

Appendix D – Biological Assessment for Operations

In October of 2009, the Service sent a letter to the Corps to formally revise portions of the Reasonable and Prudent Alternative (RPA) in the Service's 2003 Biological Opinion (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 Ft. Peck Dam. Because the Service has already considered the biological effects of the construction of a fish passage project at Intake in the development of the RPA for the BiOp, and determined that it is an integral component to avoid jeopardy to listed species, Section 7 consultation for the construction of this project has been completed. Therefore, the Corps is not required to prepare a Biological Assessment (BA) for the construction of this project.

It was agreed that a formal consultation process would continue on the operation of the Lower Yellowstone Project, including the proposed fish passage and entrainment structures, which would be evaluated in a separate BA. This second consultation would be completed prior to completion of construction of the new Intake Project. After the Corps and Reclamation complete this EA evaluating construction of the Intake Project and Reclamation completes a second BA on operation of that Intake Project, the Service will prepare a BiOp on operation of the new fish passage.