



# United States Department of the Interior

BUREAU OF RECLAMATION  
Central Valley Operations Office  
3310 El Camino Avenue, Suite 300  
Sacramento, California 95821

IN REPLY  
REFER TO:

CVO-100  
ENV-7.00

**MAY 16 2008**

Mr. Rodney McInnis  
Regional Administrator  
National Marine Fisheries Service  
501 West Ocean Blvd., suite 4200  
Long Beach CA 90802-4213

Subject: Request to Initiate Formal Consultation and Transmittal of the Biological Assessment (BA) of the Continued Long-Term Operation of the Central Valley Project (CVP) and State Water Project (SWP)

This letter transmits a BA to initiate formal consultation on the above subject activity pursuant to Section 7 of the Federal Endangered Species Act (ESA) that will lead to a Biological Opinion regarding SWP and CVP operations. The Bureau of Reclamation (Reclamation), the lead Federal agency, and the California Department of Water Resources (DWR), the Applicant, have been meeting monthly with staff from your office and the U.S. Fish and Wildlife Service to develop a BA that we believe contains sufficient information to begin the formal consultation process.

The Project Description chapter in the BA addresses how the projects would be operated under our water right permits, consistent with other regulatory requirements, absent specific new actions that may be identified as part of this consultation. The operations include how Reclamation and DWR intend to operate the CVP and SWP in the future recognizing proposed projects anticipated to be implemented in the reasonably foreseeable future (e.g. Freeport Regional Water Project, Lower American River Flow Standard, Alternative Intake Project, Intertie etc.). In addition, the long-term operations consider increased demands by non-CVP/SWP water right holders along the Sacramento and San Joaquin rivers and their tributaries.

This request for consultation is only for the continued long-term operation of the CVP and SWP. Specific operations of the SWP on the Feather River are being handled in a separate ESA consultation with your agency through the Federal Energy Regulatory Commission (FERC) re-licensing process for the DWR owned Oroville Facilities under FERC Project 2100. No incidental coverage is requested for actions of non-CVP or non-SWP individuals or entities on lands not owned or controlled by Reclamation or DWR.

Reclamation and DWR recognize that this BA initiates the process to develop the Biological Opinions for the operations. The science and our understanding of the Delta ecosystem has

evolved significantly over the past few years in large part due to our continued studies on anadromous fish and our joint efforts to evaluate the factors contributing to the Pelagic Organism Decline (POD). We have not attempted to include in the Project Description actions that may be evolving from these efforts. We anticipate that integration of new information and data analyses into the body of work that your agency will consider in its biological opinion will continue throughout the consultation process. In evaluating all of the data and information available, you may identify additional actions necessary to avoid jeopardizing listed species or adversely modifying critical habitat. In the event your agency concludes that such actions are necessary, we request that you work with us to develop such measures and actions as outlined in the Section 7 regulations.

Reclamation and DWR are available to meet with you and your staff to assist in the development of the Biological Opinion. We request a copy of the draft Biological Opinion with sufficient time to review and comment. We are sensitive to the critical timing for completion of the Biological Opinion and are committed to working with your agency to finalize the consultation in a timely manner.

If you have any questions, please contact me directly at 916-979-2199.

Sincerely,



Ronald Milligan  
Operations Manager

cc: Please see next page

Continued from previous page.

cc: Mr. Donald Glaser  
Regional Director  
Bureau of Reclamation  
2800 Cottage Way  
Sacramento CA 95825

Mr. Russ Strach  
Sacramento Area Office  
National Marine Fisheries Services  
650 Capital Mall, Suite 8-300  
Sacramento CA 95814-4706

Mr. David Roose  
Operations Control Office  
Department of Water Resources  
3310 El Camino Ave., Suite 300  
Sacramento CA 95821

Ms. Barbara McDonnell  
Environmental Services  
Department of Water Resources  
3251 S Street, Room 111  
Sacramento CA 95816

Ms. Susan Fry  
Regional Environmental Officer  
2800 Cottage Way  
Sacramento CA 95825-1898

Mr. Donald Koch  
Director  
California Department of Fish and Game  
1416 Ninth Street  
Sacramento, CA 95814

Mr. Lester Snow  
Director  
California Department of Water Resources  
1416 Ninth Street, Suite 115-1  
Sacramento, CA 95814

Mr. Steve Thompson  
Regional Director, Region 8  
U.S. Fish and Wildlife Service  
2800 Cottage Way, W-2610  
Sacramento, CA 95825

Ms. Susan Moore  
Fish and Wildlife Service  
United States Fish and Wildlife Service  
2800 Cottage Way, Room W-2605  
Sacramento CA 95825



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## MEMORANDUM

To: U.S. Fish and Wildlife Service  
Attn: Susan Moore

From: Ronald Milligan  
Operations Manager

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This letter transmits a BA to initiate formal consultation on the above subject activity pursuant to Section 7 of the Federal Endangered Species Act (ESA) that will lead to a Biological Opinion regarding SWP and CVP operations. The Bureau of Reclamation (Reclamation), the lead Federal agency, and the California Department of Water Resources (DWR), the Applicant, have been meeting monthly with staff from your office and the National Marine Fisheries Service (NOAA Fisheries) to develop a BA that we believe contains sufficient information to begin the formal consultation process.

The Project Description chapter in the BA addresses how the projects will be operated under our water right permits, consistent with other regulatory requirements, absent specific new actions that may be identified as part of this consultation. The operations include how Reclamation and DWR intend to operate the CVP and SWP in the future recognizing proposed projects anticipated to be implemented in the reasonably foreseeable future (e.g. Freeport Regional Water Project, Lower American River Flow Standard, Alternative Intake Project, Intertie etc.). In addition, the long-term operations consider increased demands by non-CVP/SWP water right holders along the Sacramento and San Joaquin rivers and their tributaries.

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Reclamation and DWR are available to meet with you and your staff to assist in the development of the Biological Opinion. We request a copy of the draft Biological Opinion with sufficient time to review and comment. We are sensitive to the critical timing for completion of the Biological Opinion and are committed to working with your agency to finalize the consultation by the court-ordered date of September 15, 2008.

If you have any questions, please contact me directly at 916-979-2199.

cc: Mr. Donald Glaser  
Regional Director  
Bureau of Reclamation  
2800 Cottage Way  
Sacramento, CA 95825

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Sacramento Area Office  
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