



United States Department of the Interior  
FISH AND WILDLIFE SERVICE



**UNITED STATES DEPARTMENT OF COMMERCE**  
National Oceanic and Atmospheric Administration  
**NATIONAL MARINE FISHERIES SERVICE**

May 30, 2021

Ernest Conant, Regional Director  
U.S. Bureau of Reclamation  
2800 Cottage Way  
Sacramento, California 95825

Ernest:

We, the National Marine Fisheries Service (NMFS) and 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 May 17, 2021. The State Water Resources Control Board (SWRCB) has requested that Reclamation provide the SWRCB with information regarding the NMFS and Service review of the TUCP and associated documents to support the TUCP.

Reclamation and DWR prepared a biological review identifying the potential impacts of the drought and TUCP on listed species, in support of the TUCP. We provided technical assistance to Reclamation and DWR on the preparation of the document, including providing comments that were incorporated into the biological review. We then provided confirmation to Reclamation that we had reviewed relevant portions of the biological review. The Service additionally stated that it was aware of no additional actions that would improve conditions for delta smelt. NMFS additionally stated that NMFS would coordinate with Reclamation and DWR and other relevant agencies through the Water Operations Management Team (WOMT) during implementation of any adjustments to operations permitted by granting the TUCP. At this time, we have no significant concerns with the analyses in the biological review based on our targeted review.

As described in the TUCP, the request to temporarily modify certain conditions of D-1641 is based on extraordinarily dry conditions throughout California and hydrologic projections indicating significant risks to upstream temperature management and instream flow conditions for salmonid protections, municipal and industrial water quality standards, power generation, and the ability to manage salinity intrusion in the Delta later in the year. Our understanding of the severity of this drought has been quickly escalating over the past month. As a result of the dry hydrology and reduction in forecasted runoff, we understand that this TUCP action is necessary to conserve water in upstream reservoirs to reduce temperature impacts to winter-run and spring-run Chinook salmon. Additionally, conservation of water in upstream reservoirs is important to maintain some system flexibility with Delta conditions for managing fish protections should next year also be dry.

The TUCP as requested is consistent with the Drought and Dry Year Action planning process outlined in Reclamation's Proposed Action included in their 2019 Biological Assessment and confirmed in the Biological Opinions issued on October 21, 2019. Additionally, the coordination identified in the Biological Opinions includes meetings of the WOMT, which will continue to occur during implementation of any adjustments to operations permitted by granting the TUCP. WOMT is comprised of staff from Reclamation, DWR, NMFS, the Service, California Department of Fish and Wildlife, and the SWRCB. It coordinates overall water operations to implement various real-time provisions and has a defined mechanism to elevate unresolved operational matters to the Directors of the six agencies where necessary.

As we demonstrated by our participation at the SWRCB meeting on May 18, we are committed to working through this difficult water year together with our state and federal agency partners. We appreciate the opportunity to provide input on this process.



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Paul Souza, Regional Director  
U.S. Fish and Wildlife Service  
California Great-Basin Region



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Barry A. Thom, Regional Administrator  
National Marine Fisheries Service  
West Coast Region