



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Pacific Southwest Region
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In reply refer to:

February 05, 2013

Subject: Determination of Actions Required Under Component 1 of the 2008 OCAP Biological Opinion

The Service has determined that as of February 5, 2013, OMR flows should continue to be no more negative than -2500 cfs on a 14-day running average, with a simultaneous 5-day running average no more negative than -3125 cfs (within 25 percent). If the cumulative adult delta smelt salvage reaches the concern level of 75 percent of the incidental take limit (ITL) for adult delta smelt (228 fish), then the Service, Reclamation, DWR, and DFW shall immediately conference to discuss the situation and determine next steps. The Service has circulated a draft protocol to provide a basis for that conference, should the conference be necessary. An OMR flow limit of -2500 cfs is within the range of allowable net daily OMR flows for Action 2, which is -1250 to -5000 cfs.

The Service has based this determination on information received from the Delta Conditions Team (DCT) on February 4, 2013, and the Smelt Working Group (SWG) recommendation received on February 4, 2013.

The DCT reported that both the 3-day average and daily turbidities at south and central Delta gauge stations are below 10 NTUs, indicating the absence of a turbidity bridge into the south Delta. Members of the DCT discussed potential explanations for the persistence of salvage of delta smelt under already-low OMR flows, and low interior Delta turbidities.

The SWG reviewed delta smelt distribution and salvage data, current Delta conditions and projected operations. Forty-two adult delta smelt have been salvaged between January 28 and February 3, 2013. This weekly total is similar to last week's total of 46 adult delta smelt. As of February 3, 2013, the preliminary seasonal total of salvaged adult delta smelt was 221. This represents 72% of the total authorized take of adult delta smelt associated with the state and federal water projects for Water Year (WY) 2013. The SWG concluded that the risk of entrainment continues, and that at current salvage rates, reaching the Biological Opinion's concern level of 75% of the WY 2013 ITL is imminent. Further, the SWG posited that, at the current salvage rate, the Projects have the potential to exceed the total authorized take of 305 adult delta smelt for WY 2013. The SWG recommended that upon reaching the concern level, OMR be no more negative than -1250 cfs to reduce the rate of entrainment of delta smelt.

The Service has concluded that until there is clear evidence that the Projects will not exceed the adult delta smelt ITL while operating at a more negative OMR, or, in the event the concern level

is reached, a course of action is decided upon in conference with Reclamation, DWR and DFW, OMR flow should be limited to no more negative than -2500 cfs.