



United States Department of the Interior



FISH AND WILDLIFE SERVICE

Pacific Southwest Region
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In reply refer to:

March 1, 2013

Subject: Determination of Actions Required Under Component 1 of the 2008 OCAP Biological Opinion

Determination

The Service has determined that as of March 1, 2013, OMR flows should be no more negative than -4500 cfs on a 14-day running average, with a simultaneous 5-day running average no more negative than -5625 cfs (within 25 percent). An OMR flow limit of -4500 cfs is within the range of allowable net daily OMR flows for Action 2, which is -1250 to -5000 cfs. The Service will continue to monitor Delta conditions on a daily basis and will consider the import of any new information that is received.

Information and Analysis

The Service has considered Delta conditions information provided by participants of the Delta Conditions Team (DCT) on March 1, 2013, and considered by the SWG in the recommendation it provided on March 1, 2013.

Turbidity data presented at the DCT indicate there were several localized increases in turbidity in Old River at Holland Cut on February 23 and 26, 2013. The source of the increased turbidity was likely wind-driven resuspension of sediment, which settled quickly. Daily average turbidities on the Old River are now approximately 7 NTUs. Daily average turbidities on the Middle River are below 6 NTUs. Because daily average turbidities in the lower San Joaquin River remained low throughout this period, it is believed a turbidity bridge into the South Delta did not form.

On Friday, March 1, 2013, the SWG reviewed adult delta smelt distribution and salvage data, current Delta conditions, and projected operations and its February 25, 2013, recommendation. The SWG recommended that project operations be such that OMR be no more negative than -4500 cfs.

Since February 7, 2013, 10 delta smelt have been salvaged over three days. The cumulative seasonal total of adult delta smelt for Water Year (WY) 2013 is 238. This represents 66 percent of the revised WY 2013 incidental take limit.

Since February 24, 2013, daily OMRs have moved toward the water projects' target of -3500 cfs, and were more negative on February 25 and 26, 2013 (-3750 cfs, and -3941 cfs, respectively). There are no daily OMR values for February 27, 28, and 29 due to a gauge outage. The 5-day and 14-day OMR flows as of February 26, 2013, were -3129 cfs and -2505

cfs, respectively. There have been two consecutive days of salvage (four fish on February 27 and four fish on February 28) since this increase in daily OMRs. While this illustrates an increase in weekly salvage since the beginning of February, the relatively low weekly salvage total indicates that there may be fewer fish in the south Delta.

The SWG expects that salvage may continue with more negative OMR values. However, in light of the revised WY 2013 adult incidental take limit of 362, the SWG recognizes that the water projects are no longer at the Biological Opinion's incidental take limit concern level for adult delta smelt. Also, based on historical salvage data over the last few years, it is likely that the end of the adult entrainment risk period is approaching. Therefore, the SWG believes that the present level of salvage does not put the projects at risk of exceeding the WY 2013 adult delta smelt incidental take limit. The SWG remains cautious, however, and will closely monitor Delta conditions, and delta smelt salvage and survey data to determine if delta smelt salvage increases to a level that could cause the projects to approach the concern level, and potentially exceed the incidental take limit.

Salvage has remained low over the past three weeks, even as negative OMR has increased. Additionally, the revised estimate of permitted incidental take of adult delta smelt for WY 2013 places the projects below the Biological Opinion's concern level. Given that we are nearing the probable end of the adult delta smelt entrainment period, the recent low salvage trend indicates that at -3500 cfs OMR the projects are not on a course that could put them at risk of exceeding the WY 2013 incidental take limit of 362, and may not be at risk at higher negative OMR. Therefore, the Service has determined that OMR flows can be no more negative than -4500 cfs on a 14-day running average, with a simultaneous 5-day running average no more negative than -5625 cfs (within 25 percent). The Service expects an updated analysis from the SWG on Monday, March 4th, and will continue to monitor Delta conditions on a daily basis.

The Bureau of Reclamation and the Service have reinitiated consultation on the 2008 OCAP biological opinion. During this reinitiation period, the Bureau, Service, California Department of Water Resources, and California Department of Fish and Wildlife are conferring on measures needed to protect delta smelt while providing for the water security of California.