

## **Appendix D – Biological Assessment for Operations**

In October of 2009, the Service sent a letter to the Corps to formally revise portions of the RPA in the Service's 2003 amended Missouri River BiOp to the Corps. The letter substituted a new RPA element at Intake Dam and irrigation headworks on the Yellowstone River, Montana, for one which was originally identified to be taken at Fort Peck Dam. Thus, as per the Service's Final ESA section 7 Consultation Handbook (1998), "If adopted by the action agency, the reasonable and prudent alternatives do not undergo subsequent consultation to meet the requirements of section 7(a)(2). The action agency's acceptance in writing of the Service's reasonable and prudent alternative concludes the consultation process." Since the Corps accepted the RPA, both the Service and Corps considered section 7 consultation to be concluded.

Reclamation's section 7 consultation on construction of the Intake Project and O&M of the LYIP has not been concluded at this time. A final Biological Opinion (BO) is anticipated to be complete by July 2015. Construction will not proceed until the BO is complete and consultation concluded. Prior to Intake Project construction, a determination will be made whether the BO would result in substantial changes in the proposed action relevant to environmental concerns or contains significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts that would warrant preparation of additional NEPA documentation.