish and wildlife? We need a brief written answer to these questions by no later than close of business Wednesday because as you may have seen, we are continuing the workshop on March 4. And, as I indicated in my previous email, we will likely issue another Executive Director Order by Feb 27.

Please call me if you'd like to discuss before our meeting Wednesday.

Thanks, Les