

Memorandum

Date: April 8, 2014

To: Charlton H. Bonham, Director
California Department of Fish and Wildlife
1416 Ninth Street, 12th Floor
Sacramento, California 94236-0001

From: Department of Water Resources

Subject: Confirmation of Continued Coverage Under California Endangered Species Act
Consistency Determinations

The California Department of Water Resources (DWR) requests that the California Department of Fish and Wildlife (DFW) review the enclosed correspondence between the U.S. Department of Interior, Bureau of Reclamation (Reclamation), and U.S. Fish and Wildlife Service (USFWS), and National Marine Fisheries Service (NMFS) to determine if DWR may continue to rely upon the existing California Endangered Species Act (CESA) coverage under Consistency Determinations for Delta Smelt and Salmon (CDs) issued by CDFW on October 14, 2011 and April 26, 2012, and Incidental Take Permit for Longfin Smelt (Longfin ITP), issued on February 23, 2009. DWR makes this request based on proposed operational changes described in the attached Drought Operations Plan (DOP) for managing water resources between now and November 15, 2014.

Corresponding modified implementation of the 2008 Coordinated Long Term Operation of the Central Valley Project (CVP) and State Water Project (SWP) Biological Opinion (2008 Smelt BiOp) and the 2009 NMFS Coordinated Long Term Operations of the CVP and SWP Biological Opinion (2009 Salmon BiOp) (collectively the BiOps) are determined to be consistent with the Federal Endangered Species Act pursuant to the attached USFWS and NMFS letters. The DOP will also serve as the basis for a requested amendment to the State Water Resources Control Board (State Water Board) January 31, 2014 Executive Order as subsequently amended (Order) authorizing changes to Water Rights Decision 1641 (D-1641).

Charlton H. Bonham, Director

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California continues to face critically dry conditions, and the grave concerns over current hydrologic conditions in the Sacramento-San Joaquin Delta/San Francisco Bay watershed expressed by DWR in January remain. Hydrologic forecasts indicate continued risk to water supplies for human health and safety, water quality, and cold water storage. DWR and Reclamation developed the DOP, in close coordination with the fishery agencies and the State Water Board, to provide operational flexibility necessary to protect the beneficial use of water resources. The modifications included in the DOP are intended to protect these goals over the course of the remaining months of 2014 and into 2015. Additionally, the Real Time Operations Management Team, on which DFW participates, supports the DOP. Through this letter, DWR is requesting DFW confirm continued coverage under the CDs and the Longfin ITP.

Sincerely,



Mark W. Cowin
Director
(916) 653-7007

Attachments

cc: (See attached list.)



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

APR 08 2014

MEMORANDUM

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

From: Ronald Milligan
Manager, Operations

Subject: Continuing Drought Response Measures Under the 2008 Coordinated Long-term Operations of the Central Valley Project (CVP) and State Water Project (SWP) Biological Opinion (2008 BiOp)

The Bureau of Reclamation (Reclamation) is submitting the attached CVP and SWP Drought Operations Plan and Operational Forecast (Plan) that describes the proposed drought response measures for April 2014 through November 15, 2014, consistent with the Re-initiation Statement for consecutive dry or critically dry years in the 2008 BiOp. We are seeking concurrence of the U.S. Fish and Wildlife Service (Service) that the drought response actions proposed by Reclamation and the California Department of Water Resources (DWR) in the Plan will result in no additional adverse effects to delta smelt or its critical habitat for the remainder of Water Year 2014 (WY 2014) beyond those analyzed in the 2008 BiOp.

The Plan developed in coordination with DWR, Service, National Marine Fisheries Service, the California Department of Fish and Wildlife, and the State Water Resources Control Board, outlines proposed actions and a likely range of coordinated operation of the CVP and SWP through November 15, 2014. Severe drought conditions continue in California and Reclamation and DWR recognize that it is essential that the CVP and SWP operate to provide for, at a minimum, essential human health and safety needs for the remainder of WY 2014. In addition to health and safety needs the Plan's purposes include controlling of salinity intrusion in the Sacramento-San Joaquin Delta, preserving cold water storage in project reservoirs, and maintaining minimum protections for endangered species and other fish and wildlife resources suffering from the ongoing drought. The Plan will be modified based on evolving information which could include additional conditions in the State Water Resources Control Board regulatory approvals as well as Federal Endangered Species Act and California Endangered Species Act requirements. DWR and Reclamation also intend to continue to refine the Plan as hydrological and biological information become available.

Reclamation and DWR will be submitting a revised Temporary Urgency Change Petition (TUC) to the State Water Resources Control Board to incorporate these drought response actions as needed. Both the revised TUC and the Plan propose to utilize the Real Time Drought Operations Management Team for management of drought operational activities through WY 2014.

We appreciate the assistance we have received from the Service and look forward to your response. Please contact me at 916-979-2199 if you have any questions.

Attachment - 1

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

Ms. Maria Rea
Assistant Regional Administrator
California Central Valley Area Office
National Marine Fisheries Service
650 Capitol Mall, Suite 5-110
Sacramento, CA 95814

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

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

Mr. Dean Messer
Chief, Environmental Services
California Department of Water
Resources
P.O. Box 942836
Sacramento, CA 94236-0001

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

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



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

APR 08 2014

Ms. Maria Rea
Assistant Regional Administrator
California Central Valley Area Office
National Marine Fisheries Service
650 Capitol Mall, Suite 5-100
Sacramento, CA 95814

Subject: Contingency Plan for Water Year 2014 (WY 2014) Pursuant to Reasonable and Prudent Alternative (RPA) Action 1.2.3.C of the 2009 Coordinated Long-term Operation of the Central Valley Project (CVP) and State Water Project (SWP) Biological Opinion (2009 BiOp)

Dear Ms. Rea:

By letter dated February 28, 2014, the National Marine Fisheries Service (NMFS) concurred that the Bureau of Reclamation's (Reclamation) and the Department of Water Resources' (DWR) Interim Contingency Plan for March 2014, as modified by revised Delta Cross Channel Gate closure criteria, is consistent with RPA Action 1.2.3.C, and later concurred with adjustments to the Interim Contingency Plan made on March 14, 2014. Reclamation now requests concurrence from NMFS that the operations described in the attached CVP and SWP Drought Operations Plan and Operational Forecast (Plan) are within the limits of the Incidental Take Statement of the BiOp and serves as the Contingency Plan for the remainder of WY 2014 in accordance with RPA Action 1.2.3.C. Additional, Reclamation requests concurrence that CVP and SWP operations described in the Plan concerning RPA Action IV.2.1 are within the limits of the Incidental Take Statement.

The Plan developed in coordination with DWR, NMFS, the Fish and Wildlife Service, the California Department of Fish and Wildlife, and the State Water Resources Control Board, outlines proposed actions and a likely range of coordinated operation of the CVP and SWP through November 15, 2014. Severe drought conditions continue in California and Reclamation and DWR recognize that it is essential that the CVP and SWP operate to provide for, at a minimum, essential human health and safety needs for the remainder of WY 2014. In addition to health and safety needs the Plan's purposes include controlling of salinity intrusion in the Sacramento-San Joaquin Delta, preserving cold water storage in project reservoirs, and maintaining minimum protections for endangered species and other fish and wildlife resources suffering from the ongoing drought. The Plan will be modified based on evolving information which could include additional conditions in the State Water Resources Control Board regulatory approvals as well as Federal Endangered Species Act and California Endangered Species Act requirements. DWR and Reclamation also intend to continue to refine the Plan as hydrological and biological information become available.

Reclamation and DWR will be submitting a revised Temporary Urgency Change Petition (TUC) to the State Water Resources Control Board to incorporate these drought response actions as needed. Both the

revised TUC and the Plan propose to utilize the Real Time Drought Operations Management Team for management of drought operational activities throughout WY 2014.

We appreciate the assistance we have received from NMFS and look forward to your response. Please contact me at 916-979-2199 if you have any questions.

Sincerely,



Ronald Milligan
Manager, Operations

Enclosure -1

cc: Mr. Chuck Bonham
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Sacramento, CA 95814

Mr. Mark Cowin
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