



California Sportfishing Protection Alliance

"An Advocate for Fisheries, Habitat and Water Quality"

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20 February 2014

The Honorable John Laird
Secretary
California Natural Resources Agency
secretary@resources.ca.gov

The Honorable Sally Jewell
Secretary of the Interior
Sally_Jewell@ios.doi.gov

RE: Request Drought Actions to Reduce Take and Conserve Delta Smelt and Longfin Smelt Populations

Dear Secretaries Jewell and Laird:

We are writing to request you urgently take joint actions to conserve Delta smelt and longfin smelt during the present 2013-2014 Water Year. Operations of the State and Federal Water Projects affect the survival and migration of these fish and threaten the viability of the Bay-Delta populations of these listed species. Both species are in immediate peril due to the drought and a large percentage of the 2014 production may be lost if no action is taken. Drought has left reservoirs unseasonably low and Bay-Delta inflows dangerously low during this critical time for smelt spawning and early rearing. The Sacramento and San Joaquin Bay-Delta Estuary currently holds spawning adults and the eggs and larvae of the 2014 populations of these species.

The State Board's Temporary Urgency Change Petition Order on January 31 allowed for very low 3,000 cfs Delta outflow but with Delta exports limited to 1,500 cfs to protect fish. It also permitted opening the Delta Cross Channel (DCC) to protect water quality. However, exports increased to an average of 5,652 cfs between February 12 and 17, placing these species at extreme risk.

The Smelt Working Group (SWG), as prescribed in the federal biological opinion and state incidental take permit, have been reviewing protections for smelt on a weekly basis. The problem is that their assessments and recommended actions misrepresent the existing and near-future peril placed on these species by the drought and operations of the state and federal projects during the present drought. Despite the fact that its members are fully aware, based on past experience and early February larval surveys, that longfin larvae are present in the western Delta and central Delta in high concentrations and thus extremely vulnerable to rising exports, they have determined there is no risk to the populations. They knew that early results of this week's larval survey #4 (as well as surveys #2 and #3) indicated high concentrations of longfin larvae in the lower Sacramento River stations. Even the lesser concentrations in Barker Slough far upstream of the main concentrations

should have required curtailment of North Bay Aqueduct pumping. The SWG understood the high risk to larval longfin smelt, yet in their February 10 and 18 meeting notes they state: "The Working Group also agreed that given their present distribution, existing constraining conditions were sufficient to protect longfin smelt from entrainment in the southern Delta."

The group also knew that the 7100 cfs February outflow level was even more severe and only half the February outflow levels for 2009, 2012, and 2013, the three most recent drought years. This year's very low outflows result in far greater vulnerability of the larval production being vulnerable to exports. The SWG based their conclusion of no risk based on lack of adult smelt salvage at the export facilities. They did discuss the need for monitoring larval smelt at the South Delta exports at their 2/18 meeting, but had no specific comment or recommendation, and took no action to do so.

Furthermore, the risk to the Delta smelt population, already at a record low level, was simply ignored by the SWG. Larval Delta smelt usually show in the early March surveys especially in drought years. Spawning trigger conditions of rising turbidity and water temperatures appeared in early February. Ripe adult Delta smelt were noted in the first Spring Kodiak Trawl Survey in early February. Larvae will soon follow and will be highly vulnerable to exports.

Biological Opinion RPA Component 2, Action 3 requires that the risk to larval Delta smelt be minimized and that the SWG determine what OMR flows should apply in the range of -2,500 to -5,000 cfs in order to protect larval smelt from entrainment at the south Delta export pumps. "Members discussed that greater densities of delta smelt in the lower San Joaquin River at Jersey Point than in the south Delta are likely." Members agreed there was no need to modify exports at this time to benefit delta or longfin smelt, due to the results of surveys and hydrology. "Risk of entrainment for larvae in the central and south Delta was reduced last week by strong positive Qwest flows, which likely moved many westward away from risk of entrainment. Though current export rates suggest a moderate risk of entrainment, few larvae are expected to remain vulnerable and exports are planned to drop by 1,000 cfs in each of the next 2 days, reducing risk substantially for any hatching currently or in the near future." Subsequent to the February 18 meeting, conditions quickly returned to prestorm levels, with sustained 5,000 cfs exports (40% E/I), only 7,000 cfs outflow, -4,000 OMR, 0 QWEST, and the Delta Cross Channel being closed. Concentrations of larvae and juvenile longfin and Delta smelt are expected to remain at high risk to south Delta exports in the near future; therefore the need to minimize South Delta exports continues. Exports should immediately be reduced to 1,500 cfs or less.

We recommend that the Service reinitiate consultation as prescribed in the Service's OCAP BO:

"Reinitiation-Closing Statement - If the Sacramento Valley Water Year Type Index (40-30-30) February 1, 50 percent exceedence forecast indicates that the water year will be a second consecutive (or more) dry or critically dry year, Reclamation shall reinitiate consultation with the Service. In order to

allow the CVP/SWP to provide health and safety needs, critical refuge supplies, and obligation to senior water rights holders, the combined CVP/SWP export rates will not be required to drop below 1,500 cfs in these circumstances. However, in the unlikely event that salvage approaches the incidental take limit at these low export levels, the Service shall assess the on-going risk to delta smelt and will determine if additional reductions in pumping or other actions are necessary to further minimize effects."

Finally, we request participation in the SWG in the future to ensure fully comprehensive risk reviews are undertaken and a full range of potential actions and justifications are presented to you for decision making.

We would appreciate a response to this letter and notice of any actions you may take on this issue. We will continue to monitor the situation as it unfolds through the remainder of the winter and spring.

Sincerely,



Bill Jennings, Executive Director
California Sportfishing Protection Alliance

Attachment: Smelt Larva Surveys

Cc: Mr. Mark W. Cowin, Director
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Mr. Michael L. Connor, Commissioner
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Attachment: California Department of Fish and Wildlife, Smelt Larva Surveys

