Southern Residents depend on Chinook salmon as prey. Preparation of hatchery management plans for fall-run at Nimbus Fish Hatchery and spring-run and fall-run at Trinity River Fish Hatchery is necessary to reduce operational effects on Southern Residents prey over the long term. Improving the genetic diversity and diversity of run timing of Central Valley fall-run will decrease the potential for localized prey depletions and increase the likelihood that fall-run can withstand stochastic events, such as poor ocean conditions (Lindley *et al.,* 2009), and thereby provide a consistent food source in years with overall poor productivity. .

## III. EAST SIDE DIVISION

**Introduction to Stanislaus River/Eastside Division Actions:** The steelhead population on the Stanislaus River is precariously small and limited to habitat areas below the dams that historically were unsuitable owing to high summer temperatures. All of the four steelhead populations in the Southern Sierra Nevada Diversity Group of the CV steelhead DPS are in similar condition and are not presently considered viable. Using the framework in this Opinion for jeopardy analysis, the DPS is not viable if one of the Diversity Groups is not viable. The overall poor status of the Diversity Group increases the importance of minimizing the effects of project operations on the Stanislaus River population.

Modeled operations suggest that it is possible to operate dams of the Eastside Division in a manner that avoids jeopardy to steelhead; however, if future climate conditions are warmer, drier, or both, summertime temperatures will restrict the extent of suitable habitat for steelhead.

The fundamental operational criteria are sufficiently ill-defined in the CVP/SWP operations BA as to provide limited guidance to the Action Agency on how to operate. This suite of actions provides sufficiently specific operational criteria so that operations will avoid jeopardizing steelhead and will not adversely modify their critical habitat. Operational actions to remove adverse modification of critical habitat include a new flow schedule to minimize effects of flood control operations on functionality of geomorphic flows and access of juvenile steelhead to important rearing areas.

**Overall Objectives**: (1) Provide sufficient definition of operational criteria for Eastside Division to ensure viability of the steelhead population on the Stanislaus River, including freshwater migration routes to and from the Delta; and (2) halt or reverse adverse modification of steelhead critical habitat.

**Overall Rationale**: Sufficient uncertainty exists as to whether VAMP pulse flows and b(2) allocations are reasonably likely to occur in the future. VAMP, as defined by the SJRA, is due to expire in 2011. The BA commits to subsequent flows similar to VAMP ("Vamp-like flows"), but this is a very vague commitment. The project description does not define the particular contribution, timing, duration, or magnitude of these flows from the tributaries that contribute to VAMP, including the Stanislaus River. In addition, the BA specifies the amount of water designated to offset VAMP export curtailments as 48 TAF; but the need, based on past

performance, has varied from approximately 45 to 150 TAF. Additional demands for smelt protection and future drainage settlement terms are being placed on b(2) water, and it is uncertain that b(2) water will be available consistently in each year in the quantity, duration, and timing needed for CV steelhead in the Stanislaus River. The annual water contract allocation process from New Melones is inadequately defined in the project description to assure the proposed action will not prevent the establishment of a viable population of steelhead.

**Action III.1.1. Establish Stanislaus Operations Group for Real-Time Operational Decision-Making as Described in These Actions and Implementation Procedures**

**Action:** Reclamation shall create a SOG to provide a forum for real-time operational flexibility implementation of the alternative actions defined in this RPA and for clarification of decision-making processes regarding other allocations of the NMTP. This group shall include Reclamation, NMFS, USFWS, DWR, CDFG, SWRCB, and outside expertise at the discretion of NMFS and Reclamation. This group shall provide direction and oversight to ensure that the East Side Division actions are implemented, monitored for effectiveness and evaluated. Reclamation, in coordination with SOG, shall submit an annual summary of the status of these actions. See introduction to RPA for further information on group procedures.

**Action III.1.2. Provide Cold Water Releases to Maintain Suitable Steelhead Temperatures**

**Action**: Reclamation shall manage the cold water supply within New Melones Reservoir and make cold water releases from New Melones Reservoir to provide suitable temperatures for CV steelhead rearing, spawning, egg incubation smoltification, and adult migration in the Stanislaus River downstream of Goodwin Dam in order to maintain the following temperature compliance schedule:

| Criterion and Temperature Compliance Location | Duration | Steelhead Life Stage Benefit |
|---|---|---|
| Temperature below 56°F at Orange Blossom Bridge (OBB) | Oct 1*-Dec 31 | Adult migration |
| Temperature below 52 °F at Knights Ferry and 57°F at OBB | Jan 1-May 31 | Smoltification |
| Temperature Below 55°F at OBB | Jan 1-May 31 | Spawning and incubation |
| Temperature below 65°F at OBB | June 1-Sept 30 | Juvenile rearing |

***This criterion shall apply as of October 1 or as of initiation date of fall pulse flow as agreed to by NMFS**.

Temperature compliance shall be measured based on a seven-day average daily maximum temperature.

**Exception:** If any of these criteria is or is expected to be exceeded based on a three-day average daily maximum temperature, Reclamation shall immediately notify NMFS of this condition and shall submit to NMFS a written determination that, after taking all actions within its authorities, it is unlikely to meet the above temperature requirement and the extent

and duration of the expected exceedance. This determination must be supported by specific iterative modeling techniques that vary allocations and delivery schedules. In the event that Reclamation determines that other nondiscretionary requirements (*e.g.*, D-1641 or requirements of the USFWS' Delta smelt biological opinion) conflict with attainment of the temperature requirement, Reclamation will convene SOG to obtain recommendations. If consensus cannot be achieved within SOG, then SOG shall advise NMFS, and NMFS will make a recommendation to WOMT per standard operating procedures.

**Rationale**: CV steelhead are dependent on East Side Division operations to maintain suitable in-stream temperatures. Operational criteria are not clearly described in the CVP/SWP Operations BA to ensure that appropriate temperatures are met for CV steelhead adult migration, spawning, egg incubation, juvenile rearing, and smoltification. The temperature compliance schedule above provides an operational framework to minimize temperature-related effects of proposed operations in the reaches of the river most used by CV steelhead on a year-round basis. Temperature criteria for adult CV steelhead migration in the lower Stanislaus River are included, as we expect that fall attraction flows will improve downstream temperature conditions for adult migration.

Observations at the fish counting weir on the Stanislaus River indicate that apparent CV steelhead enter the river in October, usually coincident with the release of fall attraction flows that provide cooler water and flow cues for fall-run.

The literature regarding appropriate criteria for smoltification suggests optimal temperatures of less than 52°F (Adams *et al*., 1975, Myrick and Cech 2001) or 57°F (EPA 2001). In order to provide optimal temperatures for smoltification within a feasible operational scenario, the smoltification temperature criteria are lower for Knights Ferry at 52°F and 57°F for Orange Blossom Bridge.

No steelhead spawning surveys have been conducted on the Stanislaus River, but fall-run surveys indicate that spawning may occur from Goodwin Dam (RM 59) almost to the City of Oakdale (RM 40), with the highest use occurring above Knights Ferry (RM 55). Based on observations of trout fry, most spawning occurs upstream of OBB (Kennedy and Cannon 2002). Consequently, specific temperature criteria of 55ºF or less at Riverbank should be met from December through May to ensure that temperatures are suitable for all available spawning habitat, however, modeled results and CDEC data (figure 6-35) indicates that temperatures at Riverbank are likely to exceed this level. Based on observations of trout fry, most spawning occurs upstream of OBB (Kennedy and Cannon 2002). Suitable spawning temperatures are likely to be met at OBB, except in May in critically dry years, and exception procedures will be implemented.

**Action III.1.3. Operate the East Side Division Dams to Meet the Minimum Flows, as Measured at Goodwin Dam, Characterized in Figure 11-1, and as Specified in Appendix 2-E**

**Objective:** To maintain minimum base flows to optimize CV steelhead habitat for all life history stages and to incorporate habitat maintaining geomorphic flows in a flow pattern that will provide migratory cues to smolts and facilitate out-migrant smolt movement on declining limb of pulse.

**Action:** Reclamation shall operate releases from the East Side Division reservoirs to achieve a minimum flow schedule as described in Appendix 2-E and Figure 11-1, below. This flow schedule specifies minimum flows and does not preclude Reclamation from making higher releases for fishery benefits or other operational criteria. When operating at higher flows than specified, Reclamation shall implement ramping rates for flow changes that will avoid stranding and other adverse effects on CV steelhead. In particular, flows that exceed 800 cfs will inundate known side channels that provide habitat, but that also pose stranding risks. When spring pulses greater than 800 cfs are identified in Figure 11-1, the declining limb is not reduced below 800 cfs until after the last pulse.

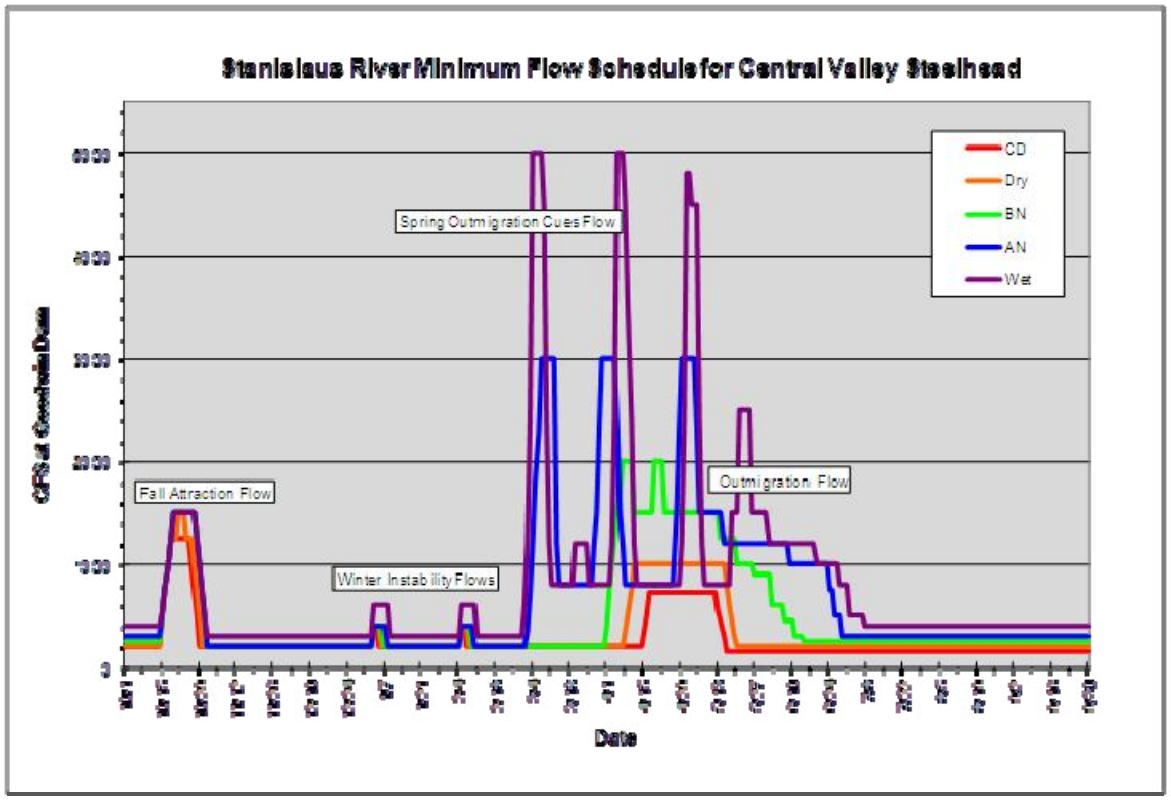


**Figure 11-1. Minimum Stanislaus River in-stream flow schedule for CV steelhead as measured at Goodwin Dam**

**Implementation procedures:** Reclamation shall convene the SOG to adaptively manage flows according to this schedule. The timing, magnitude, and duration of the flows in Appendix 2-E are intended to provide certain hydrologic features at certain times of year to benefit CV steelhead, as explained in the Rationale. Based upon the advice of SOG and the concurrence by NMFS[6], the flows may be implemented with minor modifications to the timing, magnitude, and/or duration, as long as NMFS concurs that the rationale for the shift in timing, magnitude, and/or duration is deemed by NMFS to be consistent with the intent of the action. For example, Reclamation may execute shorter duration pulses more frequently (*e.g.*, 2 - 4 times) during the longer pulse period. Implementation of this action should be coordinated with allocation of water resources dedicated for fish, such as the 98.3 TAF to CDFG and b(2) or b(3), if applied. The SOG shall follow standard operating procedures resolving any conflict through the WOMT process. The team shall also advise Reclamation on operations needed to minimize the adverse effects of flow fluctuations associated with New Melones Reservoir and Goodwin Dam operations on CV steelhead spawning, egg incubation, and fry and juvenile rearing within the Stanislaus River. If new information is developed, such as an update of Stanislaus River CV steelhead in-stream flow needs, more specific geomorphic analyses regarding channel forming flows, or real-time recommendations from the SOG, Reclamation may submit to NMFS a revised annual minimum flow schedule that may be implemented if NMFS concurs that it is consistent with ESA obligations. These revisions may trigger re-initiation and re-consultation.

**Rationale**: This flow schedule includes the following components:

1) Minimum base flows based on IFIM (Aceituno 1993) to optimize available CV steelhead habitat for adult migration, spawning, and juvenile rearing. These base flows are scaled to water year type as defined by the New Melones water supply parameter[7], with lowest flows in critically dry years and highest flows in wet years.

2) Fall pulse flow to improve in-stream conditions sufficiently to attract CV steelhead to the Stanislaus River.

3) Winter instability flows to simulate natural variability in the winter hydrograph and to enhance access to varied rearing habitats.

4) Channel forming and maintenance flows in the 3,000 to 5,000 cfs range in above normal and wet years to maintain spawning and rearing habitat quality. These flows are scheduled to occur after March 1 to protect incubating eggs and are intended to work synergistically with providing outmigration flow cues and late spring flows, described next. These flows are high intensity, but limited duration to avoid potential seepage issues that have been alleged under extended periods of flow greater than 1,500 cfs.

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[6] Concurrence by NMFS is necessary only for pulse flows that are timed or shaped differently than the pulse descriptions I Appendix 2-E.

[7] The New Melones water supply parameter is calculated as the sum of end of February New Melones Reservoir storage and cumulative inflow to New Melones Reservoir from March through September.

5) Outmigration flow cues to enhance likelihood of anadromy.

6) Late spring flows for conveyance and maintenance of downstream migratory habitat quality in the lowest reaches and into the Delta.

An analysis of Stanislaus River rotary screw trap captures of smolted CV steelhead conducted by Reclamation in April 2009 (Hannon 2009b) identified that the median date for smolt CV steelhead out migration is March 1 (Figure RR- Julian Day 60), ranging from January through June. Juveniles are generally captured in trawls at Mossdale in smolted condition in late May (Julian Day 151 and Figure 4-4). CV steelhead are larger than fall-run smolts and may be less dependent on pulse flows to convey them out of the Stanislaus River, but the variability of pulses provides migratory cues to smolted CV steelhead. Capture information suggests that it is important to maintain suitable migratory conditions from the Stanislaus River to the Delta into the month of June. This action will allow more smolted fish to migrate out of system by extending the declining limb of the outmigration pulse and increasing migratory cues.

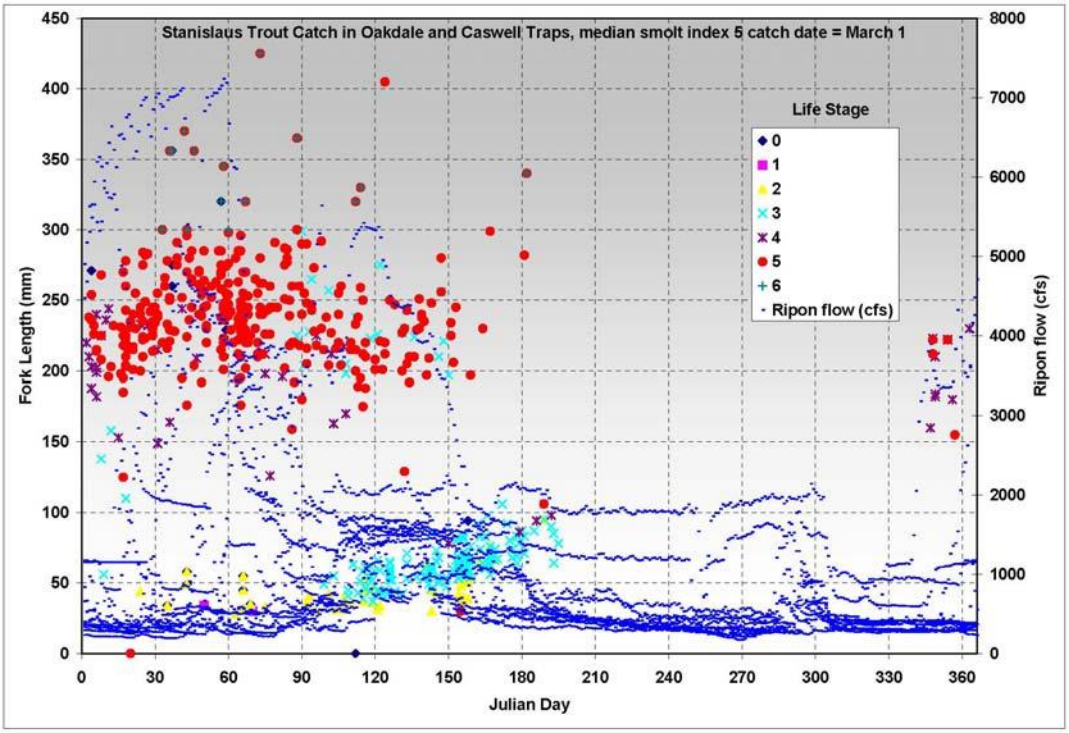


**Figure 11-2. Smolt stage *O.mykiss* captured in Stanislaus River Rotary Screw Traps**

The fall pulse flow was originally instituted to provide attraction flows for fall-run. Monitoring of adult salmonids at the Stanislaus River counting weir indicates that the fall pulse flow attracts both fall-run and CV steelhead into the Stanislaus River, making freshwater riverine habitat available. These riverine conditions have better temperature and water quality than conditions in the Delta during this period. The purpose of the fall pulse

flow is to provide flow cues downstream for incoming adults, as well as providing some remedial effect on the low dissolved oxygen conditions that develop in the Stockton Deep Water Ship Channel. In addition to steelhead, this action also produces ancillary benefits to fall-run EFH.

Modeling conducted in the preparation of this action indicate that the temperature criteria of Action III.1.2 can generally be met under this alternative minimum flow schedule and are often improved, but that exceedances may occur in certain months (*e.g.*, May and early fall) during dry year types. Based on SALMOD analyses, temperature related mortality may be about 2 percent higher in critically dry years, but is reduced by about 1 percent in all other year types under the proposed alternative (Figure 11-3).

Salmon Mortality:

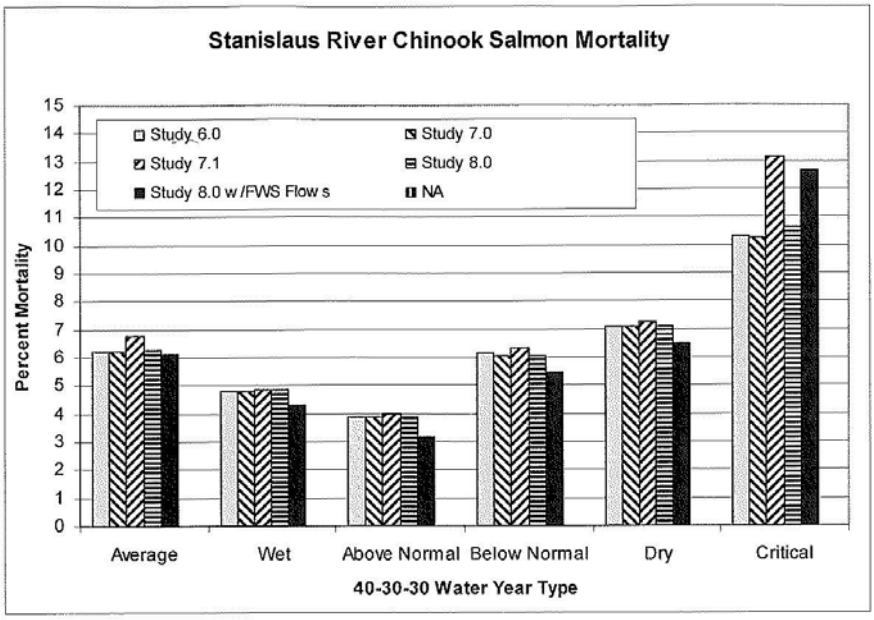


**Figure 11-3. Modeled temperature effects of alternative Stanislaus River flows, draft provided by Reclamation on May 5, 2009**.

**Rationale for 2011 amendments**:

1) Figure 11-1: Figure 11-1, as provided in the 2009 RPA, showed draft flows that varied slightly from the final flow schedule in Appendix 2-E. Figure 11-1 is now fully consistent with the flow schedule in Appendix 2-E.
2) Flexibility in implementing flow schedules: The minimum flow schedules provided in Appendix 2-E remain the same. The amendments to Action III.1.3 and its implementation procedures are intended to provide the SOG with more flexibility to adjust the timing, magnitude, and duration of the pulse flows (*not* the minimum flows in between pulses) described in Figure 11-1 and Appendix 2-E based on considerations such as:

a) optimizing intended benefits to CV steelhead (*e.g.*, based on observed fish distribution or run timing and observed flow and temperature conditions and the intent of the pulse flow as described in the "Rationale," above);
b) coordinating Stanislaus River flows for CV steelhead with flows on other San Joaquin River tributaries (*e.g.*, during the fall attraction flow or during the VAMP period); or
c) coordinating operational objectives to use Goodwin Dam releases to achieve multiple benefits (*e.g.*, during April and May when Stanislaus River flows may be contributing to multiple regulatory requirements at the same time).

Any change in the timing, magnitude, and/or duration of the pulse flows must provide protection to CV steelhead and critical habitat that is equal to or greater than the protection provided by the pulse flows as described in Appendix 2-E. This clarified flexibility can also result in improved water supply when multiple operational objectives can be satisfied with a single strategic release. These amendments were supported by the ISP.

**Action Suite III.2. Stanislaus River CV Steelhead Habitat Restoration**

**Overall objective**: Dam operations have and will continue to suppress channel-forming flows that replenish spawning beds. The physical presence of the dams impedes normal sediment transportation processes. This action is necessary to partially alleviate adverse modification of steelhead critical habitat from operations.

**Action III.2.1. Increase and Improve Quality of Spawning Habitat with Addition of 50,000 Cubic Yards of Gravel by 2014 and with a Minimum Addition of 8,000 Cubic Yards per Year for the Duration of the Project Actions**

**Action**: Reclamation shall minimize effects of their operations through improving spawning habitat with addition of 50,000 cubic yards of gravel by 2014. Reclamation shall submit a plan, including monitoring, and schedule to NMFS for gravel augmentation by June 2010. Reclamation shall begin gravel augmentations no later than summer 2011. Reclamation shall submit to NMFS a report on implementation and effectiveness of action by 2015. Spawning gravel replenishment sites shall be monitored for geomorphic processes, material movement, and salmonid spawning use for a minimum of three years following each addition of sediment at any given site.

**Rationale:** Kondolf (*et al.,*) 2001 identified levels of sediment depletion at 20,000 cubic yards per year owing to a variety of factors including mining and geomorphic processes associated with dam operations, past and ongoing. Kondolf (*et al*.,) 2001 and other reports cited in that work, identify a loss of over 60 percent of spawning area for salmonids since 1966. This level of replenishment will restore adversely affected spawning habitat to relieve adverse habitat conditions and provide sediment to partially offset ongoing loss rates. Sediment addition may also be conducted in a manner to remediate sediment related loss of geomorphic function, such as channel incision, to and allow for inundation of floodplain rearing habitat.

**Rationale for 2011 Amendment**: Use of "tons" in the 2009 RPA was a typographical error. The change from "tons" to "cubic yards" was made to be consistent with the intent of the action. This change does not result in any change in implementation.

**Action III.2.2. Conduct Floodplain Restoration and Inundation Flows in Winter or Spring to Inundate Steelhead Juvenile Rearing Habitat on One- to Three-Year Schedule.**

**Action:** Reclamation shall seek advice from SOG to develop an operational strategy to achieve floodplain inundation flows that inundate CV steelhead juvenile rearing habitat on a one- to three-year return schedule. Reclamation shall submit a proposed plan of operations to achieve this flow regime by June 2011. This plan shall include the minimum flow schedule identified in Action III.1.2, or shall provide justification for any proposed modification of the minimum flow schedule. NMFS will review and, if satisfactory, approve the operational strategy. Reclamation will implement strategy starting in 2012.

**Rationale**: Kondolf *et al*., (2001) identified that floodplain terraces and point bars inundated before operation of New Melones Dan have become fossilized with fine material and thick riparian vegetation that is never rejuvenated by scouring. Channel forming flows in the 8,000 cfs range have occurred only twice since New Melones Dam began operation 28 years ago. Lack of channel forming flows and lack of sediment input blocked by the dams has resulted in channel incision of one to three feet over 13 years. Floodplain juvenile rearing habitat and connectivity will continue to be degraded by New Melones operations, as proposed.

**Action III.2.3. Restore Freshwater Migratory Habitat for Juvenile Steelhead by Implementing Projects to Increase Floodplain Connectivity and to Reduce Predation Risk During Migration**

**Objective**: This action is necessary to compensate for continued operational effects on rearing and freshwater migratory habitat due to flood control operations. The goal of this action is to improve habitat quality of freshwater migratory habitat for juvenile steelhead.

**Action**: By June 2010, in cooperation with the SOG, Reclamation shall develop a list of projects to improve the habitat values of freshwater migratory habitat in the Stanislaus River, and associated monitoring, for implementation and submit the list to NMFS for review. Reclamation shall begin implementation of NMFS-approved projects by June 2011. Reclamation shall submit a report of project implementation and effectiveness by June 2016.

These projects may include actions that reduce exposure to predation directly, or projects that may offset predation effects by improving rearing habitat values to allow juveniles to grow larger before outmigration. These projects may include both flow- and non-flow-related actions. Flow-related actions shall be coordinated with operational flows as defined in Action III.2.2 and Action III.1.2. These projects may also include, but shall not be limited to,

evaluations to identify locations or sources of higher juvenile mortality in order to identify and implement projects with the highest likelihood to prevent CV steelhead mortality.

**Rationale:** Predation studies on the Tuolumne River have shown losses of up to 60 percent of outmigrating salmon smolts in run-of-river gravel mining ponds and dredged areas. Losses on the Stanislaus River have not been similarly quantified, but predation on fall run smolts and *O. mykiss* by striped bass and large mouth bass have been documented. These run-of-river ponds also reduce flow velocities as compared to incoming river channels, requiring outmigrating salmonids to expend more energy to traverse these sections. Operational releases provide flows lower than typical unimpaired flows, which exacerbates the effect of this stressor on outmigrating juveniles and degrades the habitat value of necessary freshwater migratory corridors. Additional flows or flow pulses could alleviate this added energy demand and improve survival through these problem areas. Channel modifications in these problem areas can improve migration success. Improvements in floodplain habitat quality can improve juvenile growth and larger juveniles are more likely to avoid predation mortality.

**Action III.2.4. Evaluate Fish Passage at New Melones, Tulloch, and Goodwin Dams**

**Objective:** Evaluate access for steelhead to historic cold water habitat above New Melones, Tulloch, and Goodwin dams.

**Action:** See Fish Passage Program, Action V.

**Rationale:** The effects analysis in this Opinion leads to the conclusion that steelhead will continue to be vulnerable to serious effects of elevated temperatures in dry and critically dry years, even if actions are taken to improve temperature management. The frequency of these occurrences is expected to increase with climate change and increased water demands. Therefore, it is essential to evaluate options for providing steelhead to access their historic cold water habitat above New Melones, Tulloch, and Goodwin dams and to provide access if feasible..

## IV. DELTA DIVISION

**Introduction:** An important life history phase for all anadromous fish is their movement through an estuary as adults moving upstream to spawning grounds, and as juveniles moving downstream to the ocean. For some fish, the estuary also serves as a staging area and, for some juveniles, a rearing area prior to their entering the ocean. Within the Central Valley, all anadromous fish, including listed winter-run, spring-run, CV steelhead, and Southern DPS of green sturgeon, depend on the Sacramento-San Joaquin Delta environment during these life phases. This dependence was an important factor in designation of critical habitat in the Delta for these species. A properly functioning Delta is critical to migration pathways and rearing habitat, both of which are primary constituent elements of critical habitat for these fish.