



United States Department of the Interior



FISH AND WILDLIFE SERVICE
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In reply refer to:
81420-2008-F-1481-12

OCT 01 2014

MEMORANDUM

To: Central Valley Office Operations Manager, Bureau of Reclamation Mid-Pacific Region, Central Valley Office

From: Field Supervisor, U.S. Fish and Wildlife Service, Bay Delta Fish and Wildlife Office, Sacramento, California

Subject: Reinitiation of Endangered Species Act Consultation on the Coordinated Operations of the Central Valley Project and the State Water Project

This memo is in response to your September 26, 2014, memo requesting reinitiation of the December 15, 2008, Biological Opinion (2008 BiOp) on the Coordinated Operation of the Central Valley Project (CVP) and State Water Project (SWP) (Projects) to include the modifications to the April 8, 2014 *CVP and SWP Drought Operations Plan and Operational Forecast April 1, 2014 through November 15, 2014* (Plan). Specifically, Bureau of Reclamation (Reclamation) requests concurrence that the proposed modifications to the Plan for the beginning of Water Year (WY) 2015, as described below, will result in no additional adverse effects to delta smelt or its critical habitat beyond those analyzed in the 2008 BiOp. The 2008 BiOp included a provision for Reclamation to reinitiate consultation if the WY is classified as dry or critically dry for a second consecutive (or more) year(s). Reclamation has reinitiated consultation several times this calendar year for drought responses including previous requests regarding the Plan. This response is in accordance with section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (Act).

The following sources of information were used to develop this response: (1) the January 29, 2014, Petition for Temporary Urgency Change (TUC Petition); (2) the January 31, 2014, State Water Resources Control Board (SWRCB) TUC Petition Order; (3) the February 7, 2014, revised SWRCB TUC Petition Order; (4) the January 17, 2014, Governor's Proclamation of a State of Emergency; (5) your February 27, 2014, memo to the U.S. Fish and Wildlife Service (Service) with attached supporting documents; (6) the February 28, 2014, modified SWRCB TUC Petition Order; (7) your March 14, 2014, memo to the Service with the Plan and attached supporting documents; (8) your April 8, 2014, memo to the Service with attached supporting documents; (9) your May 1, 2014, memo to the Service with attached supporting documents; (10) your September 26, 2014, memo to the Service with attached supporting documents; and (11) other information available to the Service.

On April 8, 2014, Reclamation reinitiated consultation to address WY 2014 and early WY 2015 actions as described in the Plan. The Service concurred in an April 8, 2014 memo that April and May 2014 actions would not result in additional adverse effects beyond those previously analyzed in the BiOp but requested additional information for the June through November 2014 actions. Additional information was provided on May 1, 2014 and the Service provided concurrence on May 1, 2014.

The current proposed modifications to the Plan include adding the following under Section VII Proposed Delta Operations - June through November 15:

E. San Joaquin River Flows at Vemalis and Water Transfer Window

- D-1641 San Joaquin River flows at Vemalis
 - Reduce the month-long average fall attraction base flows from 1,000 cubic feet per second (cfs) to 800 cfs for 31 days
 - Action to occur between October 1 and November 15, 2014 (release schedule starting date to be based on fish agency recommendations)
- Water transfer window
 - Extend the transfer window through November 15, 2014, to allow the conveyance of approximately 75 to 90 thousand acre-feet (TAF) of transfer water (excluding carriage water) that has been retained in Shasta and Folsom reservoirs for diversion from the south Delta at the Jones Pumping Plant
 - Include alerts and triggers related to the presence of listed threatened or endangered fish species that will reduce or suspend conveyance of transfer water while fish movement is assessed (based on fish agency recommendations using monitoring alert and triggers in the National Marine Fisheries Service 2009 BiOp Action IV.1.1)

The Plan anticipated the potential need for modifications based on evolving information as additional hydrological and biological information became available. The proposed modifications are additional measures that focus on fall operation of the CVP and SWP based on current conditions that were unknown in spring 2014 when the Plan was developed. CVP water transfers that were contemplated in the spring of 2014 could not occur during the summer due to restrictive operations that were required to address worsening drought conditions and cold-water pool management at Folsom and Shasta reservoirs. It is anticipated that the California Department of Water Resources (DWR) will complete diversion of SWP transfer water by October 1, 2014, therefore the proposed modifications related to extending the transfer window only apply to diversion of transfer water at the Federal facilities.

To accomplish the water transfers, CVP pumping will need to increase by some 1100 to 1200 cfs. This incremental increase in CVP export pumping will increase Old and Middle River

(OMR) flow from -3000 cfs to -4000 cfs. Current distribution of delta smelt is located in western Delta and Grizzly Bay and in the Cache Slough-Sacramento Deepwater ship channel area. Delta smelt are not anticipated to be mature enough to begin upstream spawning migration and a “first flush” event is unlikely during the proposed extension to November 15, 2014.

The projects will be operated to continue meeting the Net Delta Outflow Index (NDOI) objectives in D-1641. During the October Vernalis pulse flow reduction period, NDOI will average ~3000 cfs and during November, NDOI will average ~3500 cfs and it not anticipated to affect the area of Low Salinity Zone (LSZ) habitat for delta smelt and critical habitat.

To date this WY, the Service has determined that no changes in operations are necessary to protect adult or juvenile delta smelt under the 2008 BiOp RPA due to low risks of entrainment resulting from mostly low reverse OMR flows, consistently low turbidity in the south and central Delta, favorable distribution of adult delta smelt outside of the south and central Delta, and the and the lack of and relatively low observed salvage of adult and juvenile delta smelt, respectively at the Projects' fish salvage facilities. These conditions can be attributed to extreme hydrologic drought conditions resulting in low Delta inflow and limited Project exports.

Although the 2008 BiOp states that Reclamation and DWR would request separate consultation for proposed exports of transfers outside of the July through September window, this reinitiation is consistent with the unprecedented WY 2014 drought responses and the intent of the Plan. The analysis in biological assessment, the proposed modifications to the Plan, based on the provisions provided in the TUC Petition Order, as amended, and existing hydrologic and biological conditions for October through November 15, 2014 appear to be within the range of effects previously analyzed in the 2008 BiOp. The Service, therefore, concurs with Reclamation's determination that the proposed modifications for October through November 15, 2014 will have no additional adverse effects on delta smelt or its critical habitat.

We look forward to continued close coordination with you and your staff as we begin WY 2015 in anticipation of another extremely challenging water year.

Please address any questions or concerns regarding this response to Mike Chotkowski, Field Supervisor or Kim S. Turner, Assistant Field Supervisor at (916) 930-5603. Please refer to Service file number 81420-2008-F-1481-12 in any future correspondence regarding this project.