



IN REPLY
REFER TO:

United States Department of the Interior

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

JAN 27 2015

CVO-100
ENV-7.00

Ms. Maria Rea
Assistant Regional Administrator
California Central Valley Area Office
National Marine Fisheries Service
650 Capitol Mall, Suite 5-100
Sacramento, CA 95814

Subject: Interim Contingency Plan for February and March Pursuant to Reasonable and Prudent Alternative (RPA) Action I.2.3.C of the 2009 Coordinated Long-term Operation of the Central Valley Project (CVP) and State Water Project (SWP) Biological Opinion (2009 BiOp)

Dear Ms. Rea:

The Bureau of Reclamation (Reclamation) and the Department of Water Resources (DWR) have prepared the enclosed Temporary Urgency Change (TUC) Petition which will serve as the drought contingency plan for the months of February and March 2015. The TUC Petition is consistent with the drought exception procedures outlined in NOAA's National Marine Fisheries Service's (NMFS) 2009 BiOp RPA Action I.2.3.C. Reclamation is seeking concurrence from NMFS that the drought response actions proposed by Reclamation and DWR for February and March are within the limits of the Incidental Take Statement (ITS) of the 2009 BiOp. Additionally, because actions in the TUC Petition are in compliance with the drought exception procedures described in the 2009 BiOp, these actions do not jeopardize the continued existence of the listed species or adversely modify or destroy designated critical habitats addressed in the 2009 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 TUC Petition Regarding Delta Water Quality on January 23, 2015, requesting that the State Water Resources Control Board (State Board) temporarily modify requirements of Water Rights Decision 1641 (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 enclosed 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, and if the DCC gates are closed. 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 enclosed Project Description for February - March 2015 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 enclosed. Based on the Biological Review, we believe that the effects of the actions requested for February and March on listed salmonids, green sturgeon and their designated critical habitats will not result in violation of the incidental take limit in the 2009 BiOp, nor will it jeopardize the continued existence of those species or destroy or adversely modify their designated critical habitats.

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 Salmonids 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, Department of Fish and Wildlife (DFW), NMFS, and the U.S. Fish and Wildlife Service (USFWS). 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 team 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 2009 BiOp and the 2008 USFWS Coordinated Long-term Operation of the CVP and SWP Biological Opinion, 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.

RPA Action I.2.3.C is triggered based on a February forecast showing that end of September Shasta storage will be less than 1.9 million acre feet (MAF). While Reclamation has not yet completed the February forecast, the January 90 percent exceedance hydrology forecast, as provided in the *CVP and SWP Drought Contingency Plan, January 15, 2015-September 30, 2015*, shows Reclamation to be unable to meet 1.9 MAF at the end of September. Given that there has been a severe lack of precipitation in January, we expect the February forecast to show reduced storage levels from the January forecast. Therefore, Reclamation and DWR are submitting this contingency plan for February and March. Reclamation and DWR are committed to updating this contingency plan by March 1, 2015, as required by RPA Action I.2.3.C. Also, RPA Action I.2.3.C requires a relaxation of the Wilkins Sough navigation criteria. Reclamation will target a navigation control point at Wilkins Slough not to exceed 4,000 cubic feet per second during February and March. Additionally, Reclamation hydrologic forecasts show that Keswick releases will not be above 3,250 cfs, consistent with RPA I.2.3.B. Reclamation will coordinate changes to Wilkins Slough and Keswick release requirements with NMFS.

Reclamation and DWR request that NMFS consider the enclosed TUC Petition as the interim contingency plan for February and March, and includes proposed changes to the Project Description for the 2009 BiOp and change to RPA Action IV.1.2. The changes are intended to preserve cold-water pool for later in the year and consistent with the drought contingency exceptions contemplated in the 2009 BiOp (RPA Action I.2.3.C). RPA Action IV.1.2 requires the DCC gates to be closed from February 1 through May 20 to protect winter-run, spring-run, and fall-run Chinook salmon, steelhead and green sturgeon from entrainment into the interior Delta. These actions combined help to preserve Shasta storage for later in the year consistent with the drought exception procedure in RPA Action I.2.3.C.

The enclosed Biological Review supports Reclamation and DWR's conclusion that the effects associated with changes identified in the TUC Petition are within what was analyzed in the 2009 BiOp. Any incidental take resulting from these changes are within the existing incidental take limits in the 2009 BiOp. Because these actions are contemplated within the drought exception

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Mr. Dean Messer
Chief, Environmental Services
California Department of Water Resources
P.O. Box 94836
West Sacramento, CA 94236-0001

Mr. John Leahigh
Operations Control Office
California Department of Water Resources
3310 El Camino Avenue, Suite 300
Sacramento, CA 95821

Mr. Ren Lohofener
Regional Director
Pacific Southwest Region
U. S. Fish and Wildlife Service
2800 Cottage Way
Sacramento, CA 95825

Mr. David Murillo
Regional Director
Mid-Pacific Region
Bureau of Reclamation
2800 Cottage Way
Sacramento, CA 95825
(w/encl to each)