



United States Department of the Interior

BUREAU OF RECLAMATION
Mid-Pacific Regional Office
2800 Cottage Way
Sacramento, California 95825-1898

IN REPLY
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PFMC

Mr. David Ortmann
Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 101
Portland, OR 97220-1384

Subject: Status of Essential Fish Habitat (Your Letter Dated May 19, 2010)

Dear Mr. Ortmann:

This letter is in response to your letter of May 19, 2010, in which you express concerns about the status of fish habitat, particularly as it impacts salmon populations dependent upon the San Francisco Bay and Sacramento-San Joaquin Delta (Bay-Delta) ecosystem. In your letter you indicate that your Habitat Committee has expressed concerns about whether the Bureau of Reclamation is meeting Congress' intent to restore California's Central Valley salmon stocks under Section 3406(b)(2) of the 1992 Central Valley Project Improvement Act (CVPIA) which requires the annual dedication of up to 800,000 acre-feet of Central Valley Project yield, dependent upon water-year type, for fish and wildlife purposes.

Reclamation appreciates and shares your concerns about the urgent need to deal with the health of the fragile Bay-Delta and associated river systems. We are also sympathetic to the economic hardships faced by the individuals and communities who depend on a healthy and viable commercial and recreational fishery. Given our responsibilities under CVPIA, Reclamation proposed, to the Office of Management and Budget, that an independent scientific panel review be performed of the CVPIA fisheries program. We are committed to addressing the issues raised in the panel's report and are working with our colleagues in the U.S. Fish and Wildlife Service (Service) to that end.

We acknowledge that, despite many well-intentioned efforts over the past 18 years, the restoration objectives of CVPIA have remained elusive; however, many significant accomplishments have been made, with some \$650 million of public funds obligated for both structural and habitat actions benefiting anadromous fish. These actions have arguably mitigated at least some of the impacts on the fishery as acknowledged by the independent scientific panel. Reclamation believes we have appropriately managed the 800,000 acre-feet of Central Valley Project water called for in Section 3406(b)(2), and we have worked closely with the Service over the years to manage and account for this water. While we have modified the management of the (b)(2) water since the CVPIA was implemented in order to accommodate decisions of the Federal court, we believe that

we have been true to the agreed-upon principles. We are, however, considering the observations and recommendations of the independent panel relative to the management of (b)(2) water, and we are open to reasonable alternatives.

Reclamation and the Service provide information regarding the annual (b)(2) management and accounting in several forums. Each spring, Reclamation and the Service present proposed (b)(2) actions to the CALFED Operations Group, and at the end of the calendar year, we present the final annual (b)(2) accounting. This annual accounting can be found on Reclamation's Central Valley Operations Office Web site at <http://www.usbr.gov/mp/cvo/>. Other CVPIA documents and reports are also posted on Reclamation's Web site at http://www.usbr.gov/mp/cvpia/docs_reports/.

The Department of the Interior's continued commitment to finding solutions to the challenges in the Bay-Delta ecosystem is evidenced by the request of the Secretaries of the Interior and Commerce for a scientific review by the National Academy of Sciences (NAS) as announced in November 2009. The NAS panel recently released their initial report, which is located on the NAS Web site at <http://www.nap.edu/catalog/12881.html>. Furthermore, on December 22, 2009, the Federal community released the coordinated *Interim Federal Action Plan for the California Bay-Delta* to address the water crisis in California, and we are working with the State to meet the objectives within that plan.

Reclamation appreciates and shares your interest in restoring the Central Valley river systems and the Bay-Delta ecosystem to a healthy and sustainable condition. The interest and involvement of various communities and stakeholders, such as you, is imperative to the success of our efforts. Thank you for the invitation to speak at a future Habitat Committee meeting. A representative of our agency will contact Ms. Glidden to determine a mutually acceptable time to get on the Committee's agenda.

Sincerely,



Donald R. Glaser
Regional Director

ACTING FOR: