



# United States Department of the Interior



## FISH AND WILDLIFE SERVICE

Pacific Southwest Region  
2800 Cottage Way, Room W-2606  
Sacramento, California 95825-1846

In reply refer to:

February 08, 2013

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

The Service has determined that as of February 8, 2013, OMR flows should be no more negative than -1250 cfs on a 14-day running average, with a simultaneous 5-day running average no more negative than -1563 cfs (within 25 percent). An OMR flow limit of -1250 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 daily and will consider the import of any new information that becomes available.

The Service has based this determination on Delta conditions information provided by participants of the Delta Conditions Team (DCT) on February 7, 2013, and considered in the Smelt Working Group (SWG) recommendation received on February 7, 2013.

Information presented by members of the DCT included a report that both the 3-day average and daily turbidities at south and central Delta gauge stations are between 5 to 7 NTUs, indicating the absence of a turbidity bridge into the south Delta. Members of the DCT discussed potential explanations for the persistence of salvage of delta smelt under observed OMR flows, low interior Delta turbidities, and apparent positive adult delta smelt distribution data during Water Year (WY) 2013. Some members expressed that there did not appear to be a correlation between less negative OMR flows and a decrease in salvage. Other members disagreed with this assessment, stating that reduced exports this season have resulted in a decrease in salvage, referencing the implementation of Action 1 in mid-December as an example.

The SWG reviewed adult delta smelt distribution and salvage data, current Delta conditions, and projected operations. The SWG also considered entrainment risk scenarios for the remaining duration of the adult delta smelt entrainment period. As of February 6, 2013, the preliminary seasonal total of salvaged adult delta smelt was 232. This represents 76 percent of the total authorized take of adult delta smelt associated with the state and Federal water projects for WY 2013. The SWG concluded that the risk of entrainment remains high, and at current salvage levels, the projects could exceed the WY 2013 adult delta smelt permitted incidental take level. The SWG's recommendation that OMR flows be set to no more negative than -1250 cfs was made with the understanding that the extent of salvage reduction is uncertain. However, the SWG agreed that less negative OMR flows have a higher probability of reducing the risk of entrainment and thus delaying the occurrence or potentially exceeding of the WY 2013 adult delta smelt permitted incidental take level.

The Service has concluded that at present the only remaining measure that may reduce the incidental take and prevent exceeding the permitted incidental take level is further reduction in OMR flow, as described in the Reasonable and Prudent Alternative of the 2008 OCAP biological opinion. Therefore, until there is clear evidence that the projects will not exceed the WY 2013 adult delta smelt permitted incidental take level while operating at a more negative OMR, or until monitoring demonstrates that the additional reduction in OMR flow is not attenuating incidental take, OMR flow should be limited to no more negative than -1250 cfs.

The Service, Bureau of Reclamation, 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.