

Memorandum

Date: May 2, 2014

To: Charlton H. Bonham, Director
California Department of Fish and Wildlife
1416 Ninth Street, 12th Floor
Sacramento, California 94236-0001

From: Department of Water Resources

Subject: Confirmation of Continued Coverage Under California Endangered Species Act
Consistency Determinations

The California Department of Water Resources (DWR) requests that the California Department of Fish and Wildlife (DFW) review the enclosed correspondence between the U.S. Department of Interior, Bureau of Reclamation (Reclamation), and U.S. Fish and Wildlife Service (USFWS), to determine if DWR may continue to rely upon the existing California Endangered Species Act (CESA) coverage under Consistency Determinations for Delta Smelt and Salmon (CDs) issued by CDFW on October 14, 2011 and April 26, 2012, and Incidental Take Permit for Longfin Smelt (Longfin ITP), issued on February 23, 2009. DWR makes this request based on proposed operational changes described in the April 8, 2014 Drought Operations Plan (DOP) for managing water resources between now and November 15, 2014, as further defined in the April 29, 2014 request to the State Water Resources Control Board for modifications to the Temporary Urgency Change Order (Order) authorizing changes to Water Rights Decision 1641 (also included in the attached correspondence).

On April 8, USFWS concurred with Reclamation's determination that the DOP would have no additional adverse impacts on Delta smelt or its critical habitat in April and May, 2014, and CDFW confirmed that the existing consistency determinations remain in effect and no further authorization is necessary to take CESA-listed Delta smelt during April and May, 2014. On May 1, 2014, Reclamation determined, and USFWS concurred, that the proposed operations pursuant to the requested modifications to the Order would have no additional adverse impacts on Delta smelt or its critical habitat in the period of June through November, 2014.

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California continues to face critically dry conditions, and the grave concerns over current hydrologic conditions in the Sacramento-San Joaquin Delta/San Francisco Bay watershed expressed by DWR in January remain. Hydrologic forecasts indicate continued risk to water supplies for human health and safety, water quality, and cold water storage. DWR and Reclamation developed the DOP and the April 29 request for modification to the Order, in close coordination with the fishery agencies and the State Water Board, to provide operational flexibility necessary to protect the beneficial use of water resources. The modifications are intended to protect these goals over the course of the remaining months of 2014 and into 2015. Additionally, the Real Time Operations Management Team, on which DFW participates, supports the DOP and this proposed modification to the Order. Through this letter, DWR is requesting DFW confirm continued coverage under the CDs and the Longfin ITP.

Sincerely,



Mark W. Cowin

Director

(916) 653-7007

Attachments

cc: (See attached list.)

David Murillo
Regional Director
Bureau of Reclamation
2800 Cottage Way
Sacramento, California 95825

Pablo Arroyave
Deputy Regional Director
Bureau of Reclamation
2800 Cottage Way
Sacramento, California 95825

Sue Fry
Bureau of Reclamation
801 I Street, Suite 140
Sacramento, California 95814

Ron Milligan Operations Manager
Bureau of Reclamation
3310 El Camino Avenue, Room 300
Sacramento, California 95821

John Leahigh
California Department of Water Resources
3310 El Camino Avenue
Sacramento, California 95821

Carl Wilcox
California Department of Fish & Wildlife
1416 Ninth Street
Sacramento, California 95814

Ren Lohofener
Regional Director
US Fish & Wildlife Service
2800 Cottage Way, W-2606
Sacramento, California 95825

Dan Castleberry
Field Supervisor
US Fish & Wildlife Service
2800 Cottage Way
Sacramento, California 95825

Michael Chotkowski
Field Supervisor
US Fish & Wildlife Service
650 Capitol Mall, Suite 8-300
Sacramento, California 95814

Felicia Marcus
State Water Resource Control Board
P.O. Box 100
Sacramento, California 95812

Tom Howard
State Water Resource Control Board
P.O. Box 100
Sacramento, California 95812

Laura King-Moon
California Department of Water Resources
P.O. Box 942836
Room 115-2
Sacramento, California 94236

Dean Messer
Chief, Environmental Services
California Department of Water Resources
P.O. Box 942836
Sacramento, California 94236