

Appendix A

**Letter of Initiation
December 27, 2005**



United States Department of the Interior

BUREAU OF RECLAMATION
Great Plains Region
P.O. Box 36900
Billings, Montana 59107-6900

IN REPLY REFER TO:

GP-4200
ENV-7.00

DEC 27 2005

Mr. Mitch King
Acting Regional Director
U.S. Fish and Wildlife Service
Mountain-Prairie Region
PO Box 25486
Denver, CO 80025

Subject: Update to Joint Request to Initiate Formal Consultation for the Proposed Platte River Recovery Implementation Program and Bureau of Reclamation and U.S. Fish and Wildlife Service Water-Related Activities

Dear Mr. King:

In the enclosed memorandum dated July 6, 2004, Reclamation and the Service requested initiation of formal consultation under section 7(a)(2) of the Endangered Species Act (ESA) for the subject actions. This letter updates our initial request to initiate formal consultation and provides information not available in 2004 that is relevant to the consultation. We are requesting initiation of formal consultation on the following Federal action(s):

1. The participation of the Department of the Interior, through Reclamation and the Service, in funding and implementing the Proposed Platte River Recovery Implementation Program (Program) to improve and maintain habitat for the whooping crane, interior least tern, piping plover, and pallid sturgeon (the target species). The first increment of the Program spans a period of 13 years and is to begin on October 1, 2006, following completion of a final biological opinion (BO), a record of decision, and a signed Program Agreement between Interior and the states of Colorado, Nebraska, and Wyoming (States).
2. The continued operation of existing and certain new Federal water-related activities¹ during the first increment, including Reclamation and Service projects in the Platte River basin (Basin).

¹ The term "water-related activities" means activities and aspects of activities that (1) occur in the Basin upstream of the Loup River confluence; and (2) may affect Platte River flow quantity or timing, including but not limited to water diversion, storage, and use activities and land-use activities. Changes in temperature and sediment transport will be considered impacts of a "water-related activity" to the extent that such changes are caused by activities affecting flow quantity or timing. Impacts of "water-related activities" do not include those components of land use activities or discharges of pollutants that do not affect flow quantity or timing. "Existing water-related activities" include surface water or hydrologically-connected groundwater activities implemented on or before July 1, 1997. "New water-related activities" include surface water or

Fulfillment of this joint request is intended to satisfy Reclamation's and the Service's ESA formal consultation requirements for: (1) the participation of Interior, through Reclamation and the Service, in funding and implementing the Program to improve and maintain habitat for the target species as it affects all Federally-listed species and designated critical habitat in the Basin and (2) the continued operation of existing and certain new Federal water-related activities during the first increment, including Reclamation and Service projects in the Basin insofar as they affect the target species and critical habitat in the Basin and other Federally-listed species associated with the central and lower Platte River. Reclamation and the Service believe that non-Federal components of the proposed Program, such as the States' new depletion plans and certain existing and new non-Federal water-related activities (e.g., those that are likely to have a Federal nexus in the future but with no current Federal nexus), should also be included in this consultation as interrelated with the Federal action(s).

In addition to requesting initiation of formal consultation, the July 6, 2004, memorandum transmitted the Draft Environmental Impact Statement (DEIS) for the Program that was intended to serve as the biological assessment (BA). New and updated information required for the BA is incorporated in the enclosed Draft Final Environmental Impact Statement (DFEIS) that supersedes the previous BA.

Reclamation and the Service have agreed that the timeline for completing this consultation will be extended pursuant to 50 CFR §402.14(e). We request a final programmatic BO be completed within 60 days following filing of the Final Environmental Impact Statement for the proposed Program with the Environmental Protection Agency. Reclamation and the Service request the opportunity to review a draft BO. We believe a programmatic BO is appropriate for this action because certain site-specific elements and features of the Program have not yet been identified but would be subject to future, site-specific analysis and consultation at the time they are proposed.

Biological Assessment, Negotiation, and Other Supporting Documents

The enclosed DFEIS serves as the BA for the Federal action(s). The DFEIS/BA and memorandum dated July 6, 2004, describe the action area, provide a list of threatened or

hydrologically-connected groundwater activities including both new projects and expansion of existing projects, both those subject to and not subject to section 7(a)(2) of the ESA, that may affect the quantity or timing of water reaching the associated habitats and that were implemented after July 1, 1997.

Existing water-related activities for Reclamation refer to water projects in the Basin upstream of the Loup River confluence near Columbus, Nebraska and include the Colorado-Big Thompson, North Platte, and Kendrick projects and the Kortess and Glendo units of the Pick-Sloan Missouri Basin Program. Existing Service water-related activities or projects include various Federal Aid projects, Partners for Wildlife Program projects, and water-related activities at Arapaho National Wildlife Refuge.

endangered species and designated critical habitats, describe physical and biological characteristics of the respective critical habitats, and provide descriptions of Reclamation projects.

Notable changes to the species information that were included in the DEIS/BA and July 6, 2004, memorandum include (1) removal of the discussion of effects on the black-tailed prairie dog because the species was found not warranted for listing on August 18, 2004; (2) addition of information to describe effects to critical habitat that was designated for the Colorado butterfly plant on January 11, 2005; (3) removal of the Eskimo curlew from the species list by the Service due to the lack of acknowledged sightings in the action area for a prolonged period of time; and (4) modification to designated critical habitat for the piping plover because critical habitat for the species in Nebraska was vacated by the Nebraska District Court on October 13, 2005.

Also enclosed with this request are final Program documents agreed to by the Governance Committee during the December 6 and 7, 2005, meetings and a December 16, 2005, conference call. For purposes of this requested consultation, the Program proposal, including the States' new depletion plans, is now final and supersedes earlier versions. This memorandum officially submits the final Program proposal and related documents for your consideration in developing the final programmatic BO.

Future Consultations That Tier From the Requested Programmatic BO

The Environmental Commitments in the DFEIS/BA note that potential effects associated with Program water leasing and habitat management activities would be identified and potentially eliminated through site-specific pre-leasing and planning reviews. In all cases, the Program would have discretion about where to locate such activities. Because of Interior's substantial involvement in funding and implementing the Program, Program-related activities requiring such funding or approval are Federal actions subject to ESA compliance. Site-specific effects to some widely-distributed listed species, other than target species, would not be known until Program site-specific activities, such as habitat restoration and water leasing, are identified. Future consultations on site-specific Program activities will tier from the programmatic BO and will be conducted, as necessary, when those activities are identified and proposed. The Program will implement appropriate measures to avoid or reduce adverse effects to listed species or designated critical habitats based on consultation with the Service.

Determinations of Effect

Reclamation and the Service have jointly developed and analyzed the Federal action(s) since 1997. As joint leads for National Environmental Policy Act compliance, including impact analysis, Reclamation and the Service have used their expertise in determining how the Program and other alternatives affect listed species, designated critical habitat, habitat elements, and other important environmental parameters. Based on analyses disclosed in the DFEIS/BA and consistent with guidance provided at 50 CFR 402.12, Reclamation and the Service have

determined the effects of the Program on all listed species and critical habitats in the Basin and of continued operation of Reclamation projects on listed species associated with the central and lower Platte River. The ESA effects determinations for the Federal action(s) are documented in Chapter 5 of the DFEIS/BA in the "Summary of Effects Determinations for all Listed Species" section.

Future Consultations Not Covered by the Requested Programmatic BO

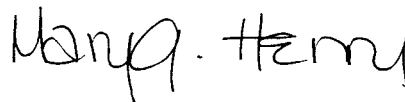
Reclamation and the Service will consult or conference on those operational activities that may affect listed or proposed species or designated or proposed critical habitat, respectively, that are not covered by the programmatic BO, as appropriate. Reclamation has determined that sufficient information currently does not exist to determine the effects of some operational activities on other listed species outside of the central and lower Platte River and intends to continue to collect information needed to make effects determinations to listed species not analyzed in the enclosed DFEIS/BA. Reclamation has begun to collect that information and will conduct the necessary field investigations in 2007 and 2008. Upon collection and analysis of this information, Reclamation will determine whether any of these activities affect listed species or designated critical habitat. Reclamation will take appropriate actions if adverse effects to listed species or designated critical habitats are identified.

If you have questions concerning this request for consultation, please contact Dan Fritz of Reclamation at 406-247-7638 or Mark Butler of the Service at 303-445-2103.

Sincerely,



Michael J. Ryan
Regional Director
Bureau of Reclamation



Mary Henry
Assistant Regional Director
Ecological Services
Mountain-Prairie Region
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Enclosures: Final Platte River Recovery Implementation Program, December, 2005 (hard copy and CD containing electronic copies)
Platte River Endangered Species Recovery Implementation Program, Draft Final Environmental Impact Statement, December 2005
Memorandum dated July 6, 2004

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