



United States Department of the Interior

BUREAU OF RECLAMATION
Mid-Pacific Region
Bay-Delta Office
801 I Street, Suite 140
Sacramento, CA 95814-2536

IN REPLY REFER TO:

BDO-103
ENV-7.00

JUL 29 2016

Ms. Maria Rea
Assistant Regional Administrator
California Central Valley Office
NOAA Fisheries West Coast Region
650 Capitol Mall, Suite 5-100
Sacramento, CA 95814

Subject: Request for Initiation of Formal Endangered Species Act (ESA) Section 7 Consultation on the California WaterFix (CWF)

Dear Ms. Rea:

We are submitting the enclosed *Biological Assessment* (BA) with our request to initiate formal consultation to implement the CWF, pursuant to Section 7 of the Endangered Species Act (ESA) (16 United States Code §1536(c)). The Bureau of Reclamation is the lead agency for ESA Section 7 consultation purposes and the California Department of Water Resources (DWR) is an applicant.

The CWF provides a proposal to construct and operate new water conveyance facilities in the Sacramento-San Joaquin River Delta (Delta). The project includes the construction of three intakes, two tunnels, associated facilities, and a permanent head of Old River (HOR) gate; operation of existing south Delta facilities in coordination with the new facilities; maintaining the newly-constructed and existing facilities; implementation of conservation measures; and implementation and assistance in an ongoing monitoring and adaptive management program. Reclamation proposes to coordinate Central Valley Project (CVP) operations with DWR using the new and existing facilities. DWR is the entity undertaking the lead for all construction-related activities and the operation of the new conveyance facilities and appurtenant structures. In-water construction activities associated with CWF also require approvals under the Rivers and Harbors Act Section 10, Clean Water Act Section 404, and 33 United States Code §408 approvals from the U.S. Army Corps of Engineers (USACE). USACE's permitting activities are also covered in the BA.

Reclamation and DWR have been coordinating with the National Marine Fisheries Service (NMFS) on aspects of the Bay Delta Conservation Plan (BDCP) and the CWF since January 2006. This process has included numerous productive discussions and documents addressing both policy and technical issues. In December 2013, a draft BDCP was released in order to comply with the ESA Section 10 requirement for a Habitat Conservation Plan (HCP). In April 2015, State and Federal agencies announced a new sub-alternative—Alternative 4A (CWF)—which would replace

Alternative 4 (the proposed BDCP) as the State's proposed project and Federal preferred alternative in the California Environmental Quality Act/National Environmental Policy Act compliance documentation. Alternative 4A reflects the State's proposal to separate the conveyance facility and habitat restoration measures into two separate efforts: CWF and California EcoRestore. These two efforts are a direct reflection of public comments and fulfill the requirement of the 2009 Delta Reform Act to meet co-equal goals. This new approach shifted the regulatory strategy from a Section 10 under the Federal ESA to a Section 7. Reclamation then assumed the lead for ESA Section 7 consultation, as the proposed project is no longer an HCP.

The BA covers both the construction period and the operation of both the new and existing facilities in the Delta after construction. The operational parameters listed in this BA only begin after the new facilities are functional. Until that time, operations would be implemented consistent with the U.S. Fish and Wildlife Service 2008 and National Marine Fisheries Service 2009 Biological Opinions; State Water Board Decision 1641, as amended; and other regulatory and contractual obligations governing the full coordinated CVP/SWP operation.

Species under the jurisdiction of the National Marine Fisheries Service that are evaluated in this document include the following:

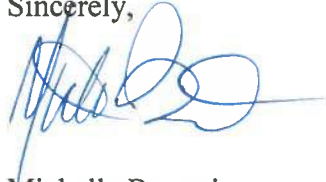
- Central Valley steelhead Distinct Population Segment (DPS) (*Oncorhynchus mykiss*) and designated critical habitat
Federal listing status: Threatened
- Sacramento River winter-run Chinook salmon Evolutionarily Significant Unit (ESU) (*Oncorhynchus tshawytscha*) and designated critical habitat
Federal listing status: Endangered
- Central Valley spring-run Chinook salmon ESU (*Oncorhynchus tshawytscha*) and designated critical habitat
Federal listing status: Threatened
- North American green sturgeon Southern DPS (*Acipenser medirostris*) and designated critical habitat
Federal listing status: Threatened
- Killer whale, Southern Resident DPS (*Orcinus orca*) and designated critical habitat
Federal listing status: Endangered

As this consultation nears completion, Reclamation requests the opportunity to formally review the draft Biological Opinion (BO). As the BO is developed, we would also appreciate the opportunity to review technical portions of the BO, such as additional analytical tools and analysis that augment the BA, as it is likely to expedite consultation.

Reclamation and NMFS have been involved in extensive interagency coordination related to

multiple facets of the implementation of the CWF. Thank you for your continued cooperation. If you have any questions, please contact Ms. Mary Lee Knecht, at 916-414-2422 or mknecht@usbr.gov.

Sincerely,



Michelle Banonis
Bay-Delta Office Manager

Enclosure

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