

**Policy Statement of the United States Fish and Wildlife Service, Region 8  
Regarding the Hearing to Consider Taking an Emergency Drought-Related  
Water Rights Action on a Petition for Temporary Urgency Change filed by  
the Department of Water Resources and the United States Bureau of  
Reclamation Regarding Temporary Relaxation of the February Delta Outflow  
and the San Joaquin River Flow Objectives in Response to Current Dry  
Conditions**

**February 17, 2009**

The Service is appearing today to express support for the petition filed by Reclamation and DWR for temporary relaxation of X2 standards for the month of February. The Service has reviewed the petition and effects of the action on listed delta smelt as part of a reinitiation of consultation required by the December 2008 Biological Opinion evaluating the effects of the long term operation of the Central Valley Project and State Water Project on delta smelt. The proposed relaxation of the X2 standard for the month of February constitutes a change from the project description that was analyzed in that opinion. As a result of the reinitiation process, the Service has reviewed the existing hydrologic and biological conditions and has determined that the temporary modification of the project description articulated in the Temporary Urgency Petition is within the range of effects analyzed in the Biological Opinion.

The Service recognizes the difficulty that the continued critical hydrology creates for operations of the projects in this water year. The Service, as part of the Department of the Interior, is committed to assisting the State within the context of its regulatory responsibilities and statutory authorities during this difficult time. Thus, the Service supports the petition for the month of February. As described in the Biological Opinion we will continue to utilize the adaptive process on a weekly basis to proactively meet the biological needs of the delta smelt with the constraints of the critically dry water year conditions.

