



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
West Coast Region
650 Capitol Mall, Suite 5-100
Sacramento, California 95814-4700

March 14, 2014

Mr. David Murillo
Regional Director
Bureau of Reclamation
2800 Cottage Way
Sacramento, California 95825

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

Re: Interim Contingency Plan for March Pursuant to Reasonable and Prudent Alternative Action I.2.3.C of the Biological and Conference Opinion on the Coordinated Long-term Operation of the Central Valley Project and State Water Project

Dear Mr. Murillo and Mr. Cowin:

This letter is in response to the U.S. Bureau of Reclamation's (Reclamation) March 14, 2014, letter, wherein Reclamation and the California Department of Water Resources (DWR) propose to adjust the provisions of its March contingency plan¹ through the end of March. Specifically, Reclamation and DWR propose to:

1. Request that the State Water Resources control Board (SWRCB) further modify its February 28, 2014, Order to also allow for the following:

For the remainder of March 2014, Table 3 of D-1641 will be further modified to allow for compliance with the Delta Outflow objective through a 7,100 cfs outflow on a 3-day average and/or X2 position at Collinsville. Project diversions from Old River for periods when Delta Outflow is at or above 7,100 will continue to conform to existing Biological Opinions and the D-1641 Export to Inflow Ratio. The Delta Cross Channel (DCC) Gates will remain closed when outflow is at or above 7,100. For lower outflows, the current DCC opening protocol recommended by the fishery agencies will be followed.

¹ NMFS' response to Reclamation's contingency plan for March 2014 is available at:
http://www.westcoast.fisheries.noaa.gov/publications/Central_Valley/Water%20Operations/Operations,%20Criteria%20and%20Plan/2_28_2014_nmfs_march_contingency_plan_response_letter_and_enclosures.pdf



2. Attempt to capture additional natural flow in the Delta available because of recent storm events, and in doing so, propose to adjust implementation of Reasonable and Prudent Alternative Action IV.2.3 in NMFS' June 4, 2009, biological and conference opinion on the long-term operation of the Central Valley Project and State Water Project (CVP/SWP Opinion) for the next 7 days. Specifically, Reclamation and DWR propose that the 14-day running average Old and Middle River flow shall be calculated and be no more than 25 percent more negative than -5,000 cfs, Reclamation and DWR proposes to operate in a manner to capture additional natural flow available in the Delta that would cause up to 7 days of adjustment over -5000 cfs, but below -6000 cfs. Reclamation and DWR would be operating to OMRs more positive than -5000 cfs for 10 days to the end of the month. The first and second stage triggers outlined in the NMFS 2009 BiOp RPA Action IV.2.3 remain in effect.

Reclamation has requested NOAA's National Marine Fisheries Service's (NMFS) concurrence that these actions are consistent with the CVP/SWP Opinion. In addition to the requested revisions, above, Reclamation and DWR commit to implementing the other provisions of the March contingency plan and the SWRCB's February 28, 2014, revised Order, and therefore, incorporates those two documents by reference.

To support Reclamation and DWR's proposed modifications, Reclamation, in the enclosure of its March 14, 2014, letter, provided updated information on the current distribution of the listed anadromous salmonid species (as of March 12, 2014), and a general effects analysis of the adjustments to the March contingency plan through the remainder of March. NMFS agrees with Reclamation's assessments.

NMFS has carefully reviewed the analysis, and concurs with its findings. In summary, NMFS concurs that the proposed Interim Contingency Plan for March 2014, modified by our February 28, 2014, letter and Reclamation's March 14, 2014 letter requesting adjustments, is consistent with Action 1.2.3.C and meets the specified criteria for a drought contingency plan. We are making this finding in consideration of Reclamation and DWR's planned operations for the remainder of March (enclosure). The analysis concludes that the proposed action will likely cause unquantifiable reductions in survival to winter-run Chinook salmon, spring-run Chinook salmon, and California Central Valley steelhead. These effects will be minimized through: (1) planned operations to starting March 20th through March 31st that result in less negative OMRs than -5000 cfs, including minimum combined health and safety exports (1,500 cfs) from March 26th through 31st; and (2) the continued implementation of the action triggers provided in RPA Action IV.2.3 (*e.g.*, older juvenile Chinook salmon loss density triggers). We have reached this conclusion through examining real-time physical and biological data. Our conclusion is based on recognition in the RPA that Reclamation may not be able to operate to all RPA elements in the case of severe drought.

Furthermore, we have examined the level of incidental take at the export facilities to date in water year 2014 relative to the incidental take limit of 23,928 natural winter-run Chinook

salmon², and conclude that implementation of the interim contingency plan, with the proposed adjustments, will not exceed levels of take at the export facilities anticipated for implementation of the RPA specified in the CVP/SWP Opinion.

This concurrence is conditioned on the CVP and SWP operating per projected plans in the enclosed table through March 31, 2014, allowing for minor modifications to be discussed and agreed to at RTDOT.

NMFS expects there to be continued close coordination with Reclamation and DWR on current and projected operations on a weekly basis through existing meetings [Delta Operations for Salmonids and Sturgeon group (DOSS), Delta Conditions Team, Water Operations Management Team (WOMT), etc.]. The Real-Time Drought Operations Team (RTDOT) will continue to meet on at least a weekly basis to address the potential for drought response actions for future months, and to discuss the process by which such actions will be presented to the SWRCB and the fish agencies (California Department of Fish and Wildlife, NMFS, U.S. Fish and Wildlife Service) for approval.

We look forward to continued close coordination with you and your staff throughout this extremely challenging water year.

If you have any questions regarding this letter, please contact me at will.stelle@noaa.gov, (206)526-6150, or contact Maria Rea at (916)930-3600, maria.rea@noaa.gov.

Sincerely,



William W. Stelle, Jr.
Regional Administrator

Enclosure

cc: Copy to file 151422SWR2006SA00268

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2

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**Reclamation's proposed operation for the remainder of March, 2014.
Submitted to NMFS on March 14, 2014.**

Date	Projected Without Proposed Action					Projected With Proposed Action				
	Combined pumping	NDOI	Old and Middle River Flow			Combined pumping	NDOI	Old and Middle River Flow		
			Daily Index	14-d Average	QWEST			Daily Index	14-d Average	QWEST
24-Feb-14	1494	6614	-1250	-3526	635	43188	6614	-1250	-3526	635
25-Feb-14	1494	6366	-1258	-3372	526	43189	6366	-1258	-3372	526
26-Feb-14	1498	5885	-1249	-3174	498	43194	5885	-1249	-3174	498
27-Feb-14	1498	6374	-1251	-2921	1855	43195	6374	-1251	-2921	1855
28-Feb-14	1518	7127	-1250	-2669	1965	43216	7127	-1250	-2669	1965
1-Mar-14	1505	10964	-1150	-2408	7386	43204	10964	-1150	-2408	7386
2-Mar-14	3954	15494	-3240	-2295	6179	45654	15494	-3240	-2295	6179
3-Mar-14	4283	21430	-3594	-2205	5994	45984	21430	-3594	-2205	5994
4-Mar-14	4642	24056	-3973	-2175	4769	46344	24056	-3973	-2175	4769
5-Mar-14	5663	24455	-4919	-2275	3896	47366	24455	-4919	-2275	3896
6-Mar-14	5805	21436	-5045	-2424	-5	47509	21436	-5045	-2424	-5
7-Mar-14	6785	20768	-5981	-2686	497	48490	20768	-5981	-2686	497
8-Mar-14	6788	21369	-6016	-2950	520	48494	21369	-6016	-2950	520
9-Mar-14	6546	22835	-5791	-3283	-413	48253	22835	-5791	-3283	-413
10-Mar-14	6822	21137	-6020	-3624	-1318	48530	21137	-6020	-3624	-1318
11-Mar-14	6772	17677	-5963	-3960	-2335	48481	17677	-5963	-3960	-2335
12-Mar-14	6300	14571	-5550	-4267	-2325	48010	14571	-5550	-4267	-2325
13-Mar-14	5800	13914	-5094	-4542	-1459	47511	13414	-6461	-4640	-2959
14-Mar-14	5200	15564	-4559	-4778	-683	46912	14397	-6381	-5006	-2683
15-Mar-14	3900	16940	-3375	-4937	91	45613	14773	-6108	-5360	-2939
16-Mar-14	3900	15900	-3386	-4948	-401	45614	13234	-6119	-5566	-3401
17-Mar-14	3900	13052	-3397	-4934	-745	45615	10052	-6130	-5747	-3745
18-Mar-14	3900	10470	-2395	-4821	-1011	45616	7804	-5219	-5836	-3011
19-Mar-14	3000	8623	-2407	-4641	-409	44717	6957	-2589	-5670	-409
20-Mar-14	2800	7573	-2407	-4453	-236	44518	6907	-2407	-5481	-236
21-Mar-14	2800	7107	-2418	-4198	-295	44519	7107	-2418	-5227	-295
22-Mar-14	2300	7107	-1974	-3910	146	44020	7107	-1974	-4938	146
23-Mar-14	2000	7140	-1701	-3618	419	43721	7140	-1701	-4646	419
24-Mar-14	2000	7173	-1712	-3310	360	43722	7173	-1712	-4338	360
25-Mar-14	1800	7123	-1530	-2993	534	43523	7123	-1530	-4021	534
26-Mar-14	1500	7057	-1268	-2687	775	43224	7057	-1268	-3715	775
27-Mar-14	1500	7007	-1268	-2414	748	43225	7007	-1268	-3345	748
28-Mar-14	1500	6873	-1279	-2180	689	43226	6873	-1279	-2980	689
29-Mar-14	1500	6657	-1279	-2030	662	43227	6657	-1279	-2635	662
30-Mar-14	1500	6440	-1279	-1880	636	43228	6440	-1279	-2290	636
31-Mar-14	1500	6223	-1291	-1729	577	43229	6223	-1291	-1944	577

