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UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE

Southwest Region  
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MAR 10 1997

KEYWORD  
ESA  
ENV-7.00

Mr. J. Carl Dealy  
Natural Resource Specialist  
U.S. Bureau of Reclamation  
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CODE	ACTION	SURNAME & DATE
437		10/2/97
720		RP
424		TC
412		SLM 2-11
DATE ACTION TAKEN		
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Dear Mr. Dealy:

This letter is in response to your request to confer, pursuant to section 7 of the Endangered Species Act (ESA), on the proposed seismic corrective action at Bradbury Dam. This conference is based on the project description provided in the U.S. Army Corps of Engineers (COE) Pre-Discharge Notification (PDN) No. 95-50382-TS (dated February 4, 1997) and the Bureau of Reclamation's (BOR's) "Fish Salvage Plan" dated March 3, 1997, and amended by your facsimile transmission of March 7, 1997.

On August 9, 1996, the National Marine Fisheries Service (NMFS) proposed to list the southern California Evolutionarily Significant Unit (ESU) of steelhead trout (*Oncorhynchus mykiss*). Steelhead trout from this ESU occur in the project area and based on a review of the available information, may be affected by the proposed action.

The BOR and NMFS have conferred and identified measures to accomplish the seismic corrective action and fish salvage plan without adversely affecting steelhead trout. These measures are in addition to the construction parameters discussed in the PDN and the terms and conditions of the California Department of Fish and Game (CDFG) Stream Bed Alteration Agreement for the project. These additional measures are separately listed for the seismic corrective action and the fish salvage plan below:

Seismic Corrective Action

(1) Mitigation for the permanent loss of 0.05 acre of aquatic habitat from modification of the stilling basin. Acceptable mitigation may include any combination of the following: restoration of downstream pools, creation of spawning habitat, and/or addition of water to Hilton Creek on a permanent basis. The method and location for such mitigation shall require approval by the NMFS and shall be



EXHIBIT 201-18

on a permanent basis. The method and location for such mitigation shall require approval by the NMFS and shall be continued and/or maintained as long as Bradbury Dam remains in place. Mitigation proposed for areas outside of BOR jurisdiction would require an appropriate easement. A mitigation plan, including a schedule for implementation, shall be completed within six months from the conclusion of this conference.

(2) An evaluation must be made regarding the effect of solar heating of the water pipelines referred to in Items c and d of the PDN. Should solar heating of either line cause undesirable warming of water being carried to the River, appropriate insulation of the pipe shall be installed (i.e. cover with soil, etc.) expeditiously.

(3) The temporary road crossing immediately downstream from the confluence of Hilton Creek with the Santa Ynez River must be removed as soon as project activities allow, or no later than 24 months from the conclusion of this conference. The effect of the crossing on steelhead trout passage shall be monitored in a manner that ensures that any disruption of fish passage is immediately identified. If any disruption of steelhead trout passage is identified, immediate action shall be taken to eliminate the disruption. Action to eliminate potential disruption of fish passage may include partial or complete removal of the crossing for an appropriate period or any other method that will ensure fish passage. The BOR shall submit a plan to address this issue to NMFS within one month from the conclusion of this conference.

### Fish Salvage Plan

The March 3, 1997, version (as amended March 7, 1997) of the BOR's Fish Salvage Plan will be acceptable to NMFS upon revision to include the following components:

(1) The fish salvage plan will be modified to include turbidity in the third sentence on page 4, paragraph 4.

(2) A contingency plan must be prepared to ensure a continuous supply of acceptable quality water (as defined on page 4, paragraph 4 of the fish salvage plan) is available for rewatering Hilton Creek. The need for this plan may arise from the malfunction of a component of the proposed system. (Such a contingency plan could be the expeditious replacement or repair of a failed component or the installation of a permanent watering system for Hilton Creek using water directly from the lake). The contingency plan shall be submitted to the NMFS within one month from the

conclusion of this conference and shall be designed so that it can be implemented in a manner that will avoid adverse impacts to steelhead trout due to a system malfunction.

(3) The discharge pipe from the submersible pumps to Hilton Creek shall be provided with appropriate insulation, if necessary, to ensure that delivered water is at an acceptable temperature.

Implementation of these additional measures, together with adherence to the CDFG Stream Bed Alteration Agreement, is expected to eliminate potential adverse impacts to steelhead trout that might result from this project. Based on the available information, I conclude that this action is not likely to adversely affect steelhead trout.

This conference does not take the place of consultation under section 7 of the ESA. However, if the southern California ESU of steelhead trout becomes listed and the measures identified in this letter are adhered to, no further section 7 consultation with NMFS will be required. If there are changes to the salvage plan or the proposed project that have the potential to adversely impact steelhead trout and/or its habitat, or additional information on this species becomes available, this determination may be reconsidered.

Should you have any questions, please contact Mr. Martin Golden at (562) 980-4004.

Sincerely,



William T. Hogarth, Ph.D.  
Acting Regional Administrator

cc: CDFG - Lilia Martinez (Long Beach)  
CDFG - Deborah McKee (Sacramento)  
CDFG - Mauricio Cardenas (Santa Barbara)  
USFWS - Greg Sanders (Ventura)  
USEPA - James Romero (San Francisco)  
COE - Theresa Stevens (Ventura)