



# United States Department of the Interior

BUREAU OF RECLAMATION  
Central Valley Operations Office  
3310 El Camino Avenue, Suite 300  
Sacramento, California 95821

IN REPLY  
REFER TO:

CVO-100  
ENV-7.00

**JUL 06 2006**

## MEMORANDUM

To: Ms Susan Moore, Acting Field Supervisor  
Fish and Wildlife Service

From: Ronald Milligan, Operations Manager *Ronald Milligan*  
Central Valley Operations Office

Subject: Request for Re-Initiation of Formal Section 7 Consultation Addressing Long-Term Coordinated Operations of the Central Valley Project (CVP) and State Water Project (SWP)

The purpose of this memorandum is to request re-initiation of formal consultation on the coordinated operations of the CVP and SWP, referred to as the CVP Operations Criteria and Plan (OCAP). The major reason for this re-initiation is changed circumstances regarding the delta smelt. Emerging data shows an apparent substantial decline in the delta smelt population index. This consultation request is only on the actions undertaken by the Reclamation and the California Department of Water Resources (DWR) in operating the CVP and SWP. No incidental coverage is requested for actions of non-CVP or non-SWP individuals or entities on lands not owned or controlled by the CVP or SWP.

With regard to the delta smelt, a Pelagic Organism Decline (POD) study effort (funded in large part by Reclamation and DWR) has been underway to determine the causes of the apparent decline in delta smelt and other Delta-dependant species. Of particular significant is the "Inter-Agency Ecological Program Synthesis of 2005 Work to Evaluate the POD", and other subsequent studies. Areas of study include water operations, introduced exotic species, and the effects of toxics introduced into the aquatic ecosystem. New and constantly emerging information has been, and is expected to continue to be, developed from this study effort. This information has not been available before and is expected to be central to the Section 7 consultation process.

Reclamation's understanding is that your February 16, 2005, biological opinion (opinion) will remain in force during the consultation. CVP and SWP will operate pursuant to the constraints in the 2005 opinion pending the completion of a new opinion. Additionally, Reclamation is requesting that you provide us with notification of any other federally listed species or designated critical habitats that you have determined should be included in this re-initiation of consultation.

Reclamation is in the process of developing a biological assessment (BA) which would be used for the consultation requested. Reclamation is currently preparing a BA analyzing the effects of

CVP and SWP operations on the green sturgeon and critical habitats for a re-initiation of Section 7 consultation with NOAA Fisheries for species and critical habitat within their jurisdiction. We envision using this updated document to develop a BA for our consultation with the Service. We also envision working closely with and your staff to identify and develop information needed relative to effects of our action so as to enable us to complete this consultation in a timely manner.

As this consultation nears completion, Reclamation requests the opportunity to formally review a draft opinion. Also, as the opinion is developed, we believe it would expedite the consultation to be able to informally review the technical parts of the opinion, especially the project description and discussion of CVP/SWP operations, so that we can ensure an accurate and complete description of proposed CVP/SWP activities.

Please contact me directly at 916-979-2199 with any questions on this consultation request. Ms. Ann Lubas-Williams should continue to be contacted at 916-979-2068 with any questions related to the OCAP and BA documents.