From: Allen, Kaylee [mailto:kaylee_allen@fws.gov]
Sent: Monday, April 18, 2016 12:57 PM
To: RMILLIGAN@usbr.gov
Cc: Rea, Maria@NOAA; Wilcox, Carl@Wildlife; Garwin.Yip@noaa.gov; Erin_Gleason@fws.gov; Leahigh, John@DWR; Dibble, Chad@Wildlife; Biggs, Charlotte@DWR; Stein, Russell@DWR; Kim_S_Turner@fws.gov; Barbara.Byrne@noaa.gov; ekiteck@usbr.gov; Thomas Patton; Jeffrey Rieker; Riddle, Diane@Waterboards; Satkowski, Rich@Waterboards
Subject: Re: Request for Concurrence - March 2016 TUCP and consistency with the Biological Opinions

Ron- Thank you for your email requesting consistency with the Service's 2008 biological opinion (BiOp).

In your email below, Reclamation determined that implementation of the TUCP is consistent with the BiOp, and that the range of effects are within those previously analyzed. Reclamation also states in the email that operations will be subject to to ongoing implementation of the BiOp's RPA Action 3.

Given Reclamation's determination that the range of effects are within those previously analyzed, and that there will be no modification to implementation of Action 3, the Service does not anticipate additional adverse effects to Delta Smelt or its critical habitat.

The Service will continue to implement Action 3 of the BiOp's RPA. Action 3 is designed to protect larval/juvenile Delta Smelt from entrainment to the facilities, allowing for OMR flows to be no more negative than -1250 cfs to -5000 cfs based on a 14-day running average with a simultaneous 5-day running average within 25% of the required OMR. At this time, the Service's March 25 determination that OMR flow should be no more negative than -2500 cfs remains in place. The Service will continue to implement Action 3 until offramp criteria are met (June 30th, or when the daily average water temperature at Clifton Court Forebay reaches 25 degrees C for three days, whichever occurs first).

Thank you again for your notification,
Kaylee

On Fri, Apr 15, 2016 at 7:47 AM, Milligan, Ronald <rmilligan@usbr.gov> wrote:

Maria and Kaylee (and Garwin and Kim),

Thank you and your staffs for your cooperative efforts to assist Reclamation with our ongoing drought operations. As you are aware, Reclamation has recently filed a Temporary Urgency Change Petition (TUCP) with the SWRCB to request modifications to the “San Joaquin River at Vernalis” flow objectives for this spring. A copy of the TUCP is attached. The purpose of the petition is to conserve storage in New Melones Reservoir while still providing critical spring flows for out-migrating salmonids.

(Please also note that Reclamation is in the process of modifying our TUCP to the SWRCB to withdraw our request to modify the Dissolved Oxygen objective for this summer.)

The drought conditions in the San Joaquin River basin have continued well into the spring of 2016, which has limited San Joaquin River flows at Vernalis and into the Sacramento-San Joaquin Delta. Reclamation has worked with the Stanislaus basin water districts to augment the currently scheduled Stanislaus River Appendix 2(e) flow releases with an additional 75,000 af during the pulse flow period this April and May. Unfortunately, these Stanislaus River flows will not be enough to meet the required D-1641 flow objectives given drought conditions and the minimal releases this year on the Tuolumne and Merced Rivers. The table below summarizes Reclamation’s proposed Vernalis flows relative to the flows called for by D-1641 this year.

Dates	Proposed Flows (cfs)	D-1641 Objective (cfs)
April 1 – 14	1,000	2,280
April 15 – May 15	3,100	4,880
May 16 - May 31	750	2,280
June 1 -30	500	2,280

The D-1641 objectives are well above the flows forecasted this year despite the significant augmentation of flow from the Stanislaus River. Without approval of the requested TUCP, an additional release of approximately 192 taf would be required from storage in April and May, with an additional volume of 107 taf in June. Given the continued low reservoir storage at New Melones, this additional release would result in a very low lake level by September - lower than the lake level last year, impacting river temperatures this summer and limiting the ability to meet 2(e) flows into next the fall and 2017.

Our last estimate of end-of September storage at New Melones is 415 taf assuming the TUCP and 90% exceedance hydrology. A release of an additional 192 taf from New Melones (the April – May volume) would take that storage down to 223 taf. By comparison, the end-of September storage in 2015 was 267 taf. An additional release of 107 taf in June would take the reservoir down to 116 taf.

Since the termination of the San Joaquin River Agreement and VAMP, the operators on the Tuolumne and the Merced are not compelled to augment spring flows beyond their current FERC requirements, which are minimal this spring after several critically dry years.

Given the lack of options, Reclamation believes that the TUCP reasonably balances the use of the limited New Melones supplies to provide fishery flows on the San Joaquin River this spring while maintaining storage to protect Stanislaus river temperatures and river flows later this year and next. This approach is similar to the dry-year operations envisioned by Reclamation when we prepared the Biological Opinion in 2008.

Based on our review of the record, the proposed flows appear to be within the range of Vernalis flows and Stanislaus releases evaluated during the 2008/2009 consultations, and the range of effects are within those previously analyzed. Reclamation believes that the operations to the TUCP this spring, in conjunction with the ongoing implementation of RPA actions from both Biological Opinions, will not adversely jeopardize any of the listed species, or result in adverse modification of critical habitat.

As outlined above, we believe that implementation of the TUCP this year is consistent with the Biological Opinions. To facilitate the SWRCB's review of Reclamation's TUCP, I am asking for your concurrence with our conclusion. Again, thank you for your continued assistance. If you have any questions, or need further clarification, please let me know.

Ron