

Questions and Answers on California WaterFix Biological Opinion

Q: What is the California WaterFix project?

A: California WaterFix is an infrastructure project that would include constructing two tunnels to convey water from the north to the south Delta. The purpose of WaterFix is to modernize water infrastructure and provide a secure and reliable source of water to meet the needs of farmers and communities, while including measures to address the needs of fish and wildlife.

Q: Why was the Biological Opinion prepared?

A: The Endangered Species Act (ESA) requires federal agencies to consult with the U.S. Fish and Wildlife Service to ensure that its actions are not likely to jeopardize the continued existence of any listed species or destroy or adversely modify designated critical habitat. The biological opinion provides the opinion of the Service, based on the best available science, as to whether or not a proposal is likely to jeopardize the continued existence of listed species or result in the destruction or adverse modification of critical habitat. The Service analyzed the effects of the California WaterFix on 16 listed species.

Q: What does the biological opinion cover?

A: The Biological Opinion provides broad-scale evaluation of the California WaterFix program to ensure that the basic goals and approaches of the program do not jeopardize the survival or recovery of listed species or adversely modify critical habitat. Some of the project elements are still in development and will require additional consultation with the Service in the future. Those elements that will require a subsequent Biological Opinion include construction of the diversion structures in the North Delta and operations of those new diversion structures and existing Central Valley Project and State Water Project pumping plans under dual conveyance. Elements that do not require a subsequent Biological Opinion include construction of the tunnels, expansions and modifications of Clifton Court Forebay and certain mitigation actions.

Q: Does the California WaterFix Biological Opinion conclude that the project would jeopardize any listed species?

A: We concluded that the project is not likely to result in jeopardizing listed species under our jurisdiction in the Biological Opinion.

Q: What is Jeopardy?

A: The Service's analysis of the effects of the project is measured against the definition of jeopardy. Under the ESA, jeopardy occurs when an action is reasonably expected, directly or indirectly, to diminish a species' numbers, reproduction, or distribution so that the likelihood of survival and recovery in the wild is appreciably reduced.

Q: Why didn't you find that the WaterFix project would jeopardize any listed species?

A: The conclusions in the Biological Opinion were reached after an extensive review the current status of our listed species, anticipated effects of the activities being proposed, and the cumulative effects, we concluded that the project is not likely result in jeopardizing listed species under our jurisdiction in the Biological Opinion.

Q: What is critical habitat?

A: When a species listed under the Endangered Species Act, we often identify areas of habitat believed to be essential to the species' conservation. Those areas may be officially designated as critical habitat and afforded some protections under the Endangered Species Act.

Q: What does it mean to destroy or adversely modify critical habitat?

A: Destruction or adverse modification of critical habitat is defined as direct or indirect alteration that appreciably diminishes the value of critical habitat for the conservation of a listed species.

Q: Does the WaterFix Biological Opinion conclude that the project would destroy or adversely modify critical habitat?

A: We concluded that the project is not likely to result in the destruction or adverse modification of designated critical habitat for species under our jurisdiction in the Biological Opinion.

Q: Is the Biological Opinion from the U.S. Fish and Wildlife Service our final involvement in the construction and operation of the California WaterFix project?

The issuance of the Biological Opinion is not the end point of our involvement. There will be a number of additional opportunities and requirements where listed species protections will be addressed. Some elements of the proposal that will be subject to future more specific consultations because they require additional federal approvals later in time. Other elements of the project are fully evaluated for implementation with no additional consultation required. U.S. Bureau of Reclamation and the California Department of Water Resources have committed to further address species effects from California WaterFix operations in tandem with the existing pumping facilities in the South Delta in a future consultation.

In addition, requirements to further consult with us in the event the project is going to change from what we evaluated or additional impacts are identified additional consultation may be required.

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