



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Sacramento Fish and Wildlife Office
2800 Cottage Way, Room W-2605
Sacramento, California 95825-1846



IN REPLY REFER TO:

1-1-06-I-1957

OCT 24 2006

Memorandum

To: Regional Planning Officer, Bureau of Reclamation, Mid-Pacific Region,
Sacramento, California

From: ^{FOL} Field Supervisor, Sacramento Fish and Wildlife Office, Sacramento, California
Chf Nagan

Subject: Request for Formal Consultation on Stage 1 of the South Delta Improvements Program

This memorandum transmits the U.S. Fish and Wildlife Service's (Service) response to your June 5, 2006 request for formal consultation on Stage 1 of the South Delta Improvements Program (SDIP). Your letter was received in our office on June 7, 2006. This response is provided in accordance with the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (Act).

Your letter asks for formal consultation for the SDIP Stage 1 project, and transmitted the South Delta Improvements Program Action Specific Implementation Plan (ASIP) as a biological assessment for the consultation. Stage 1 includes construction of the south delta permanent operable gates and dredging.

The original intent of the SDIP ASIP was to use this document to consult on the construction of the permanent operable gates and the south delta dredging. The delta hydrological effects of the operations of the gates would not be analyzed in the biological opinion for the ASIP, and would instead reference the analysis of the operations that was included in the Service's biological opinion on the Operations, Criteria, and Plan (OCAP). The OCAP biological opinion included an analysis of the operations of the permanent operable gates as part of the early consultation section of the opinion, which also included pumping at the State Water Project's Banks pumping plant at 8500 cubic feet per second (cfs).

The increased pumping of 8500 cfs at Banks is part of Stage 2 of the SDIP, and only consultation for Stage 1 is being requested at this time, with pumping at Banks pumping plant of 6680 cfs. However, no analysis of delta operations at 6680 cfs at Banks with permanent operable gates was included in the OCAP biological opinion. The operations in the OCAP opinion included Banks

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the OCAP biological opinion will need to be done with Banks pumping at 6680 and operable gates for SDIP. The Service is currently reviewing modeling results to see if this analysis is adequate.

Since the Service's biological opinion on the OCAP is being reinitiated, any analysis done for SDIP will need to be revisited to ensure the effects of any SDIP biological opinion are within the new OCAP biological opinion and reinitiation may be required if the analyses do not match. This is because there may be effects or minimization measures that are developed in the OCAP biological opinion consultation process that may need to be incorporated into the SDIP analysis.

The Service cannot consult at this time on the operations of the permanent gates based on the information in the ASIP and has not received all of the information necessary to initiate formal consultation on this project as outlined in the regulations governing interagency consultations (50 CFR §402.14). If Reclamation decides to go forward with the SDIP consultation including effects of gate operations, the Service has the following information needs:

1. Operations of the operable gates in the ASIP need to match the operations as described in the OCAP biological assessment and biological opinion. These gate operations were developed and agreed upon in the inter-agency OCAP group during the OCAP consultation.
2. A modeling analysis of the effects of the operable gates on delta hydrology with Banks pumping at 6680 including other delta modeling needs to be performed as recently discussed at our OCAP meetings.
3. An analysis of the Environmental Water Account (EWA) will be need to be done. A decision on a long-term EWA has not yet been decided, but is anticipated to be determined during the reinitiation process for the OCAP biological opinion. It may make sense to include a number of different scenarios to ensure that the final EWA that is decided is analyzed in this document.

The Service recommends that Reclamation include the SDIP Stage 1 in the OCAP consultation. The delta effects of the operations of the barriers and the effects of construction of the gates and dredging could then be included in the OCAP biological opinion.

Until we receive all of the requested information, the Service can not initiate formal consultation on the SDIP Stage 1 Project. If you have any questions or concerns, please contact Ryan Olah or Cay Goude at (916) 414-6600.