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:

FEB 13 2009

CVO-100
ENV-7.00

MEMORANDUM

To: Field Supervisor, U.S. Fish and Wildlife Service
Attn: Susan Moore

From: Ronald Milligan
Operations Manager

Ronald Milligan

Subject: Bureau of Reclamation (Reclamation) and the California Department of Water Resources (DWR) Request for Approval from the State Water Resources Control Board (SWRCB) for Temporary Modifications to the Water Rights Decision D-1641

As we have discussed informally and at the February 10, 2009, Water Operations Management Team meeting, hydrologic conditions in the Central Valley continue to remain very dry and, if these conditions persist, operational decisions will become more challenging this year.

The Sacramento Valley Water Year Type Index (40-30-30) in the February 1st 50 percent exceedence forecast indicates that the 2009 water year will be critically dry. If these conditions continue, the 2009 water year would a third consecutive critically dry year. This condition would meet the conditions for reinitiation of consultation per page 296 of the delta smelt biological opinion (BO) on the Coordinated Operations of the Central Valley Project (CVP) and State Water Project (SWP) dated December 15, 2008. We will continue to assess hydrologic conditions through the remainder of the winter and spring.

Reclamation and the California Department of Water Resources (DWR) are also in the process of requesting approval from the State Water Resources Control Board (SWRCB) for temporary modifications to the water rights decision D-1641 permit terms relating to the Delta outflow requirements (also referred to as X2) including waiver of the "starting gate position" requirement as explained in more detail in the attached "Petition for Temporary Urgency Change" (petition). Reclamation requests that U.S. Fish and Wildlife (FWS) consider these changes to the Project Description (PD) in the BO as a part of the reinitiation triggered by the consecutive dry or critically dry year criteria from the BO.

EXHIBIT
D01-5

Given the hydrologic conditions, distribution of delta smelt, and the lack of any delta smelt salvage at the CVP/SWP export facilities, Component 1 actions of the Reasonable and Prudent Alternative (RPA) from the BO were not triggered; therefore, no operational changes were taken for Component 1.

On February 10, 2009, FWS notified Reclamation and DWR that initiation of Component 2 from the RPA had been triggered by the apparent detection of larval delta smelt by California Department of Fish and Game (DFG) larval fish sampling in the Delta. Even though Component 2 was triggered, FWS has determined that no changes in CVP/SWP operations are needed at this time, because the current distribution of adult and larval delta smelt, recent low reverse Old and Middle River (OMR) flows, and recent water temperature and turbidity data, indicate that no changes are currently needed.

For the remainder of February, Reclamation and DWR propose to continue to operate to Component 2 of the RPA through the adaptive process outlined on page 280 of the BO with modifications to the PD as described above. Reclamation will also maintain the minimum reservoir releases on the Sacramento and American Rivers to save storage to conserve cold-water pool and water supplies in this critical year. Delta exports for the month of February will be adjusted to mange for OMR flows and to meet Delta outflows consistent with the BO and direction from the SWRCB.

Weather forecasts for the remainder of February are very unsettled at this time with several storm systems active in the Pacific Ocean. Exact numbers under these conditions are not available, but we estimate that relaxation of the outflow requirement as outline in the petition could save the CVP and SWP up to 100,000 acre-feet of stored water. As the various storm systems move through the Central Valley, the CVP and SWP plan to operate the export facilities to maintain other D-1641 salinity requirements and will continue to coordinate Delta operations through the Water Operations Management Team while monitoring OMR flows and the latest delta smelt information. Initially, Delta exports would be set to maintain OMR flows to be no more negative than -3,000 cfs. Combined Delta exports will most likely range from about 2,000 to 5,000 cfs daily for the remainder of the month.

Given the potential for continued critically low runoff this spring, we are currently working on forecasted operations to deal with that set of circumstances. As we develop this operation plan, we will continue to work with you and your staff to assure that the proposed operations will be adequately protective of various fishery species.

Please feel free to contact me or other Reclamation staff if you need any additional information. We appreciate you willingness to work with us on this time sensitive matter.

cc: See next page.

cc: Continued from previous page.

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