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:
1-1-04-I-2949

NOV 1 2 2004

Memorandum

To: Area Manager, Northern California Area Office, Bureau of Reclamation, Sacramento, California

From: Peter A. Cross for Field Supervisor, Sacramento Fish and Wildlife Office, Sacramento, California

Subject: Conclusion of Informal Consultation on Long-Term Renewal of Six Water Service Contracts in the Shasta, Trinity, and Sacramento River Divisions and Request for Supplemental Information for Six Others

This memorandum is in response to your April 13, 2004, letter requesting formal consultation on the proposed long term renewal of Central Valley Project water service contracts in the Shasta, Trinity, and Sacramento River Divisions of the Northern California Area Office. Your request was received by the U.S. Fish and Wildlife Service (Service) on April 14, 2004. This response is in accordance with the Endangered Species Act of 1973, as amended.

Conclusion of Informal Consultation

We have reviewed the information provided in your April 13, 2004 letter; the accompanying Biological Assessments for long-term contract renewals provided for the Shasta and Trinity River Divisions (dated August 2003) and the Black Butte, Corning Canal, and Tehama-Colusa Canal Units (dated April 2004); supplemental information provided by your office and by the U.S. Bureau of Reclamation (Reclamation) Mid-Pacific Regional Office, including GIS data; and other information available to us. We have determined that the proposed renewal of long term water service contracts is not likely to adversely affect listed species or critical habitat in the following six water districts:

Shasta and Trinity Divisions
City of Redding
City of Shasta Lake
Clear Creek Community Services

Sacramento River Division
Orland-Artois
Corning
Thomes Creek

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There are either no listed species or critical habitat within the action area (defined for this analysis as the water service area of each water district) or, if listed species or critical habitat are present or likely to occur within the action area, we do not believe that there will be measurable direct or indirect effects on them as a result of the proposed action.

This concludes informal consultation on the six water service contracts listed above. No further action is needed unless: (1) new information reveals effects of the agency action that may affect listed species or critical habitat in a manner or to an extent not considered; (2) the agency action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered; or (3) a new species is listed or critical habitat designated that may be affected by the action; and (4) discretionary Federal agency involvement or control over the action is maintained (or is authorized by law). Reclamation should continue to monitor these actions and review this determination as needed based on the reinitiation criteria.

Based on the information provided in your April 13, 2004 letter; the accompanying Biological Assessments for long-term contract renewals provided for the Shasta and Trinity River Divisions (dated August 2003); the Feather Water District (dated April 2004) and the Black Butte, Corning Canal, and Tehama-Colusa Canal Units (dated April 2004); supplemental information provided by your office and by the Reclamation Mid-Pacific Regional Office, including GIS data; and other information available to us, we have determined that ground-truthing specific areas within the districts is necessary to determine adverse affects, as appropriate, for the Kirkwood Water District and the Proberta Water District.

We are coordinating with Reclamation staff to facilitate those efforts. Once our analysis is complete, we will issue our determination for the two districts listed above.

Initiation of Formal Consultation and Request for Supplemental Information

This request for supplemental information addresses deficits in the biological assessments. Until we receive the supplemental information we cannot proceed with the formal consultations. The requested information is consistent with the *Central Valley Project Improvement Act*, the *Biological Opinion on Implementation of the CVPIA and Continued Operation and Maintenance of the CVP* (Service File # 1-1-98-F-0124) (CVPIA Opinion), and is pursuant to the regulations governing interagency consultations (50 CFR §402.14(c)).

A. Please provide Water Needs Assessments for the following districts, or written confirmation that they receive less than the minimum delivery to require a Water Needs Assessment: Black Butte Unit, Mountain Gate, Keswick, USFS, Centerville Community Services, and Shasta Community Services. Please provide us with the appropriate Water Needs Assessments so that we may begin formal consultation on these districts.

This represents the Service's review of the actions presented in your April 13, 2004, request for formal consultation on long-term renewal of the six water service contracts listed above in the Shasta, Trinity, and Sacramento River Divisions.

If you have questions regarding the proposed project, please contact Allison Arnold or Jan Knight at (916) 414-6620 or (916) 414-6645.