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Agenda Item D.1
Attachment 2
March 2020

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PFMC

Mr. Charles A. Tracy
Executive Director
Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 101
Portland, OR 97220-1384

Dear Mr. Tracy:

Thank you for your recent letter regarding the Pacific Fishery Management Council's concerns pertaining to the National Marine Fisheries Service's (NMFS) Reinitiation of Consultation on the Long-Term Operation of the Central Valley Project and State Water Project final biological opinion and its potential adverse effects on essential fish habitat (EFH).

NMFS' initial analyses of the U.S. Bureau of Reclamation's preliminary proposed action, submitted on January 31, 2019, identified significant adverse effects to fish species listed under the Endangered Species Act (ESA). As a result, the consulting agencies (NMFS, Reclamation, and the U.S. Fish and Wildlife Service) agreed on multiple adjustments to the proposed action to avoid or minimize effects to ESA-listed fish species. Reclamation made changes to the proposed action and submitted a final proposed action on October 17, 2019. With these modifications made, NMFS ultimately concluded that Reclamation's proposed operations were not likely to jeopardize threatened or endangered species or destroy or adversely modify their designated critical habitat.

Some of the more significant changes to the proposed action that influenced our final biological opinion included: a refined Shasta Dam cold water pool temperature management strategy, with performance objectives for temperature-dependent egg mortality and egg-to-fry survival; modified San Joaquin Delta operations that rely on single-year and cumulative-loss thresholds that are intended to cap loss at levels at or below those seen over the past 10 years; periodic independent reviews of Delta and Shasta operations that will review the science and effectiveness in meeting performance objectives; drought and dry-year action plans and funding for habitat restoration, hatchery management, monitoring, and research; and a funding commitment to support the expedited implementation of the Battle Creek Winter-run Chinook Salmon Reintroduction Plan.

We agree with the Council that the proposed action would result in adverse impacts to Council-designated EFH, and we are currently consulting with Reclamation to analyze the effects of the action on Chinook salmon EFH, including fall-run and late fall-run Chinook salmon. In addition, we intend to make recommendations to the Secretary of the Interior regarding measures that can be taken to protect EFH for managed species from the adverse impacts likely to occur under the proposed project. In coordination with Reclamation, we understand that the Record of Decision for the proposed project will not be issued until the EFH consultation has been completed.



We look forward to continuing our work and shared interest in protecting listed species and providing harvest opportunities for the benefit of tribal, commercial, and recreational fisheries.

Sincerely,

A handwritten signature in black ink that reads "Chris Oliver". The signature is written in a cursive, flowing style.

Chris Oliver
Assistant Administrator
for Fisheries