



# 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. Kaylee Allen  
Field Supervisor  
Bay-Delta Fish and Wildlife Office  
650 Capitol Mall, Suite 8-300  
Sacramento, CA 95814

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

Dear Ms. Allen:

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

DWR proposes to construct and operate new water conveyance facilities in the Sacramento–San Joaquin River Delta, including three intakes, two tunnels, associated facilities, and a permanent head of Old River (HOR) gate; operate existing State Water Project (SWP) Delta facilities in coordination with the new facilities; maintain the newly-constructed and existing facilities; implement and uphold new and existing conservation measures; and implement and assist in an ongoing monitoring and adaptive management program.

Reclamation, as the lead agency for the ESA Section 7 consultation, proposes to coordinate Central Valley Project (CVP) operations with DWR, the applicant, using the new and existing facilities. The U.S. Army Corps of Engineers proposes to issue permits to DWR pursuant to Rivers and Harbors Act Section 10, Clean Water Act Section 404, and 33 United States Code 408.

Beginning in January 2006, Reclamation and DWR have been coordinating with the U.S. Fish and Wildlife Service (Service), as well as the Department of Commerce, National Marine Fisheries Service, and California Department of Fish and Wildlife, on aspects of what was formerly referred to as the Bay Delta Conservation Plan (BDCP) under Section 10 of the ESA. This approach shifted in April 2015, when Reclamation and DWR identified the CWF as their Preferred Alternative in the associated BDCP/CWF California Environmental Quality Act/National Environmental Policy Act compliance documentation. Reclamation then assumed the lead for ESA Section 7 consultation, as Reclamation and DWR no longer sought an Incidental Take Permit through a Habitat Conservation Plan.

The scope of this consultation and the activities addressed in this BA include the construction period and the operation and maintenance of both the new and existing water facilities in the Delta after construction. The operational parameters listed in the proposed action covered in this BA shall begin after the new facilities are constructed and functional. Until that time, CVP and SWP operations would be implemented consistent with the Service 2008 and National Marine Fisheries Service 2009 Biological Opinions (BOs); 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 Service that may occur in the action area and are addressed in the BA are listed by their names, scientific taxonomy, Federal listing status, critical habitat, and effect determination in Table 1 (enclosed).

Reclamation has determined that the project may affect, and is likely to adversely affect the following species and critical habitat and therefore requests to initiate formal consultation: Delta smelt (*Hypomesus transpacificus*) and Delta smelt critical habitat, San Joaquin kit fox (*Vulpes macrotis mutica*), western yellow-billed cuckoo (*Coccyzus americanus occidentalis*), giant garter snake (*Thamnophis gigas*), California red-legged frog (*Rana draytonii*), California tiger salamander (*Ambystoma californiense*), vernal pool fairy shrimp (*Branchinecta lynchi*) and vernal pool fairy shrimp critical habitat, vernal pool tadpole shrimp (*Lepidurus packardii*), valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*), and least Bell's vireo (*Vireo bellii pusillus*).

Reclamation has determined that the project may affect, but is not likely to adversely affect the following species: riparian brush rabbit (*Sylvilagus bachmani riparius*) California least tern (*Sternula antillarum browni*), salt marsh harvest mouse (*Reithrodontomys raviventris*), California clapper rail (*Rallus longirostris obsoletus*), soft bird's-beak (*Cordylanthus mollis* ssp. *mollis*), and Suisun thistle (*Cirsium hydrophilium*). Moreover, the project may affect, but is not likely to adversely affect California tiger salamander critical habitat. We request concurrence with this determination from the Service.

Additionally, Reclamation requests the opportunity to formally review a draft BO. Reclamation, DWR, and the Service have been involved in extensive interagency coordination related to the development of the proposed CWF. Reclamation would like to continue the coordination during the development of the BO. Thank you for your continued cooperation. If you have any questions, please contact Ms. Mary Lee Knecht at [mknecht@usbr.gov](mailto:mknecht@usbr.gov) or 916-414-2422.

Sincerely,



Michelle Banonis  
Area Manager

Enclosures – 2

cc: See next page.

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