



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:

CVO-100
ENV-7.00

JAN 27 2015

MEMORANDUM

To: Field Supervisor, U.S. Fish and Wildlife Service
Attn: Michael A. Chotkowski

From: *for* Ron Milligan *Paul Supton*
Operations Manager

Subject: Reinitiation of Consultation 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 2008 BiOp. We are seeking concurrence of the U.S. Fish and Wildlife 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 for the months of February and March 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 water year (WY) 2015. The State's December 30, 2014, snow survey found a Sierra Nevada snowpack that is less than half of normal in terms of the amount and water content for this time of year. Furthermore, although November and December 2014 storms brought much needed precipitation, after three dry years 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 human needs, continue repelling saltwater in the Delta, and provide for cold water needs of Chinook salmon, steelhead, and green sturgeon.

In response to this water shortage crisis, Reclamation and DWR submitted a Temporary Urgency Change (TUC) Petition Regarding Delta Water Quality on January 23, 2015, requesting that the State Water Resources Control Board (State Board) temporarily modify requirements of D-1641 for 180 days, with specific requests for February and March 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 the season develops and conditions become clearer, Reclamation and DWR will revisit operational strategies with the federal and state resource agencies.

As described in the attached TUC Petition, Reclamation and DWR specifically request modification of the D-1641 Delta outflow requirements, Export Limits, Delta Cross Channel (DCC) gate operations, and Vernalis flow requirements. The changes would provide that the February and March outflow requirements would be modified to require the Net Delta Outflow Index (NDOI) be no less than 4,000 cubic feet per second (cfs) on a monthly average. Combined exports would be limited to a health and safety level (i.e., 1,500 cfs) if the DCC gates are open or if outflow is between 4,000 cfs and 5,500 cfs. An intermediate combined export level of 3,500 cfs would apply if outflow is greater than 5,500 cfs but less than 7,100 cfs. In addition, the Vernalis flow objective would be reduced to 500 cfs on a monthly average. These changes would reduce reservoir releases from those otherwise required to meet D-1641 in February and March to conserve storage for later fishery protection, minimum health and safety needs, and if necessary, salinity control. The request also includes modifying February and March DCC gate operations to allow for opening of the gates as water quality and fishery conditions warrant and as restricted to specific monitoring of fish.

The attached Project Description for February - March Drought Response Actions (Project Description) provides additional details regarding the specific request for February and March 2015. The Project Description also includes: (1) a description of a framework for future requests for Old and Middle River flow management flexibility. If conditions warrant, these requests will be developed and analyzed as soon as the forecasts indicate that such flexibility may be utilized; and (2) identification of potential operations 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.

Reclamation and DWR reviewed the effects of the specific request for February and March 2015 on listed species, and the resultant Biological Review is attached. Based on the Biological Review, Reclamation concludes that the effects of the actions requested for February and March on Delta Smelt and its designated critical habitat are within the effects analyzed in the 2008 BiOp.

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 Conditions Team, Water Operations Management Team, etc.). The RTDOT was formed in 2014 and includes designated representatives from Reclamation, DWR, the State Board, Department of Fish and Wildlife (DFW), National Marine Fisheries Service (NMFS), and the Service. The RTDOT has proven effective as a forum to discuss potential changes to SWP and CVP operations to meet 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. This group will help guide development of a CVP/SWP operational strategy and corresponding contingency plans to address operations from April through November as

conditions continue to evolve. 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. The attached Biological Review supports Reclamation and DWR's conclusion that the effects associated with the proposed February and March 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 – 3

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