



# United States Department of the Interior

BUREAU OF RECLAMATION  
Mid-Pacific Regional Office  
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**MAR 16 2017**

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## MEMORANDUM

To: Regional Director  
Pacific Southwest Region  
U.S. Fish and Wildlife Service

From: Pablo R. Arroyave   
Acting Regional Director

Subject: Targeted Reinitiation of Consultation under the 2008 Coordinated Long-term Operation of the Central Valley Project and State Water Project Biological Opinion to Address Estimated Take of Delta Smelt for 2017 Operations

The Bureau of Reclamation is submitting this memorandum to satisfy requirements to reinitiate consultation consistent with Section 7 of the Endangered Species Act (ESA) and the U.S. Fish and Wildlife Service (Service) 2008 Biological Opinion (2008 BiOp) regarding short-term effects related to salvage of adult Delta Smelt from the operation of the Central Valley Project and State Water Project. Reclamation is requesting authorization for additional take of adult Delta Smelt under the 2008 BiOp. ESA regulations require action agencies to reinitiate consultation when the estimate of incidental take included in the take statement is exceeded. As of the date of this memorandum, the take of adult Delta Smelt has not been exceeded, but is approaching the limit for 2017. Reclamation is requesting consideration by the Service for a possible increase of existing take authorization under ESA. Reclamation requests this short-term and targeted reinitiation as a precautionary measure in anticipation of possible exceedance of the existing Incidental Take Limit (ITL).

Salvage of small numbers of Delta Smelt has been intermittent but relatively steady since early February. Although mechanisms underlying recent salvage events are unknown, some possibilities include relatively high turbidity throughout the Delta over an extended period of time leading to increased movement; broad distribution and/or higher survivorship in the South Delta and connecting areas; and further migration movements due to natural seasonal influences and prevailing flow and environmental conditions. Water Year (WY) 2011, which was also a wet year type, produced salvage of adult Delta Smelt in March and April.

As stated above, the take of adult Delta Smelt as of the date of the preparation of this memorandum is 53. The concern level for take of Delta Smelt is 75 percent of the annual ITL, as

described in the 2008 BiOp. In accordance with the Service's January 10, 2017, memorandum, the amended adult Delta Smelt ITL for WY 2017 is 64, based on a 2016 fall mid-water trawl index of eight and a corrected cumulative salvage index variable of 7.98 ( $8 \times 7.98 = 64$ ). The corresponding 75 percent concern level is 48. During the past week, 8 Delta Smelt (unexpanded number) have been taken at the salvage facilities. Given the recent spike in Delta Smelt salvage, there is concern that take could rapidly exceed the ITL. As a result, Reclamation is requesting an increase in the estimated adult Delta Smelt incidental take authorization for WY 2017. Given the wet water year type and the fact that operational changes for the species would provide little change related to X2 locations or Old and Middle River flow requirements, which are a focus of the 2008 BiOp, Reclamation is not currently proposing any export restrictions as we believe this would have little functional effect given high Delta outflow and optimal Delta Smelt habitat conditions.

Reclamation, in coordination with the project applicant, the California Department of Water Resources, has developed an Anticipated Operations Plan (attachment) for adult Delta Smelt salvage for the remainder of the season. Current and projected operations will continue to be coordinated through existing meetings (Delta Smelt Working Group, Water Operations Management Team, etc.).

Consistent with previous targeted reinitiations of consultation under the 2008 BiOp in response to drought conditions, the proposed operations should be considered as part of the amended project description. This reinitiation is distinctly separate and apart from the request dated August 2, 2016, on the Coordinated Long-term Operation of the Central Valley Project and State Water Project, which will address system-wide operating criteria in a holistic fashion across the entirety of the water projects. The reinitiation request provided via this memorandum is intended to serve a short-term purpose to address possible Delta Smelt take only until the end of the critical adult phase for Delta Smelt.

Lastly, Reclamation does not believe that it will irretrievably or irreversibly commit any resources which would foreclose the development or implementation of any Reasonable and Prudent Alternative action during this consultation.

Thank you for your time and attention to this important matter. My staff will be available to meet with your staff to continue discussions on how to proceed through this consultation. Should you have questions or require further information, please contact Ms. Michelle Banonis at 916-414-2401 or via email at [mbanonis@usbr.gov](mailto:mbanonis@usbr.gov).

Attachment

cc: See next page.

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(w/att to each)

## **Combined Federal-State Delta Near-Term Operations Plan**

March 16, 2017

For the purposes of this operations plan, the remainder of the adult Delta smelt incidental take season is anticipated to extend to the end of March, 2017. The California Department of Water Resources (DWR) does not plan to export water through the State Water Project's (SWP) Harvey O. Banks Pumping Plant from the Delta due to an outage at the intake to the Clifton Court Forebay for the duration of that time (this outage is expected to extend through late April). Reclamation plans to continue operate the Central Valley Project's (CVP) Jones Pumping Plant (Jones) to export water from the Delta utilizing up to five of the pump units at the facility, at a variable rate of export ranging up to 4,200 cubic feet per second (cfs). Capacity at the Jones facility will be used to provide water for both CVP and SWP water demands during the outage at the Banks Pumping Plant. The rate of water export is expected to vary, and will depend primarily on the water demands of the CVP and SWP contractors south of the Delta, which have been largely suppressed during recent weeks due to an abundance of precipitation and runoff south of the Delta.

The San Joaquin River continues to flow at very high rates as it enters the Delta near Vernalis, driven by the extreme precipitation events that occurred during the month of February. As of March 15, the flow rate was over 29,000 cfs, and the National Weather Service's California-Nevada River Forecast Center (RFC) projects that the flow rate will remain above 27,000 cfs through March 20. Beyond that date, due to anticipated precipitation during the week of March 20 and the likelihood of continued and/or increased releases from upstream reservoirs to address storage management, the flow is expected to remain above approximately 25,000 cfs through the end of the month. Based on the anticipated export and flow rates outlined above, Old and Middle River (OMR) flows are anticipated to remain significantly positive, likely in excess of 9,000 cfs through the end of the month. These OMR rates are significantly more positive than the most restrictive OMR rate specified in the Reasonable and Prudent Alternatives (RPAs) identified in the 2008 Delta smelt Biological Opinion, thus planned operations will not impact the ability to meet the terms of the RPAs and will actually be more protective than the RPAs.