

USFWS Draft language for NMFS
consistency 3/1/19

ROC on: Environmental Baseline for the BiOp(s)

The environmental baseline does not include the effects of the action under review in the consultation. In this case, the effects of the action are the Coordinated Long-term Operation of the CVP and SWP from 2019-2030. The past, present, and ongoing impacts of human and natural factors contributing to the current conditions of the species and critical habitat in the action area are included in the Environmental Baseline (EB) for section 7 consultation purposes. Proposed Federal projects in the action area that have already undergone formal or early section 7 consultation and contemporaneous State and private actions are included in the EB. Include actions that have already undergone consultation, including California WaterFix (acknowledge that although already consulted on programmatically, operation of CWF would begin after the ROC on term (i.e. 2030)). Past CVP/SWP operations (South Delta pumps, pulse flow, temp management, and diversions) are incorporated qualitatively in the EB and by referring to the modeling.

In addition, a “without action” scenario will also be provided for context and illustrative purposes. The description will include quantitative modeling and data and qualitative conceptual models. Also, a Current Operations scenario represents a trend to consider when addressing effects of the action in the aggregate. The “without action” scenario will be layered on a qualitative look at current ops and how that informs the current condition of the species and critical habitat in the action area. This layered EB will then be incorporated into the overall analytical framework for the jeopardy and adverse modification analyses in the BiOp(s)¹.

¹ The analytical framework for the jeopardy determination in the BiOp considers the effects of the proposed Federal action, and any cumulative effects, on the range-wide survival and recovery of the listed species. It relies on four components: (1) the *Status of the Species*, which describes the range-wide condition of the species, the factors responsible for that condition, and its survival and recovery needs, (2) the *Environmental Baseline*, which analyzes the condition of the species in the action area, the factors responsible for that condition, and the relationship of the action area to the survival and recovery of the species, (3) the *Effects of the Action*, which determines the direct and indirect impacts of the proposed Federal action and the effects of any interrelated or interdependent activities on the species, and (4) the *Cumulative Effects*, which evaluates the effects of future, non-Federal activities in the action area on the species.

The destruction or adverse modification analysis in this BiOp relies on four components: (1) the *Status of Critical Habitat*, which describes the range-wide condition of the critical habitat in terms of the key components (i.e., essential habitat features, primary constituent elements, or physical and biological features) that provide for the conservation of the listed species, the factors responsible for that condition, and the intended value of the critical habitat overall for the conservation/recovery of the listed species, (2) the *Environmental Baseline*, which analyzes the condition of the critical habitat in the action area, the factors responsible for that condition, and the value of the critical habitat in the action area for the conservation/recovery of the listed species, (3) the *Effects of the Action*, which determines the direct and indirect impacts of the proposed Federal action and the effects of any interrelated and interdependent activities on the key components of critical habitat that provide for the conservation of the listed species, and how those impacts are likely to influence the conservation value of the affected critical habitat, and (4) *Cumulative Effects*, which evaluate the effects of future non-Federal activities that are reasonably certain to occur in the action area on the key components of critical habitat that provide for the conservation of the listed species and how those impacts are likely to influence the conservation value of the affected critical habitat.