



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
West Coast Region  
650 Capitol Mall, Suite 5-100  
Sacramento, California 95814-4700

JUN 26 2014

Refer to NMFS No: WCR-2014-1005

James G. Smith  
Project Leader  
U.S. Fish and Wildlife Service  
10950 Tyler Road  
Red Bluff, California 96080

Re: Endangered Species Act Section 7(a)(2) Biological Opinion, and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Response for the U.S. Fish and Wildlife Service (USFWS).

Dear Mr. Smith:

Thank you for your letter of March 6, 2014, requesting initiation of consultation with NOAA's National Marine Fisheries Service (NMFS) pursuant to section 7 of the Endangered Species Act of 1973 (ESA), as amended (16 U.S.C. 1531 *et seq.*) for the South Fork Cottonwood Creek Hammer Diversion Fish Passage Improvement project (Fish Passage Project).

This letter transmits NMFS' biological opinion, based on our review of the Fish Passage Project, in Tehama County, California, and its effects on federally listed species and designated critical habitats, in accordance with section 7 of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 *et seq.*). This biological opinion is based on information provided in the biological assessment, discussions between NMFS, USFWS, California Department of Fish and Wildlife (CDFW), and literature review completed by NMFS staff. A complete administrative record of this consultation is on file at the NMFS California Central Valley Area Office.

Based on the best available scientific and commercial information, the biological opinion concludes that the Fish Passage Project is not likely to jeopardize the continued existence of federally listed threatened California Central Valley steelhead (*Oncorhynchus mykiss*), and is not likely to destroy or adversely modify designated critical habitat. NMFS has also concurred with the USFWS determination that the Project is not likely to adversely affect threatened spring-run Chinook salmon (*O. tshawytscha*). Additionally, an incidental take statement is included, with reasonable and prudent measures and non-discretionary terms and conditions that are necessary and appropriate to avoid, minimize, or monitor incidental take of listed species associated with the project.



This letter also transmits NMFS's essential fish habitat (EFH) conservation recommendations for Pacific salmon as required by the Magnuson-Stevens Fishery Conservation and Management Act (MSA) as amended (16 U.S.C. 1801 et seq.). The document concludes that the project will adversely affect the EFH of Pacific salmon in the action area and adopts the ESA reasonable and prudent measures and associated terms and conditions from the biological opinion as the EFH conservation recommendations.

Please contact Naseem Alston at (916) 930-3655, or via e-mail at [Naseem.Alston@noaa.gov](mailto:Naseem.Alston@noaa.gov) if you have any questions concerning this section 7 consultation, or require additional information.

Sincerely,

  
William W. Stelle, Jr.  
Regional Administrator

Enclosures

CC: Copy to file: 151422WCR2014SA00136

electronic copies:

Matt Kelley, U.S. Army Corps of Engineers  
Tricia Parker, U.S. Fish and Wildlife Service  
Tricia Bratcher, California Department of Fish and Wildlife