



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 31 2014

Ms. Maria Rea
Supervisor, Central Valley Office
National Marine Fisheries Service
650 Capitol Mall, Suite 5-100
Sacramento, CA 95814

Subject: Contingency Plan for February 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 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 month of February consistent with the drought exception procedures outlined in the 2009 BiOp RPA Action I.2.3.C. Reclamation is seeking concurrence from the National Marine Fisheries Service (NMFS) that the TUC Petition is within the limits of the Incidental Take Statement (ITS) of the 2009 BiOp. Additionally, because actions under the TUC Petition are in compliance with the drought exception procedures described in the 2009 BiOp, these actions do not jeopardize species or adversely modify or destroy designated critical habitat addressed in the 2009 BiOp.

As you are aware, California is facing unprecedented critically dry conditions in the current water year, following two previous dry years. As a result of this continued aridity, CVP and SWP reservoir levels were already significantly below average in October at the beginning of the 2013/2014 water year. The low initial storage and historically dry conditions experienced since January 2013 throughout the State have resulted in significant reductions in water supplies and will likely lead to critical water shortages in 2014. The dry conditions and persistent lack of precipitation prompted Governor Brown to announce an Emergency Proclamation on drought conditions on January 17, 2014, finding that "conditions of extreme peril to the safety of persons and property exist in California due to water shortage and drought conditions."

In response to this water shortage crisis, Reclamation and DWR have submitted a TUC Petition Regarding Delta Water Quality requesting the State Water Resources Control Board (State Board) to consider modifying requirements of D-1641 for February 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 described in the TUC Petition, Reclamation and DWR specifically request modification of the D-1641 Delta outflow

requirements and Delta Cross Channel (DCC) gate operations. The changes would provide that the February outflow requirements, commonly known as X2 criteria, would be satisfied by a minimum health and safety level of export. This change would reduce reservoir releases from those otherwise required to meet D-1641 in February to conserve storage for later fishery protection, minimum human health and safety needs and if necessary, salinity control. In addition, the request includes modifying February 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.

During any period by which the CVP and SWP are operating under a temporary change order, there will be close coordination on current and projected operations on a weekly basis through existing meetings (Delta Operations for Salmon and Sturgeon, Smelt Working Group, Delta Conditions Team, Water Operations Management Team, etc.). An additional weekly drought coordination meeting among Reclamation, DWR, U.S. Fish and Wildlife Service, NMFS, the California Department of Fish and Wildlife, and the State Board will also be needed to ensure effective coordination among the pertinent agencies. We anticipate this group will help guide development of a CVP/SWP operational strategy and corresponding contingency plan to address operations through the operating season if conditions fail to improve. The result of this effort would inform both future determinations with the 2009 BiOp and the 2008 U.S. Fish and Wildlife Service Coordinated Long-term Operation of the CVP and SWP Biological Opinion and additional TUC petitions to the State Board, if necessary.

RPA Action I.2.3.C is triggered based on the February forecast showing that end of September Shasta storage will be less than 1.9 million acre feet. While Reclamation has not yet completed the February forecast, the January 90 percent exceedance hydrology forecast shows Reclamation to be unable to meet 1.9 MAF at the end of September. Given that there has been no appreciable 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. Reclamation and DWR are committed to updating this contingency plan by March 1, 2014, as required by RPA Action I.2.3.C. Also, RPA Action I.2.3.C requires a relaxation of the Wilkins Slough navigation criteria. Reclamation will target a navigation control point at Wilkins Slough not to exceed 4,000 cubic feet per second during February. Reclamation will coordinate actions specific to Wilkins Slough with NMFS.

Reclamation requests that NMFS consider the enclosed TUC Petition as the February contingency plan which includes proposed changes to the project description for the 2009 NMFS BiOp and change to RPA action IV.1.2. The TUC Petition is 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 and prohibits elevated risks to these salmonids. 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.

Specific to DCC gate operations, NMFS has convened a team of biologists to develop an initial set of biological triggers for operation of the DCC during the month of February. Reclamation looks forward to working with NMFS and other State and Federal resource agencies.

The enclosed analysis supports Reclamation's conclusion that changes identified in the TUC Petition are consistent with the drought exception procedures of the 2009 BiOp. Any take resulting from these changes are within the limits of the existing take limits in the 2009 BiOp. Additionally, because actions under the TUC Petition are in compliance with the drought exception procedures described in the 2009 BiOp, these actions do not jeopardize species or adversely modify or destroy designated critical habitat addressed in the 2009 BiOp. Reclamation seeks NMFS' concurrence in this determination.

We look forward to working with you and your staff as we navigate through this extremely challenging water year and appreciate your willingness to work with us on this time sensitive matter.

Sincerely,



Paul Fujitani
Deputy Manager, Operations

Enclosures - 2

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cc: Continued on next page.

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