



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
West Coast Region  
650 Capitol Mall, Suite 5-100  
Sacramento, California 95814-4700

Refer to NMFS ECO #: WCRO-2006-00000

**December 20, 2019**

Mr. David Mooney  
Interior Region 10, Bay Delta Office  
U.S. Bureau of Reclamation  
801 I Street, Suite 140  
Sacramento, California 95814-2536

Re: Rapid Genetic Analysis of the Chinook Salmon Salvaged at the Central Valley Project and State Water Project during Water Year 2020

Dear Mr. Mooney:

Thank you for your December 18, 2019, letter and enclosure to NOAA's National Marine Fisheries Service (NMFS), describing the proposed protocol for implementing rapid genetic analysis of Central Valley Project (CVP) and State Water Project (SWP) salvaged older juvenile Chinook salmon (*Oncorhynchus tshawytscha*) during water year (WY) 2020.

The implementation of this genetic analysis allowed the CVP and SWP to identify to race, the older juvenile Chinook salmon salvaged in WYs 2016 through 2019, as necessary. Such identification aided in the more accurate estimation of loss for the Sacramento River winter-run Chinook salmon, listed as endangered under the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 et seq.). Rapid genetic analysis allows for the discrimination between the different races of Chinook salmon included within the older juvenile length-at-date criteria used at the fish salvage facilities, some of which are listed under the ESA (*e.g.*, winter-run Chinook salmon and Central Valley spring-run Chinook salmon) and some of which are non-listed races under the ESA (*e.g.*, fall-run and late fall-run Chinook salmon).

Genetic race assignment allows the implementation of Reasonable and Prudent Alternative (RPA) actions IV.2.3 and IV.3 to be better targeted to ESA-listed Chinook salmon. Under the current RPA action trigger criteria, NMFS uses older juvenile Chinook salmon as the surrogate for winter-run and yearling spring-run Chinook salmon. This categorization, based on the length-at-date criteria, includes older fall-run and late fall-run Chinook salmon, which are not listed.

NMFS agrees that implementing the rapid genetic analysis protocol provides the opportunity to more accurately identify salvaged salmonids and, thus, balance the required protection of listed salmonids with water diversions at the CVP and SWP when feasible. Accurately identifying listed fish that are the focus of the RPA actions will reduce the reductions of exports due to fish misidentified as a listed fish based on length-at-date. However, adjustments to the action triggers are necessary in order to accommodate the use of rapid genetic analysis.



Under the First Stage Trigger, the first action trigger in OMR flow management RPA Action IV.2.3, subheading (1), will be based on the application of the number of genetic winter-run Chinook salmon lost on a daily basis (when the length-at-date loss criteria for older juveniles is exceeded) divided by the daily cumulative volume of water exported (fish/thousand acre feet [TAF]) and compared to the daily loss density trigger based on the incidental take limit of 1% of the juvenile production estimate (JPE) for wild winter-run Chinook salmon (see second column in table). The minimum loss density trigger level of 2.5 fish per TAF remains the same. Exceedance of First Stage Trigger of RPA Action IV.2.3, subheading (2), will be based on the cumulative sum of the number of wild genetic winter-run and wild genetic spring-run Chinook salmon lost (wild spring-run Chinook salmon are limited to those fish from the Clear, Butte, Deer, and Mill creek sub-population genetic groups that are larger than the minimum older juvenile length-at-date criteria, i.e. yearling spring-run Chinook salmon) being greater than 8 fish/TAF multiplied by the daily water exports from the CVP and SWP. Under the Second Stage Triggers of RPA IV.2.3, the same rationale for the use of genetic winter-run and genetic spring-run Chinook salmon will apply to their respective subheadings. The following table summarizes the current OMR flow management RPA Action IV.2.3 triggers, and the triggers' subheadings modified while implementing rapid genetic testing.

Date	Action Triggers per 2009 RPA with 2011 Amendment	Action Triggers Applying Rapid Genetic Analysis	Action Responses
<b>January 1 – June 15 First Stage Trigger (increasing level of concern)</b>	(1) Daily SWP/CVP older juvenile Chinook salmon <sup>1</sup> loss density (fish per TAF) is greater than incidental take limit divided by 2000 (2 percent WR JPE ÷ 2000), with a minimum value of 2.5 fish per TAF, or (2) daily SWP/CVP older juvenile Chinook salmon loss is greater than 8 fish per TAF multiplied by volume exported (in TAF) or (3) CNFH CWT LFR or LSNFH CWT WR cumulative loss greater than 0.5% for each	(1) Daily SWP/CVP <b>genetic winter-run</b> <sup>2</sup> loss density (fish per TAF) is greater than incidental take limit divided by 2000 (1 percent WR JPE ÷ 2000), with a minimum value of 2.5 fish per TAF, or (2) daily SWP/CVP <b>genetic winter run and spring-run</b> loss is greater than 8 fish per TAF multiplied by volume exported (in TAF) or (3) CNFH CWT LFR or LSNFH CWT WR cumulative loss greater than 0.5% for each	Reduce exports to achieve an average net OMR flow of (minus) -3,500 cfs for a minimum of 5 consecutive days. The five day running average OMR flows shall be no more than 25 percent more negative than the targeted flow level at any time during the 5-day running average period (e.g., -4,375 cfs average over five days). Resumption of (minus) -5,000 cfs flows is allowed when average daily fish density is less than trigger density for the last 3 days of export reduction. Reductions are required

<sup>1</sup> "Older juvenile Chinook salmon" is defined as any Chinook salmon that is above the minimum length for winter-run Chinook salmon, according to the "Delta Model" length-at-date table used to assign individuals to race.

<sup>2</sup> Genetic winter-run within the older juvenile Chinook salmon length-at-date category

Date	Action Triggers per 2009 RPA with 2011 Amendment	Action Triggers Applying Rapid Genetic Analysis	Action Responses
	surrogate release group, or (4) daily loss of wild steelhead (intact adipose fin) is greater than 8 fish per TAF multiplied by volume exported (in TAF)	surrogate release group, or (4) daily loss of wild steelhead (intact adipose fin) is greater than 8 fish per TAF multiplied by volume exported (in TAF)	when any one criterion is met.
<b>January 1 - June 15 Second Stage Trigger (analogous to high concern level)</b>	(1) Daily SWP/CVP older juvenile Chinook salmon loss density (fish per TAF) is greater than incidental take limit (2 percent of WR JPE) divided by 1000 (2 percent of WR JPE ÷ 1000), with a minimum value of 5.0 fish per TAF, or (2) daily SWP/CVP older juvenile Chinook salmon loss is greater than 12 fish per TAF multiplied by volume exported (in TAF), or (3) daily loss of wild steelhead (intact adipose fin) is greater than 12 fish per TAF multiplied by volume exported (in TAF)	(1) Daily SWP/CVP <b>genetic winter-run</b> loss density (fish per TAF) is greater than incidental take limit (1 percent of WR JPE) divided by 1000 (1 percent of WR JPE ÷ 1000), with a minimum value of 5.0 fish per TAF, or (2) daily SWP/CVP <b>genetic winter-run and spring-run</b> loss is greater than 12 fish per TAF multiplied by volume exported (in TAF), or (3) daily loss of wild steelhead (intact adipose fin) is greater than 12 fish per TAF multiplied by volume exported (in TAF)	Reduce exports to achieve an average net OMR flow of (minus) -2,500 cfs for a minimum 5 consecutive days. Resumption of (minus) -5,000 cfs flows is allowed when average daily fish density is less than trigger density for the last 3 days of export reduction. Reductions are required when any one criterion is met.

The length-at-date criteria are also used to track the incidental take of natural-origin winter-run Chinook salmon at the export facilities. NMFS assumed that approximately 50 percent of the fish identified as winter-run Chinook salmon by the length-at-date criteria are in fact Chinook salmon from the other races. To allow for errors in fish identification due to the use of the length-at-date criteria to determine salmon race (*i.e.*, differentiating from fall-run, late-fall run, and spring-run Chinook salmon), the authorized incidental take for naturally-produced winter-run Chinook salmon was established by NMFS in the CVP/SWP operations Biological Opinion as 2 percent of the JPE (corresponding to expected take of genetic winter-run Chinook salmon of 1 percent of the JPE). The use of genetic data to determine race of juvenile Chinook salmon observed at the CVP/SWP fish salvage facilities considerably reduces the uncertainty that was included in previous annual incidental take limits for winter-run Chinook salmon. Therefore, the authorized

level of incidental take (*i.e.*, reported as loss at the Delta fish salvage facilities) under the ESA for the combined CVP/SWP Delta pumping facilities is 1 percent of the JPE as a result of using genetic determination.

Furthermore, while current practices have considered the potential for misidentification of older juvenile Chinook salmon from other races as being “winter-run” Chinook salmon by the length-at-date criteria, there is also the issue of not accounting for genetic winter-run Chinook salmon that do not meet the minimum length-at-date size to be assigned into the winter-run Chinook salmon category due to differential growth rates in response to variable environmental conditions, including water temperature and time of spawning. Since the genetic testing of Chinook salmon for the implementation of the RPA triggers is only conducted for “older juveniles,” these fish would still not be accounted for under the rapid genetic analysis protocol for RPA action triggers. Although those smaller winter-run Chinook salmon will not count towards action triggers in RPA Actions IV.2.3 and IV.3, the loss associated with those smaller winter-run Chinook salmon will need to be included in the annual 1% winter-run loss in the incidental take limit. This will require that all unclipped Chinook salmon have tissue samples collected for subsequent genetic analysis and the results reported to NMFS and the Delta Operations for Salmonids and Sturgeon group as the tests are completed throughout the season. With the genetic testing of all wild Chinook salmon, the loss of spring-run Chinook salmon (including yearling and young-of-year spring-run Chinook salmon) can be determined retroactively, and will be included in the loss reports.

NMFS acknowledges that should the Record of Decision to execute NMFS’ October 21, 2019, Biological Opinion for the Reinitiation of Consultation on the Long-Term Operation of the CVP and SWP be signed during WY 2020, Reclamation would apply these genetic monitoring procedures in a manner consistent with the new Biological Opinion.

In conclusion, NMFS supports the continued use of the rapid genetic analysis protocol that Reclamation has proposed as a tool to accurately identify older juvenile Chinook salmon to race for WY 2020, and encourages Reclamation to continue its implementation in future years. To reiterate, part of Reclamation’s rapid genetic analysis protocol describes that when RPA action triggers are exceeded, based on the initial determinations by length at date, the implementation of the appropriate RPA action response will be carried out immediately and NMFS notified of this action. Upon determination of the genetic identity of the fish collected that triggered the action, loss density of winter-run and spring-run Chinook salmon will be recalculated (if necessary) based on genetically-determined run assignments. If the loss density based on genetic determination(s) exceeds the adjusted, genetic based, loss density trigger, then no changes in the implemented action are required. However, if the loss density based on genetic determination(s) does not exceed the adjusted, genetic-based, trigger, or exceeds a different trigger (*e.g.*, requiring an OMR limit of -3,500 cfs rather than -2,500 cfs), operations may be modified to implement the action response (if any) appropriate for the genetics-based loss density.

We appreciate your continued cooperation in the conservation of listed species and their habitat, and look forward to working with you and your staff in the future. If you have any questions regarding this document, please contact Mr. Garwin Yip in our California Central Valley Office by telephone at (916) 930-3611 or by e-mail at [garwin.yip@noaa.gov](mailto:garwin.yip@noaa.gov).

Sincerely,



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Assistant Regional Administrator  
California Central Valley Office

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