

Memorandum

Date : January 11, 1999

To : Dr. Perry Herrgesell
Dept. of Fish and Game
Bay-Delta and Special Water Projects Division
4001 North Wilson Way
Stockton, California 95205-2486

From : Department of Water Resources

Subject: Prospect Island Project Endangered Species Consultation

The purpose of this memorandum is to reinitiate consultation with the Department of Fish and Game for the Prospect Island Habitat Restoration Project, as required by your memo of February 27, 1998, for the purposes of including project monitoring and the newly listed spring-run chinook salmon in the consultation. In your February memo, you found no significant impact to State listed species from the project as described in the October 1997 Project Modification Report. On October 22, 1998, the Corps of Engineers sent a biological assessment to U.S. Fish and Wildlife Service and National Marine Fisheries Service to obtain a permit for any endangered species take during project construction and project monitoring. Also, since February, the Fish and Game Commission decided to list the spring-run chinook salmon. Therefore, we would like to include in this consultation with DFG analysis of impacts to spring-run chinook salmon from project construction and the proposed monitoring plan. The Biological Assessment and the proposed monitoring plan are attached to this memorandum.

We would like DFG to consider finding the federal biological opinions consistent with the State Endangered Species Act, as allowed under Fish and Game code section 2080.1. We expect the federal biological opinions from NMFS and USFWS will be issued in the spring of 1999, prior to construction. As part of the federal biological opinions, NMFS may cover spring-run chinook salmon in a conference report which would become a biological opinion should NMFS list spring-run. If necessary, DWR can submit a Section 2081 permit application for the take of spring-run salmon if a finding of consistency with the federal opinion is not possible.

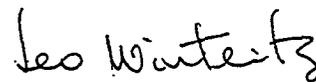
We believe that the project will have overall benefits to State listed species. The project construction that may affect aquatic species will be the breaching of the Miner Slough and Sacramento Deep Water Ship Channel levees. The breaching of the levees will take place in the second year of construction, the year 2000. One approximately 300-foot breach will be placed in each of the Miner Slough and Sacramento Deep Water Ship Channel levees. As stated in the federal Biological Assessment, the breaching of the levees is scheduled to take place between August 1 and November 30. It is possible that we could conduct this work before October, thereby avoiding the period October to November when juvenile spring-run salmon may be present.

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Although there may be temporary impacts, the proposed monitoring will provide important information related to use of habitats by threatened and endangered species including spring-run chinook salmon. The monitoring will determine general fish species use of the habitats, spawning and larval use of the habitats by delta smelt and splittail, and salmon fry/smolt use of the habitats. The salmon fry/smolt sampling will occur December through May. All fish will be handled by qualified biologists according to established protocols and released as soon as possible. In general, the sampling program will benefit special status species such as spring-run chinook salmon by providing information that can be used to determine which habitats are of most value to threatened and endangered species. This information will be used in the design of future restoration projects.

To facilitate obtaining a consistency determination from DFG for the federal biological opinions, we would like DFG to participate in the consultation with USFWS and NMFS. Please let me know if joint consultation meetings are acceptable. If so, I will make arrangements to include DFG in the consultation.

Thank you for your assistance. If you have any questions, please call me at (916) 227-7548 or Collette Zemitis at (916) 227-7620.



Leo Winternitz, Chief
Monitoring and Compliance Branch

Enclosures

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