

**Why was re-initiation of consultation needed?***The Federal Action:*

The Fall Test flow is scheduled to begin at noon with upramp releases of 4,000 cfs until the desired release rate of 31,000 cfs is reached at approximately 3:00 p.m. the same day. This flow of 31,000 cfs would be maintained for approximately 48 hours. At the end of the 48 hours, beginning at 3:00 p.m., flows would decrease at a downramp rate of 1,500 cfs/hour until reaching the normal point in the release not lower than 20,000 cfs.

*Yes, there is a Federal Action. Yes. Is this action covered by a previous consultation? No. Is it covered by existing NEPA? No.*

~~The concept of Fall Test flows was not addressed in the FEIS.~~

The ramp rates given do follow the description of those for the habitat maintenance flows and beach/habitat building flows described in the FEIS on the preferred alternative for the operations of Glen Canyon Dam.

*Does the proposed action fit the definition of a habitat maintenance flow? No.*

Flood flows within power plant capacity in the FEIS are referred to habitat maintenance flows, so far so good, and they may occur every year when the level of Lake Powell is less than 19 maf on January 1. This was not the case on January 1, 1997.

*Does it meet the definition of a beach/habitat building flow? No.* Floods greater than power plant capacity are called beach/habitat building flows and may occur in years when Lake Powell is above 19 maf on January 1. This proposed Federal Action is not above power plant capacity.

The beach/habitat building flows are described as being at least 10,000 cfs greater than the allowable peak discharge but not greater than 45,000 cfs. So this release clearly cannot be covered by the compliance for a beach/habitat building flow either.

Solution: Call it a test flow.

*If environmental compliance was not complete, why was a high release called for?*

Sediment inputs from the Paria River between mid-August and early October surpassed mean annual levels. Recognizing this as an opportunity to conserve this sediment, information was presented to the Adaptive Management Work Group on the September 10-11, 1997 meeting, and it was agreed that a high flow should be pursued.

*Considering this action was recommended by the AMWG, does additional environmental compliance need to take place? Yes.*

The FEIS states that the "The AMP... is not intended to derogate any agency's statutory responsibilities for managing certain resources." Further, "...all program activities would comply with applicable laws and permitting requirements." This must include ESA and NEPA.

One of the goals of the AMP is to "Assur(e) resource management obligations are defined and fulfilled in good faith without abridgement of any Federal, State, Tribal, or other legal obligation."

Section 1806 of the Grand Canyon Protection Act states " Nothing in this title is intended to affect in any way- ....any Federal environmental law, including the Endangered Species Act..."

**Therefore, Reclamation prepared a biological assessment which concluded the action may affect endangered species, and requested formal consultation. The Fish and Wildlife Service prepared a Biological Opinion. The opinion found no jeopardy, but incidental take would occur. Based on this, Reclamation was able to prepare a categorical exclusion checklist to document the action was evaluated under NEPA.**

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