

UPDATE ON NMFS DRAFT BIOLOGICAL OPINION FOR
CALIFORNIA WATER PROJECTS AND WINTER RUN CHINOOK FISHERIES

California Water Projects

The National Marine Fisheries Service (NMFS) has issued a draft biological opinion (Opinion) to determine whether the Central Valley Project and State Water Project Operations Criteria and Plan (OCAP), as proposed by the Bureau of Reclamation, is likely to jeopardize the continued existence of the following Endangered Species Act (ESA) listed populations:

- Sacramento River winter Chinook,
- Central Valley spring Chinook,
- Central Valley steelhead,
- Central California Coast steelhead,
- Southern Distinct Population Segment (DPS) of North American green sturgeon, and
- Southern Resident killer whales.

The Opinion also determines if the actions proposed under OCAP will destroy or adversely modify the designated critical habitat of the listed salmon and steelhead species, or proposed critical habitat for the Southern DPS of green sturgeon.

The most recent draft Opinion (December 11, 2008) concluded that the OCAP is not likely to adversely affect Central California Coast steelhead and their designated critical habitat; however the OCAP is likely to jeopardize the continued existence of, and destroy or adversely modify critical habitat for, Sacramento River winter Chinook, Central Valley spring Chinook, Central Valley steelhead, and Southern DPS of North American green sturgeon. The draft Opinion did not reach a conclusion of the effects of the OCAP on Southern Resident killer whales, as that consultation was ongoing.

The draft Opinion did not have completed sections on reasonable and prudent alternatives, amount of incidental take expected, or conservation recommendations. The draft Opinion is available on the Council Briefing Book CD (Agenda Item H.1.a, Attachment 1). A revised Opinion is scheduled to be released by June 2, 2009.

The NMFS will provide an update on the status of the OCAP Opinion process process.

Winter Run Chinook Fisheries

The current Opinion for Sacramento River winter Chinook, listed as endangered under the ESA, will expire on April 30, 2010. NMFS is currently in the planning stage for developing a new Opinion that will be in place prior to the start of the 2010 ocean salmon fishing season on May 1, 2010. Mr. Mark Helvey will brief the Council on the schedule and other relevant issues.

Council Task:

Receive information and discuss implications.

Reference Materials:

1. Agenda Item H.1.a, Attachment 1: Draft Biological Opinion on the Long-Term Central Valley Project and State Water Project Operations Criteria and Plan (on CD only).

Agenda Order:

- a. Agenda Item Overview
- b. NMFS Report
- c. Reports and Comments of Management Entities and Advisory Bodies
- d. Public Comment
- e. Council Discussion

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