

Delta Smelt Working Group Meeting Notes

December 13, 2007

Participating: Julio Adib-Samii (CDFG), Gonzalo Castillo (USFWS), Mike Chotkowski (USBR), Fred Feyrer (CDWR), Lenny Grimaldo (CDWR), Tracy Hinojosa (CDWR), Ann Lubas-Williams (USBR), Ryan Olah (USFWS), Ted Sommer (CDWR), Jim White (CDFG), and Peter Johnsen (USFWS, convener and scribe)

For Discussion:

1. Update on current conditions, survey data, and salvage
2. Wagner's court order update
3. Develop a basis for determining flows for protection of delta smelt larvae
4. Additional 20-mm and larvae sampling stations
5. Next meeting

Recommendation for WOMT: No recommendations.

1. The 2007 delta smelt FMWT index was the second lowest (28). Because of sampling variation, it is not distinguishable from the 2006 index (41) or the 2005 index (27). Thus it seems that the species continues the trend of critically low abundance that started in 2002. The 2007 summer tow-net index supports this conclusion by having a similar low result as seen in 2006 and 2005. Further, the indices indicates that the delta smelt population did not respond to the relative wet winter of 2006/07 in the same way as seen in previous years when wet winters often resulted in an increased abundance index.

Survey	Years								
	1999	2000	2001	2002	2003	2004	2005	2006	2007
STN	11.9	8	3.5	4.7	1.6	2.9	0.3	0.4	0.4
FMWT	864	756	603	139	210	74	27	41	28

2. The Service presented Wanger's preliminary Court Order for the Working Group, and the group discussed the future role of the Working Group in recommending delta smelt protection actions. Several actions in the Court Order are non-discretionary and give a fixed Old and Middle Rivers flow level for protection of delta smelt. Several in the Working Group therefore questioned if the Working Group would have much function for the coming water year. They also asked if the Court would specify the function of the Working Group in the final Court Order. Service staff did not believe that the Court would, but pointed out that the Court had not vacated the OCAP biological opinion and the adaptive management process described therein is still in effect. The Working Group therefore would still function as an advisory group and recommend actions to protect the delta smelt. The group should continue to keep updated on Delta and delta smelt conditions; the group could provide recommendations for protective measures that provided protection that goes beyond what is ordered by the court. Further, in the period following the first indication of spawning, the order does not give a fixed Old/Middle River flow level but rather provides a flow range (from negative 5,000 cfs to negative 750 cfs)

that the water export operators can operate within. The development of a range was based on the Court's recognition that limits on Old/Middle River flows necessary for protecting delta smelt larvae would vary depending on actual Delta conditions, spawning areas, and larvae distribution. The Service will, based on real-time data on Delta and delta smelt conditions, set the actual flow within the Court ordered range that the water export operators shall meet. Service staff explained that at that time they will request that the Working Group convene to identify a target flow that would provide necessary protection for the delta smelt and provide recommendations to the Service. The Service and Reclamation also solicited support from the Working Group in helping to evaluate the proposed project under OCAP for its effect on the delta smelt, and the Service asked the Working Group for help in developing incidental take.

3. The Service requested that the Working Group develop a rational or criteria for identifying the level of Old/Middle River flows that would be needed to protect delta smelt larvae. This was in an effort to be proactive and to come up with critical factors and their state which could be used to identify necessary flow limits to minimize entrainment of delta smelt larvae. Service staff explained that they believed that by identifying early on the critical factors that will be evaluated, and the state of these factors at which flow level restrictions are based, would make it easier to justify future recommendations for Old/Middle River flows. The Working Group questioned if a "decision tree" would be appropriate for management of the delta smelt but agreed that it was possible to identify the major factors affecting management of Old/Middle River flows. The following factors were identified and set in order of priority:

1. Level of Population Concern – low abundance would require more conservative restrictions
2. Distribution of Delta Smelt – distribution in the central or south Delta would require increasing (i.e., less negative) Old/Middle River flows
3. The Location of X2 – concern increases as X2 moves east because it will place the juveniles closer to the SJR confluence with Old River and False River
4. San Joaquin River Flows – concern increases with lower flows as that will result in more water being drawn from Sacramento River

A possibility discussed is to label each factor according to low, medium, and high concern. Then, based on how many highs we have, the recommendation will either go towards negative 750 cfs or negative 5,000 cfs¹. The Working Group will need to continue to develop this approach and eventually provide the Service with a briefing paper. Ted Sommer suggested that his staff would look at X2 and salvage to see if some general relationship can be developed to guide in setting concern levels.

4. A sub-group of the Working Group has been looking at expanding the sampling area for the 20-mm trawl to include extra stations in Sacramento River by Cache Slough. Seven new stations were added to the sampling.

¹ After note: This could be a general scenario to make managers aware of what directions OMR targets should go but I do believe that looking at the realtime data (monitoring surveys, flows, temperature, etc.) with PTM runs still will be essential in determining the OMR flows we recommend. PJ

5. No date is set for the next meeting. The Working Group members will continue to monitor surveys, conditions in the Delta, and salvage. If a concern is identified, the group will immediately set a date for a new meeting.

Submitted,

PBJ