



# United States Department of the Interior



## FISH AND WILDLIFE SERVICE

Pacific Southwest Region  
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In reply refer to:

February 20, 2013

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

The Service has determined that as of February 20, 2013, OMR flows should be no more negative than -3500 cfs on a 14-day running average, with a simultaneous 5-day running average no more negative than -4375 cfs (within 25 percent). An OMR flow limit of -3500cfs 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.

Owing to the holiday and schedule conflicts, there was not time for a DCT meeting on Tuesday, February 19<sup>th</sup> before the Smelt Work Group (SWG) met. Instead, DCT participants were invited instead to email any information they wished to be considered by the SWG. Information that was submitted included an up-to-date turbidity status report.

On Tuesday, February 19, 2013, the SWG reviewed adult delta smelt distribution and salvage data, current Delta conditions, and projected operations. There has been no delta smelt salvage at either the state or Federal fish facility for 12 consecutive days. The cumulative seasonal total of adult delta smelt for Water Year (WY) 2013 is 228. This also represents the Biological Opinion concern level of 75 percent of the WY 2013 adult delta smelt permitted incidental take level (ITL), which was reached on February 6, 2013.

The SWG maintained its February 15, 2013, recommendation that project operations be such that OMR be no more negative than -2500 cfs. The SWG recommends that salvage and OMR flow rate be closely monitored through February 20, 2013, and if the combined salvage of adult delta smelt is less than or equal to 4 over the 48-hour period between February 19 and 20, 2013, then OMR can be increased to no more negative than -3500 cfs.

The SWG recognized that the 12 consecutive days of no salvage is indicative of a reduction in salvage trend. However, OMR flow rates have varied over this period; since February 16, 2013, flows have approached or been more positive than -2500 cfs. Relaxation of the -2500 cfs OMR target after an additional 48 hours of reduced salvage during this period of time when the projects are targeting -2500 cfs is based partly upon the February 15, 2013, presentation of the Service's analysis. This analysis demonstrated that after an operational change has occurred, several days of monitoring are required in order to accurately assess and detect a trend in salvage. Monitoring salvage data for an additional 2 days at the -2500 cfs OMR target is necessary to increase confidence in the 0-salvage trend at this OMR.

The SWG remains concerned that the Biological Opinion concern level has already been reached, with the potential adult entrainment risk period expected to continue through March. No ripe female delta smelt have been observed in either salvage or survey data, indicating that it is still relatively early in the delta smelt spawning period. The SWG cautioned that a conservative approach is necessary in allowing OMR flows to become more negative. Should an increasing trend in salvage be realized after OMR flows become more negative, the SWG expects to immediately reassess the risk of entrainment.

The continuing trend of 12 consecutive days of no delta smelt salvaged at either facility suggests this year's unusual entrainment event may be over. It has also been brought to the Service's attention that the estimate of permitted incidental take for 2012/2013 may have been in error and resulted in a low estimate. Preliminary analysis by the Service leads us to believe a correction will be needed. Because there has been no salvage for 12 days, because there is no evidence that there has been or is likely to be a change in environmental conditions that would result in increased risk of delta smelt entrainment, and because it appears the initial estimate of permitted incidental take of delta smelt may have been too conservative, the Service feels confident in making a determination that OMR flows should be no more negative than -3500 cfs on a 14-day running average, with a simultaneous 5-day running average no more negative than -4375 cfs (within 25 percent).

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.