

Service Decision May 21, 2009

The Service has determined that the following action will be protective of delta smelt.

The SWG recommended holding OMR flows at the most recent weeks OMR flow -1,250 cfs. The basis for their recommendation is described in the body of the SWG notes.

However, due to difficult tides this week and dropping San Joaquin River flows, the Service recognizes that the Operators may be unable to meet the -1250 cfs requirement despite their best faith efforts. The determination is therefore to meet current conditions as the -1250 cfs target. However, recognizing these limitations due to current circumstances beyond the Operator's control, so long as operators hold exports to no greater than 2200 cfs/day combined exports, the operational requirement consistent with a Service determination as set forth in the biological opinion may be for an OMR flow as negative as -1,500 cfs based on a 14-day average. The Service believes this requirement meets the dual objective of flexibility and fairness while simultaneously protecting the delta smelt to the maximum extent possible, consistent with the biological opinion.

These flows are needed to protect delta smelt for the following reasons:

- 1) Salvage has increased over the past week and at the current rate may exceed the Concern Level in the 2008 biological opinion of 299 delta smelt. Delta smelt are likely just starting to reach a size that they are more effectively detected at the fish salvage facilities. As the fish get larger, they will be detected more frequently. Also, the end of May is historically a period when high numbers of delta smelt become entrained at the export facilities. Salvage usually starts at the CVP before the SWP also salvages delta smelt. Currently, delta smelt have been salvaged at the CVP over the past 4 days.
- 2) The distribution of delta smelt continues to be a concern, since in the most recent 20 mm survey, delta smelt were caught in the Central Delta. These catches, along with the salvage information indicate that there are delta smelt in the Delta which are subject to entrainment at facilities or which may not be able to leave the South or Central Delta due to OMR flows.
- 3) The numbers of delta smelt caught in the delta sampling efforts remain low. The Fall Midwater Trawl delta smelt abundance index in 2008 was the lowest ever. Concern remains over large numbers of a small population becoming entrained at the facilities.
- 4) Water temperatures in the Delta are currently at 20.9 degrees C (three station average of Mossdale, Rio Vista and Antioch). Any spawning that is currently occurring is not likely to result in a viable cohort of delta smelt. As temperatures increase, delta smelt move out of the South and Central Delta and may become subject to entrainment. Once temperatures at Clifton Court Forebay reach 25 degrees C, actions under the RPA end.

For more details, see the SWG recommendation document