



IN REPLY REFER TO:

ALB-150  
ENV-4.00

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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



### MEMORANDUM

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

From: <sup>for</sup> Connie L. Rupp  
Area Manager

Subject: Acceptance of the Biological Opinion for the Bureau of Reclamation's Proposed  
Pecos River Dam Operations (Cons. #2-22-03-F-171)

Thank you for the biological opinion (BiOp) issued on April 14, 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 and accept the Service's biological opinion with the following clarifications:

1. By letter dated March 22, 2006, we addressed the frequency of river monitoring flights to ensure the river remains continuous. If there is no risk of intermittency, then flying the river weekly would not be value-added. We would not learn anything from the air that could not be obtained on the ground. We will monitor the river first through use of river gages, the video camera, and personnel on-the-ground. Our Water Management Division will assess river condition and determine if flows are holding, increasing, or decreasing. If there is any reason to suspect that continuous flows may be at risk, then we will initiate river monitoring flights and continue flying the river until the risk of intermittency has waned or until all useful information that can be obtained by flying the river has been obtained. We would like to conduct our monitoring in coordination with the Service and plan to include this topic in ongoing weekly water operations conference calls.
2. To fully implement the BiOp, Reclamation is dependent on the timely and/or cost-effective participation of the Service. Reclamation has agreed to assist the Service in the capture and holding of shiner in refugia. To be successful, cooperation of both the New Mexico (NM)

Fishery Resources Office and the Dexter National Fish Hatchery is vital. To implement shiner population monitoring as described in the terms and conditions, Reclamation relies on the NM Fishery Resources Office to conduct population monitoring. Reclamation is not permitted to do this type of work and our efforts to become permitted as well as efforts to facilitate contracted fish biologists to become permitted have failed. We will endeavor to implement all components of the BiOp in good faith, with the cooperation and full engagement of the Service.

3. Per the reinitiation notice part (5), Reclamation is required to reinitiate Section 7 consultation if “any river intermittency (i.e., 0 to 5 cfs) occurs.” Reclamation does not expect the river to go dry this season, but does understand that we are obligated to reinitiate consultation if the river becomes intermittent.



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bc: ALB-105, ALB-186, ALB-187, ALB-430, ALB-432

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