



United States Department of the Interior

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

MAR 24 2015

IN REPLY
REFER TO:

CVO-100
ENV-7.00

VIA ELECTRONIC MAIL

MEMORANDUM

To: Larry Rabin, Acting Field Supervisor, Bay-Delta Fish and Wildlife Office, U.S. Fish and Wildlife Service

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

The Bureau of Reclamation (Reclamation) is submitting this memorandum as an addition to the consultation already initiated 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. We are seeking concurrence from the Service that the drought response actions proposed by Reclamation and the California Department of Water Resources (DWR) described below will result in no additional adverse effects on delta smelt or its critical habitat beyond those analyzed in the 2008 BiOp.

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, as of March 3; just 19% of the historical average statewide, 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 water for human needs, continue repelling saltwater in the Delta, and provide for cold water needs of Chinook salmon, steelhead, and green sturgeon.

The attached *Project Description for April – September 2015 Drought Response Actions to Support Endangered Species Act Consultations* (Project Description), developed in coordination with DWR, Service, National Marine Fisheries Service (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 attached 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. If refinements or modifications are necessary that may change the effects to delta smelt, Reclamation will seek consultation with the Service to address those potential effects.

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 and TUC Petition, 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, and San Joaquin River salinity requirements (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 human health and safety needs, and if necessary, salinity control. Reclamation is not requesting any modification to the Reasonable and Prudent Alternative in the 2008 BiOp, such that if a Service determination is made regarding Old and Middle River flows based on Delta Smelt entrainment risk, that determination would 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. However, this request and the attached Biological Review do not cover those potential future requests. If it is found that any of the three potential modifications mentioned above are necessary, Reclamation will consult with the Service on the associated effects to delta smelt.

Similarly 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 Salmon and Sturgeon, 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 Service. The RTDOT has proven effective as a forum to discuss potential changes to SWP and CVP operations to meet human health and safety requirements and to reasonably protect all beneficial uses of water. The team 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 2008 BiOp and the 2009 NMFS Coordinated Long-term Operation of the CVP and SWP Biological Opinion (2009 NMFS 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 SWRCB on October 15, 2014, will continue as needed to inform operational decisions.

Reclamation reinitiated consultation regarding drought actions on January 9, 2015. That consultation was initially reinitiated to address new information on the adult Delta Smelt incidental take limit, but was held open to address other anticipated drought actions. D-1641 is part of the Project Description that was analyzed in the 2008 BiOp, and the proposed drought response represents a modification to the Project Description for the 2008 BiOp. Reclamation and DWR reviewed the effects of the specific request for April through September 2015 on listed species. The Biological Review supports Reclamation's conclusion that the effects associated with the proposed April through September 2015 modifications to CVP and SWP operation have no additional adverse effects on Delta Smelt that were not previously analyzed in the 2008 BiOp. The proposed changes will not affect Reclamation's ability to meet the Reasonable and Prudent Alternative actions included in the 2008 BiOp. Reclamation seeks the Service's 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.

Attachments – 2

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