United States Department of the Interior

BUREAU OF RECLAMATION
Central Valley Operations Office
3310 El Camino Avenue, Suite 300
Sacramento, California 95821

IN REPLY
REFER TO:

CVO-100
ENV-7.00

JAN 31 2014

MEMORANDUM

To: Field Supervisor, U.S. Fish and Wildlife Service
Attn: Michael A. Chotkowski

From: Paul Fujitani
Deputy Manager, Operations

Subject: Reinitiation of Consultation Under the 2008 Coordinated Long-term Operation of the Central Valley Project (CVP) and State Water Project (SWP) Biological Opinion (2008 BiOp) to Address Reinitiation Statement Regarding Consecutive Dry Years

The Bureau of Reclamation is submitting this memorandum to satisfy the requirement to reinitiate consultation consistent with the Reinitiation Statement for consecutive dry or critically dry years in the 2008 BiOp. We are seeking concurrence of the U. S. Fish and Wildlife Service that there will be no additional adverse effects on delta smelt or its critical habitat of the drought response actions proposed by Reclamation and California Department of Water Resources (DWR) for the month of February than those analyzed in the 2008 BiOp.

As you are aware, California is facing unprecedented critically dry conditions in the current water year, following two previous dry years. As a result of this continued aridity, the CVP and the SWP reservoir levels were already significantly below average in October at the beginning of the 2013/2014 water year. The low initial storage and historically dry conditions experienced since January 2013 throughout the State have resulted in significant reductions in water supplies and will likely lead to critical water shortages in 2014. The dry conditions and persistent lack of precipitation prompted Governor Brown to announce an Emergency Proclamation on drought conditions on January 17, 2014, finding that "conditions of extreme peril to the safety of persons and property exist in California due to water shortage and drought conditions."

In response to this water shortage crisis, Reclamation and DWR have submitted a Temporary Urgency Change (TUC) Petition Regarding Delta Water Quality requesting the State Water Resources Control Board (State Board) to consider modifying requirements of D-1641 for February to enable changes in operations that will provide minimum human health and safety supplies and conserve water for later protections of instream uses and water quality. As described in the attached TUC Petition, Reclamation and DWR specifically request modification of the D-1641 Delta outflow requirements and Delta Cross Channel (DCC) gate operations. The changes would provide that the February outflow requirements, commonly known as X2 criteria,

would be satisfied by a minimum health and safety level of export. This change would reduce reservoir releases from those otherwise required to meet D-1641 in February to conserve storage for later fishery protection, minimum human health and safety needs, and if necessary, salinity control. In addition, the request includes modifying February DCC gate operations to allow for opening of the gates as water quality and fishery conditions warrant and as restricted to specific monitoring of fish.

During any period by which the CVP and SWP are operating under a temporary change order, there will be close coordination on current and projected operations on a weekly basis through existing meetings (Delta Operations for Salmonids and Sturgeon, Smelt Working Group, Delta Conditions Team, Water Operations Management Team, etc.). An additional weekly drought coordination meeting among Reclamation, DWR, the Service, the National Marine Fisheries Service (NMFS), the California Department of Fish and Wildlife, and the State Board will also be needed to ensure effective coordination among the pertinent agencies. We anticipate this group will help guide development of a CVP/SWP operational strategy and corresponding contingency plan to address operations through the operating season if conditions fail to improve. The result of this effort would inform both future determinations with the 2008 BiOp and the 2009 NMFS Coordinated Long-term Operation of the CVP and SWP Biological Opinion (2009 NMFS BiOp) and additional TUC petitions to the State Board, if necessary.

The 2008 BiOp Reinitiation Statement directs that consultation should be reinitiated if there are two consecutive dry or critically dry years to allow for the Service to address ongoing risks to delta smelt. The determination of dry or critically dry is to be based on the February 1 50 percent DWR runoff exceedance forecast. While the February forecast has yet to be completed, based on the January forecast of critically dry and the lack of significant precipitation in January, we believe reinitiation is appropriate at this time. D-1641 is part of the project description that was analyzed in the 2008 BiOp, and the proposed drought response represents a modification to the project description for the 2008 BiOp. The attached analysis demonstrates that the proposed February 2014 modifications to CVP and SWP operation have no additional adverse effects on delta smelt that were not previously analyzed in the 2008 BiOp. The proposed changes will not affect Reclamation's ability to meet the Reasonable and Prudent Alternative actions included in the 2008 BiOp. Reclamation seeks the Service's concurrence in this determination.

We look forward to working with you and your staff as we navigate through this extremely challenging water year and appreciate your willingness to work with us on this time sensitive matter.

Attachments - 2

cc: See next page.

cc: Mr. Chuck Bonham
Director
California Department of Fish and Wildlife
1416 Ninth Street
Sacramento, CA 95814

Mr. Mark Cowin
Director
California Department of Water Resources
1416 Ninth Street
Sacramento, CA 95814

Mr. Dean Messer
Chief, Environmental Services
California Department of Water Resources
P.O. Box 94836
West Sacramento, CA 94236-0001

Mr. John Leahigh
Operations Control Office
California Department of Water Resources
3310 El Camino Avenue, Suite 300
Sacramento, CA 95821

Ms. Maria Rea
Supervisor
Central Valley Office
National Marine Fisheries Service
650 Capitol Mall, Suite 5-110
Sacramento, CA 95814

Mr. Ren Lohoefener
Regional Director
Pacific Southwest Region
U. S. Fish and Wildlife Service
2800 Cottage Way
Sacramento, CA 95825

Mr. David Murillo
Regional Director
Mid-Pacific Region
Bureau of Reclamation
2800 Cottage Way
Sacramento, CA 95825
(w/att to each)