



# United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, D.C. 20240

DEC 18 2003

Honorable James Inhofe  
Chairman, Environment and Public Works  
United States Senate  
Washington, D.C. 20510

Dear Mr. Chairman:

As you know, on November 3, 2003, I asked the U.S. Fish and Wildlife Service (Service) to convene a team of Service experts to conduct a section 7 consultation under the Endangered Species Act on the U.S. Army Corps of Engineers (Corps) operations on the Missouri River. Today, I am pleased to transmit the results of that consultation. The team of Service experts has produced a biological opinion that is based on the best and most current science; that ensures protections for the listed species in the Missouri River basin; and that respects the needs of those who depend on the Missouri River for water, navigation, power, and recreation.

The biological opinion issued by the Service on December 16, 2003 reflects the vast body of scientific and engineering expertise that the Service, the Corps, and numerous others have developed over the past decade, including new information available since the issuance of the 2000 biological opinion. For example, the most recent data indicate that the population of the endangered least tern is increasing and indeed exceeds the recovery goal. Similarly, there has been a dramatic 460 percent increase in the population of threatened Piping Plovers on the Missouri River between 1996 and 2001. By contrast, the population of the endangered pallid sturgeon remains at very low levels.

The 2003 biological opinion retains the vast majority of the measures included in the previous biological opinion, but incorporates for the first time in the Missouri basin a performance-based approach that allows greater flexibility while providing equal or greater biological benefits to all three listed species as compared to the 2000 biological opinion. Among other things, the biological opinion proposes a watershed approach, habitat creation and restoration, test rises along the river, and an aggressive adaptive management and monitoring program. Specific measures are included to address spawning cues and habitat improvement for the sturgeon. This comprehensive approach builds on the very measures that were endorsed by the National Academies of Sciences when it conducted its review of the Missouri River science in 2000.

Unlike the previous biological opinion, the success of the 2003 biological opinion will be measured not simply by process or prescriptive flow rates, but by results. The Service has provided biological targets to be met for the three listed species. The Corps has latitude to determine how best to achieve those targets, while still fulfilling its mission. It can do so through flow modifications, habitat improvements, or a combination of

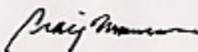
measures. Furthermore, over the next two years, the Corps has the opportunity to evaluate several measures that are expected to benefit the sturgeon in particular, including the feasibility of a temperature control device at Fort Peck. If, however, the Corps does not implement measures to provide adequate flows and habitat for the three species, the biological opinion provides for a flow regime that is similar to a plan currently circulating among the Missouri River Basin states for review. The Corps plan for the establishment of a Recovery Implementation Committee provides the forum for stakeholder discussion and development of a modified flow regime.

I am particularly pleased with the team approach that the Service used to develop this biological opinion. Completing the biological opinion for complex river operations affecting eight States, Tribes, and numerous other interests was a significant challenge. Their task was further complicated by factors resulting from the extended drought that has impacted the Missouri River basin and limited the availability of flows to create habitat and an accelerated timeframe in which to complete their review. Under the leadership of Regional Directors Dale Hall from the Southwest Region and Robyn Thorson from the Great Lakes-Big Rivers Region, the Service team of experts met these challenges with professionalism and dedication.

Enclosed is a copy of the memo to me from the two Regional Directors regarding their assignment. The Amended Biological Opinion in its entirety, including an Executive Summary, is now available on the Fish and Wildlife Service website ([www.fws.gov](http://www.fws.gov)).

Thank you for your continued interest in the management of the Missouri River. If you have any questions or would like to discuss the report in detail, please do not hesitate to contact me or Steve Williams, Director, U.S. Fish and Wildlife Service.

Sincerely,



Craig Manson  
Assistant Secretary  
Fish and Wildlife and Parks

Enclosure