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United States Department of the Interior

BUREAU OF RECLAMATION

Albuquerque Area Office
555 Broadway Blvd. NE, Suite 100
Albuquerque, NM 87102-2352



MAY 23 2006

MEMORANDUM

To: Field Supervisor, U.S. Fish and Wildlife Service,
New Mexico Ecological Services Field Office,
2105 Osuna Road NE, Albuquerque, NM 87113

From: Connie L. Rupp
Area Manager

Subject: Acceptance of the Biological Opinion for the Bureau of Reclamation's Proposed
Carlsbad Project Water Operations and Water Supply Conservation, 2006-2016
(Cons. #22420-2006-F-0096)

Thank you for the biological opinion (BiOp) issued on May 18, 2006. Section 402.15(a) of the Endangered Species Act implementing regulations states, "Following the issuance of a biological opinion, the Federal agency shall determine whether and in what manner to proceed with the action in light of its section 7 obligations and the Service's biological opinion."

I am writing to inform you that we plan to proceed with our proposed action after the Environmental Impact Statement process and Record of Decision are complete. We accept the U.S. Fish and Wildlife Service's BiOp with the following clarifications:

1. The BiOp appropriately recognizes that through implementation of 7(a)(1) water acquisition activities to supplement the Taiban constant alternative, Reclamation's proposed action will augment base flows for the shiner and avoid river intermittency. As we implement activities to avoid intermittency, we will not target any particular flow at Acme gage but will avoid river drying at any location.
2. To fully implement the BiOp, Reclamation is dependent on the timely and/or cost-effective participation of the Service for shiner refugia and population monitoring. Reclamation is also dependent on the Service and other Pecos River stakeholders to develop partnerships to share in the cost and work involved with habitat restoration for shiner and Interior least tern. We will endeavor to implement all components of the BiOp in good faith, with the cooperation and full engagement of the Service and other organizations.

3. Regarding term and condition 1.3 for the Interior Least Tern, Reclamation shall continue its normal operation and maintenance (O&M) activities along the Brantley shoreline. Normal O&M does typically include vegetation removal but this activity may not occur each year. The O&M work may incidentally result in habitat conditions attractive to Interior Least Terns, but it would not be the specific purpose of normal O&M.