



# United States Department of the Interior



## FISH AND WILDLIFE SERVICE

Pacific Southwest Region  
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In reply refer to:

March 12, 2013

Subject: Determination of Actions Required Under Component 2 of the 2008 OCAP Biological Opinion

### Determination

The Service has determined that as of March 12, 2013, OMR flows should be no more negative than -5000 cfs on a 14-day running average, with a simultaneous 5-day running average no more negative than -6250 cfs (within 25 percent). An OMR flow limit of -5000 cfs is within the range of allowable net daily OMR flows for Action 3, 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. This determination will remain in place until such time that it is determined more protective OMR flows are necessary.

The Service continues to assess conditions to manage both larval-juvenile and adult delta smelt entrainment risk to ensure that the projects do not exceed the Water Year (WY) 2013 incidental take limits of 2350 larval-juvenile delta smelt and 362 adult delta smelt.

### Information and Analysis

The Service has considered Delta conditions information provided by participants of the Delta Conditions Team (DCT) on March 11, 2013, and considered by the SWG in the recommendation it provided on March 11, 2013.

The DCT provided recent turbidity data from gauges in the south and central Delta. Turbidities in both the Old and Middle rivers remain steadily low, indicating that there is no turbidity bridge into the south Delta.

The SWG reviewed delta smelt distribution and salvage data, current Delta conditions and projected operations. Fourteen adult delta smelt were salvaged between March 4 and March 10, 2013. As of March 10, 2013, the cumulative seasonal total of adult delta smelt take for WY 2013 is 252. This represents 70 percent of the revised WY 2013 incidental take limit. The SWG recommends that an OMR target of -5000 cfs will not put the projects at risk of exceeding the WY 2013 adult delta smelt incidental take limit, given that we are nearing the probable end of the adult delta smelt entrainment period, and that salvage numbers have remained relatively low while the projects have targeted increasingly negative OMR flows. The SWG remains cautious, however, and agrees that there will be a need to reconvene immediately to assess the risk of delta smelt entrainment if there is a change to the recent low salvage trend.

The Service has determined that OMR flows should be no more negative than -5000 cfs on a 14-day running average, with a simultaneous 5-day running average no more negative than -6250 cfs (within 25 percent). The Service will closely monitor risk conditions for larval/juvenile entrainment, and will continue to monitor adult salvage to see how the salvage rate responds to ongoing OMR flow levels.

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.