



BUREAU OF RECLAMATION
2800 Cottage Way, E-1604
Sacramento, California 95825



DEPARTMENT OF WATER RESOURCES
1416 Ninth Street, Room 1115-1
Sacramento, California 95814

August 2, 2016

Ren Lohoefener, Pacific Southwest Regional Director
U.S. Fish and Wildlife Service
2800 Cottage Way, W-2606
Sacramento, CA 95825

Subject: Request for Reinitiation of Section 7 Consultation Addressing Coordinated Long-Term Operation of the Central Valley Project (CVP) and State Water Project (SWP)

Dear Mr. Lohoefener:

The purpose of this letter is to request reinitiation of consultation with the U. S. Fish and Wildlife Service (FWS), as provided for under Section 7 of the Endangered Species Act (ESA), on the Coordinated Long-term Operation of the CVP and SWP (LTO). This reinitiation of consultation is based on new information related to multiple years of drought and recent data demonstrating low Delta smelt populations, and new information available and expected to become available as a result of ongoing work through collaborative science processes. We expect this consultation to update the system-wide operating criteria for the LTO consistent with Section 7 requirements and to review the existing Reasonable and Prudent Alternative (RPA) included in the 2008 Biological Opinion (2008 BiOp) to determine the continued substance and efficacy in meeting the requirements of Section 7 of the ESA. Consistent with this reinitiation request, U.S. Bureau of Reclamation (Reclamation) and the California Department of Water Resources (DWR) will also seek reinitiation of consultation from National Marine Fisheries Service (NMFS) on the LTO.

During this reinitiated consultation, the CVP and SWP will continue to operate pursuant to the requirements of the 2008 BiOp until a new opinion on the LTO is issued. In addition, while the reinitiated consultation is proceeding, the conservation of Delta Smelt and designated critical habitat will be further addressed through the implementation of the Delta Smelt Resiliency Strategy (Strategy), released by the California Natural Resources Agency on July 8, 2016. While many of the actions under the Strategy will require participation by private entities, Reclamation and California, both Department of Water Resources (DWR) and Department of Fish and Wildlife (DFW), are committed to implementing the elements outlined under the Strategy and, therefore, believe that implementation of the Strategy is reasonably certain to occur.



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Because we believe an open and transparent science process is essential to effective conservation, implementation of the Strategy will be informed by the Collaborative Science and Adaptive Management Program (CSAMP) and Collaborative Adaptive Management Team (CAMT) processes. We further believe that the CSAMP and CAMT processes can provide important input to the reinitiated consultation. In addition, we plan to involve and have the benefit of the Delta Science Program and its processes.

For this reinitiated consultation, Reclamation and DWR will coordinate with FWS and NMFS to prepare a Consultation Agreement (CA), expected October 31, 2016, that will outline the tasks, process, and schedule to complete a biological assessment (BA) and BiOp. Additionally, the directors of Reclamation, DWR, FWS, NMFS, and DFW will meet in late 2016 to discuss progress and next steps. We believe it is appropriate to include DFW in the development of the CA to ensure consistency with legal requirements for those listed species covered in the BiOp that are also listed under the California Endangered Species Act. We expect the CA to outline the specific steps involved and agency roles in developing the proposed action, the scientific framework for the effects assessment, and preparation and review of drafts of the BA and BiOp, including independent scientific review.

Please let us know of any assistance we can provide to expedite the consultation. Please feel free to contact Ms. Janice Piñero at (916) 414-2428 or Ms. Cindy Messer at (916) 653-0901 with questions related to the LTO and BA documents

Sincerely,

David G. Murillo
David Murillo
Regional Director
Bureau of Reclamation

Mark W. Cowin
Mark W. Cowin
Director
Department of Water Resources

Date: 8/2/2016

Date: 8/2/2016

cc: National Marine Fisheries Service (Will Stelle)
California Department of Fish and Wildlife (Charlton Bonham)