APPENDIX D

ENDANGERED SPECIES COORDINATION

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southwest Region
501 West Ocean Boulevard, Suite 4200
Long Beach, California 90802-4213

March 15, 2001

In Response Refer To:
SWR-00-SA-5716:BFO

Mr. Mark S. Capik
Acting Chief, Planning Division
Department of the Army
U.S. Army Engineer District
1325 J Street
Sacramento, CA 95814-2922

Dear Mr. Capik:

This is in response to your letter of February 2, 2001, requesting concurrence that the proposed Folsom Dam outlet enlargement project is not likely to adversely affect threatened Cental Valley steelhead (*Oncorhynchus mykiss*), Sacramento River winter-run chinook salmon (*O. tshawytscha*), Central Valley fall/late-fall run chinook salmon (*O. tshawytscha*), or their critical/essential habitat. The proposed U.S. Army Corps of Engineers (Corps) project consists of enlarging the eight existing river outlets and modifying the use of surcharge storage at Folsom Dam to increase flood plain protection to the lower American River and City of Sacramento. Flood protection from this project would increase from a probability of 1 chance in 100 to 1 chance in 130 years. The addition of the surcharge component would increase flood protection from 1 in 130 to 1 in 140 chance in any one year.

The National Marine Fisheries Service (NMFS) has reviewed the project description provided in the Draft Environmental Assessment/Initial Study - Folsom Dam Modifications dated February 2001; Surface Water Resources, Inc. (SWRI) Memo #887 dated January 25, 2001; Fish and Wildlife Coordination Act Report (FWCA) prepared by the Fish and Wildlife Service (FWS), revised January 2001; and the Supplemental Biological Data submitted to NMFS dated June 19, 2000.

By letter dated September 19, 2000 to FWS, the NMFS commented on the draft FWCA report expressing concerns that increased frequency of flows in the lower American River (LAR) may increase bedload movement (scouring) below Nimbus and have direct impacts to steelhead and salmon redds during the December through February spawning period. On December 12, 2000 the Corps hosted a meeting with FWS, NMFS, Sacramento Area Flood Control Agency (SAFCA), MBK Engineers and CH_2MHill consultants to discuss potential impacts of the Folsom Dam modifications. The Corps evaluated this potential effect and proposed adopting a "Rule Restriction" that would reduce Folsom Lake outflows to 60 percent of inflows unless forecasted inflows exceed 150,000 cfs.

The SWRI evaluated the potential temperature impacts of a "Rule Restriction" with and without the enlarged outlets and found no significant effect on cold water pool management capabilities (SWRI Memo #887). The operation of the enlarged outlets under the "Rule Restriction" would likely result in substantial cold-water pool conservation during most years. In addition, the Bureau of Reclamation's (Reclamation) standard operating procedure to use the spillways, would avoid the loss of cold water reserves from outlet operations during rare periods in the spring when Folsom Lake becomes stratified by the end of March.

Based on the best available information, NMFS concurs with your determination that the proposed project is not likely to adversely affect Central Valley steelhead, Sacramento River winter-run chinook salmon, and Central Valley fall/late fall-run chinook salmon, or their critical habitat. Our concurrence is contingent upon Reclamation operating Folsom Dam to the "Rule Restriction" as described above and in the draft Environmental Assessment dated February 2001.

This area has been identified as "esential fish habitat" (EFH) in Amendment 14 of the Pacific Salmon Fishery Management Plan, pursuant to the Magnuson-Stevens Fishery Conservation and Management ACT (MSA). Federal action agencies are mandated by MSA (section 305(b)(2)) to consult with NMFS on all actions that may adversely affect EFH and NMFS must provide EFH Conservation Recommendations (section 305(b)(4)(A)). Because the proposed action is not likely to adversely affect Central Valley fall/late-fall run chinook salmon in the area, and the habitat requirements of fall/late-fall run chinook salmon in the area are similar to the listed species, EFH Conservation Recommendations are not required at this time. However, if there is a substantial revision to the action, the Corps will need to initiate EFH consultation.

Should additional information reveal that the action may affect listed species in a way not previously considered or should the action be modified in a way that may cause additional effects to listed species, this concurrence determination may be reconsidered.

If you have any questions regarding these comments please contact Bruce Oppenheim in our Sacramento Area Office, 650 Capitol Mall, Suite 8-300, Sacramento, CA 95814. Bruce may be reached by telephone at (916) 930-3603 or by FAX at (916) 930-3629.

Sincerely,

for

Rebecca Lent, Ph.D.
Regional Administrator

cc: NMFS-PRD, Long Beach, CA

Read copy
Douglas

United States Department of the Interior
FISH AND WILDLIFE SERVICE
Sacramento Fish and Wildlife Office
2800 Cottage Way, Room W 2605
Sacramento, California 95825-1846

IN REPLY REFER TO:
1-1-01-I-1706

April 30, 2001

Mr. Ken Hitch
Chief, Planning Division
Department of the Army
U.S. Army Engineer District, Sacramento
Corps of Engineers
1325 J Street
Sacramento, California 95814-2922

Subject: Review of the Proposed American River Watershed - Folsom Dam Modification Project, Sacramento, Placer, and El Dorado Counties, California

Dear Mr. Hitch:

This letter is in response to your June 19, 2000, request for formal consultation on the Proposed American River Watershed - Folsom Dam Modification Project, Sacramento, Placer, and El Dorado Counties, California (proposed action). Your letter was received by the Service on June 22, 2000, and was followed by letters containing additional information required for consultation dated January 26, 2001 (received February 5, 2001) and March 20, 2001 (received March 22, 2001). This response is in accordance with Section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*)(Act).

The U.S. Fish and Wildlife Service (Service) has reviewed the information contained in your June 19, 2000; January 26, 2001; and March 20, 2001 letters. Observations of the project site, including Folsom and Mormon Island Dams were made during an April 11, 2000, site visit involving representatives of the Service, the U.S. Army Corps of Engineers (Corps), National Marine Fisheries Service (NMFS), Bureau of Reclamation (Bureau), the Reclamation Board, and MBK Engineering. Additional observations of the staging areas associated with the proposed action were made during an January 18, 2001 site visit involving the Service, Corps, and Reclamation Board.

Based on the biological information contained in the June 2000 *Supplemental Biological Data Report, American River Project, Folsom Dam Modifications*; the February 2001 *Draft Environmental Assessment/Initial Study, American River Project, California, Folsom Dam Modifications*, the March 2001 *Draft Environmental Assessment/Initial Study, American River*

Watershed, California, Folsom Dam Modification Project; and observations made during the April 11, 2000, and January 18, 2001, site visits, the Service concurs with the Corps' determination that the proposed action is not likely to adversely affect the threatened valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*), the threatened Sacramento splittail (*Pogonichthys macrolepidotus*), or the threatened delta smelt (*Hypomesus transpacificus*). A complete administrative record is on file at the Sacramento Fish and Wildlife Office (SFWO). The following narrative describes the proposed action and the specific measures that ensure the proposed action is not likely to adversely affect listed species.

Description of the Proposed Action

The Corps has proposed to use controlled interior blasting to enlarge the eight existing river outlets on Folsom Dam to allow them to conduct 115,000 cubic feet per second (cfs) at a reservoir elevation of 418 feet. Construction is scheduled to last 6 years, with no loss in the discharge capacity of the dam.

Surcharge storage, the reservoir storage located above the gross pool elevation [between 470 feet above mean sea level (amsl) and 474 feet amsl], will be used to increase the flood control capacity of the reservoir. Changes to the surcharge space will be accommodated via the replacement of the three emergency spillway gates with Tainter gates (as already exist on the five main spillways), relocation of the hydraulic power units for the penstock gate hoists, raising the impervious core (slurry wall) within Mormon Island Dam and Dikes 5 and 7, and by flood-proofing the Newcastle Power House.

Haul routes to and from the dam site are on existing, well-maintained access roads. Staging areas are situated within existing parking lots or equipment yards. Disposal will only occur at existing, permitted facilities.

Delta Smelt and Sacramento Splittail

Delta smelt occur in the portion of the lower American River that forms a backwater during elevated river stages in the lower Sacramento River. Delta smelt critical habitat includes areas of tidal influence, including the extreme lower reaches of the lower American River. Sacramento splittail spawn in the lower American River in greater numbers and throughout more of the reach than do the delta smelt. Given that the Sacramento splittail spawns more widely in the lower American river, and that spawning requires areas of shallow water with emergent and submergent vegetation which could be affected by the proposed action, this species is given the greater consideration in this effects analysis.

Dredging will occur on the upstream portion of Folsom Dam, within Folsom Lake, and will be timed so that impacts on downstream turbidity are within background levels. In the event that turbidity is increased downstream, it will most likely be entirely contained within Nimbus Reservoir. Dredge spoil will be dried in a containment area at the lake and disposed of off-site.

The proposed action will involve no direct effects on Sacramento splittail or delta smelt and will not destroy or adversely modify delta smelt critical habitat. Construction is to occur within and surrounding Folsom Dam. Delta smelt and Sacramento splittail do not occur in Folsom Lake or in Nimbus Reservoir, and will not be affected by the proposed action. Ground disturbing activities, such as within the staging areas and near Mormon Island Dam, will also occur outside of the range of these species.

The project has the potential to result in changes to the downstream habitat conditions for Sacramento splittail. Concerns over scour of gravels used by salmonids for spawning has resulted in the preparation of an operational Rule Restriction that applies to flows between the 2.5 to 10 year return interval. The Rule Restriction will limit Folsom outlet releases to less than historic levels for this critical range of flows. At above 150,000 cfs (larger than the 10 year flood), the restriction would be removed.

The restricted operation of Folsom Dam with the enlarged outlet works are likely to result in relatively lower peak flows with longer durations during the 5 and 10-year return interval inflow events. Given that the lower American River exists as a laterally confined fluvial system, the Service does not consider depth of flooding (as a function of flood magnitude) to be as limiting a factor to splittail reproduction as is duration of flooding. The change in flood duration is at the scale of hours, and perhaps may not exceed one day at events up to the 10 year return interval. In this regard, the proposed action is not likely to result in increases or decreases in splittail habitat at less than 10 year floods. The change is not appreciable because splittail generally require 4 to 5 weeks to move from a fertilized egg to a juvenile fish capable of evading predation.

The Rule Restriction would be removed at flows exceeding the 10 year event. In this situation, where discharges exceed 150,000 cfs, and with the enlarged outlet works, the lower American River will be able to reach the objective release more rapidly, which equates with a steeper ascending limb on the flood hydrograph. The descending limb of the flood hydrograph would not change appreciably, as the ramping down of flood releases is structured to avoid sloughing of downstream levees. Given that flood volume (inflow) remains the same as with the without-project condition, this scenario could potentially reduce the maximum magnitude of the downstream discharge but increase the duration of overbank flooding. However, as described above, the changed flood regime is not likely to be significantly different than with the without-project condition (baseline) and is therefore not likely to be measurably beneficial or detrimental to the splittail It should be noted that increases in splittail habitat could occur if and when the Bureau and Sacramento Area Flood Control Agency, via the Lower American River Task Force, implement large-scale floodplain restoration measures in the lower American River.

The Service is concerned that reoperation of the reservoir through the enlarged outlet works will adversely affect the Sacramento splittail via changed hydrology. Reoperation, however, will be addressed via the Corps' future modification of the Water Control Manual for Folsom Dam. Modification of the Water Control Manual is expected to appreciably change the magnitude and frequency of flood releases to the lower American River which, in turn, will influence the amount of spawning and rearing habitat available to the splittail. This interrelated action will be submitted for section 7 consultation under the Act once a combined Biological Assessment (BA), National

Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA) document has been prepared. The concurrence with the determination that this proposed action is not likely to adversely affect the delta smelt and Sacramento splittail, and that it is not likely to destroy or adversely modify delta smelt critical habitat does not apply to future reoperation scenarios.

Valley Elderberry Longhorn Beetle

The proposed action involves the potential for adverse effects to elderberry shrubs (*Sambucus* spp.), and therefore, the valley elderberry longhorn beetle, in four general locations; the staging areas north of the dam; Mormon Island Dam, and Dikes 5 and 7; the Newcastle Powerhouse; and within the surcharge space of the reservoir. The Service's concurrence that the proposed action is not likely to adversely affect the valley elderberry longhorn beetle is conditioned upon the temporary nature of the impacts and the implementation of avoidance measures proposed by the Corps.

The elderberry shrubs located near the staging areas occur at varying distances from vehicle use and caching activities and in several cases, shrubs are located less than 100 feet from such activities. The Service expressed concerns regarding several of the shrubs found near the upper, graveled staging area during the January 18, 2001, site visit. At this time, the Corps agreed to construct *permanent* fencing (6 feet or higher, chain link, similar to that already present at the upper staging area) as far as is practicable beyond the dripline of the shrubs and to implement dust abatement measures (daily watering of the site, "road oil" is not suitable). The Service also requires that standard signs detailing the need to protect elderberry shrubs as habitat for the valley elderberry longhorn beetle be placed at the project site. The use of the staging areas is not expected to appreciably change the hydrology or vegetative community of the site, and off-site activities and off-road travel will not be permitted.

The Corps' surveys located no elderberry shrubs that would be affected by construction activities at Mormon Island Dam, Dike 5, Dike 7, and the Newcastle Powerhouse. It should also be noted that the slurry wall work at Mormon Island Dam will not affect the hydrology of the Bureau's wetland area located south of Folsom Reservoir, as it will only exclude seepage from water within the surcharge elevation.

There are 52 elderberry shrubs located within the surcharge storage space. The Corps' environmental documents state that the changes to the outlet works will result in a reduced frequency and duration of inundation for these shrubs. The Service's Fish and Wildlife Coordination Act Report (CAR) concludes that the frequency and duration of inundation may actually increase, albeit within the scale of hours over a large, modeled period (up to 150 years). Though periodic wetting can be beneficial to elderberry shrubs, prolonged immersion is not. Regardless, use of the surcharge space is a rare event as it occurs only during large runoff events when Folsom *and* upstream reservoirs are nearly full. As such, the proposed action is not likely to adversely affect these shrubs.

Conclusion

The proposed action involves avoidance and minimization measures adequate to avoid adverse effects on the delta smelt, the Sacramento splittail, and the valley elderberry longhorn beetle. The Service therefore concurs that implementation of the proposed action, as it has been described at this time, is not likely to adversely affect these species. The Service has also determined that the action, as proposed, is not likely to destroy or adversely modify delta smelt critical habitat.

This concludes the Service's review of the actions outlined in the request. As provided in 50 CFR §402.16, initiation or reinitiation of formal consultation is required where discretionary Federal agency involvement or control over the action has been maintained (or is authorized by law) and if: (1) the amount or extent of incidental take is exceeded, or in this case, any incidental take occurs; (2) new information reveals effects of the agency action that may affect listed species or critical habitat in a manner or to an extent not considered in this review; (3) the agency action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in this opinion; or (4) a new species is listed or critical habitat designated that may be affected by the action. In instances where the amount or extent of incidental take is exceeded, or in this case, any incidental take occurs, any and all operations causing such take must cease pending reinitiation and Service review.

If you have any questions regarding this response, please contact Jason Douglas or Christopher Nagano of my staff at (916) 414-6645.

Sincerely,

Chris Nagano

for Jan C. Knight
Chief, Endangered Species Division

cc:
U.S. Fish and Wildlife Service (Attn: Doug Weinrich), Sacramento, California
Corps of Engineers (Attn: Patricia Roberson), Sacramento, California
The Reclamation Board (Attn: Bonnie Ross), Sacramento, California
Bureau of Reclamation (Attn: Rod Hall), Folsom, California
National Marine Fisheries Service (Attn: Mike Aceituno), Sacramento, California

February 2, 2001

Environmental Resources Branch

Mr. Mike Acituno
National Marine Fisheries Service
Sacramento Area Office
650 Capitol Mall, Suite 6070
Sacramento, California 95814-4706

Dear Mr. Acituno:

In June 2000 we provided your office a supplemental biological assessment for the American River Watershed Project dated June 30, 1995. The corps is currently proposing to enlarge the existing river outlets at Folsom Dam and modify the use of surcharge storage. The supplemental biological assessment was necessary because (1) design of the outlet modifications at Folsom Dam has been refined, (2) the status of some of the species previously evaluated has changed, and (3) species not previously identified must be evaluated for presence in the project area and for potential project related impacts. We also provided a biological data report which described potential effects of the Folsom Dam Modification Plan on Federally listed, endangered, and threatened species that might be present in the project area.

The supplemental biological data report evaluated for following species under your jurisdiction: Central Valley steelhead, winter-run Chinook salmon, Central Valley spring-run Chinook salmon and proposed critical habitat, and Central Valley fall/late fall-run Chinook salmon. The proposed modifications would not affect either the winter-run Chinook salmon or the Central Valley spring-run chinook salmon because neither of these species uses the lower American River.

During coordination with your agency and the Fish and Wildlife Service, concerns were raised that increased flows in the lower American River under the proposed action might damage existing spawning beds through localized scour. The Corps evaluated this potential effect and is proposing to adopt a rule restriction that would substantially reduce the frequency of flow changes under the proposed action. The rule restriction as well as the project background and project description is contained in Attachment 1, the Draft Environmental Assessment/Initial Study.

We have concluded that construction of the Folsom Dam Modification Plan would not adversely affect either the Central Valley steelhead or Central Valley fall/late fall-run Chinook salmon. We request you concurrence with our finding of no adverse affect to

these species. We would appreciate a response within 30 days. If you have any questions, please contact Ms. Patricia Roberson, Environmental Planning Section, at (916) 557-6705.

Sincerely,

Mark S. Capik
Acting Chief, Planning Division

Enclosure

Copy Furnished:
Mr. Bruce Oppenheim, National Marine Fisheries Service, 650 Capitol Mall, Suite 6070, Sacramento, CA 95814

Cc:
Plng Div
ERB
EPS
PPMD (Hucks)

ROBERSON/cc
PICCOLA
MURPHY
CLARK
HUCKS
CLAY
PUGNER
CAPIK

Atch 1 on File in Longer Projects

January 26, 2001

Environmental Resources Branch

Mr. Wayne White, Field Supervisor
U.S. Fish and Wildlife Service
2800 Cottage Way, Room W20606
Sacramento, California 95825

Dear Mr. White:

In June 2000 we provided your office a supplemental biological assessment for the American River Watershed Project dated June 30, 1995. The Corps is currently proposing to enlarge the existing river outlets at Folsom Dam and modify the use of surcharge storage. The supplemental biological assessment was necessary because (1) design of the outlet modifications at Folsom Dam has been refined, (2) the status of some of the species previously evaluated has changed, and (3) species not previously identified must be evaluated for presence in the project area and for potential project related impacts. We also provided a biological data report which described potential effects of the Folsom Dam Modification Plan on Federally listed, endangered, and threatened species that might be present in the project area.

The supplemental biological data report evaluated the following species: Aleutian Canada goose, bald eagle, giant garter snake, California red-legged frog, delta smelt, Conservancy fairy shrimp, vernal pool tadpole shrimp, vernal pool fairy shrimp, valley elderberry longhorn beetle, Antioch Dunes evening primrose, Sacramento Orcutt grass, riparian woodrat, mountain plover, and the California tiger salamander. The proposed outlet modifications would not affect any of these species because they are either not located in the project area, or because potential habitat for these species will not be affected. We concluded that although potential habitat for the Sacramento splittail is located along the lower American River, the Folsom Dam Modifications would not adversely affect this species. We determined that the project would have no effect on the valley elderberry longhorn beetle since elderberry shrubs will not be trimmed or transplanted during project construction.

Although there will be no direct impact to elderberry shrubs, there are a number of shrubs located near the staging areas. Your staff advised that a quantification of the number of stems and exit holes on all elderberry shrubs within one hundred feet of any construction or staging areas is necessary. Attachment 1 is a table that lists the number of stems and exit holes on each shrub. Attachment 2 is a map showing the

approximate location of each of these shrubs. Attachment 3 is a copy of the draft environmental assessment/initial study which provides information on the project background, project description, and project effects.

The staging areas proposed for the outlet enlargement are located southeast of Folsom Dam and are areas that have been previously used for construction staging. They are concrete/graveled areas with an existing road to the dam site. The staging areas would be used for worker parking, equipment storage and maintenance, material storage, and a small shop for equipment maintenance. If the surcharge storage component is constructed as part of this project, then the impervious core at dikes 5,7, and Morman Island Dam might need to be raised. This would be done using a small scale slurry wall operation. The slurry material would be mixed in place, in a tank on the back of a dump truck. No borrow would be needed. For the work on dikes 5 and 7, a staging area would be needed at Beal's Point. A small portion of the existing parking lot would be used. At Mormon Island, the staging area would be located on top of the dike.

In addition to using a staging area on the southeast side of the dam some work will need to be conducted on the north side of the dam. Access to the north side of the dam will be through the existing access road. Work needed on the north side of the dam consists of replacing the emergency power generator, and placing an underground utility line from the switchyard into the dam. No elderberry shrubs are located in the area where the emergency power generator would be replaced. However, in order to place the underground utility line from the switchyard to the dam, it will be necessary to work about five feet from the dripline of one elderberry shrub. This shrub would be fenced five feet from the dripline, protecting it in place. The approximate location of this shrub is shown on Attachment 2.

Modifying the use of surcharge storage at Folsom Dam is also unlikely to affect any elderberry shrubs. No elderberry shrubs need to be removed or trimmed in order to replace the emergency spillway gates or raise the impervious core in Mormon Island Dam, Dike 5, or Dike 7. No elderberry shrubs are located within 100 feet of these activities.

In order to avoid and protect existing beetle habitat located near staging areas on the southeast side of the dam and work areas on the north side of the dam the following protective measures will be taken:

1) Elderberry shrubs located near the staging area on the southeast side of the dam will be protected with chain link fencing.

2) Contractors and their employees will be briefed on the need to avoid damaging the elderberry plants and the possible penalties for not complying with these requirements.

3) Signs will be posted every 50 feet along the edge of the avoidance area with the following information: "This area is the habitat of the valley elderberry longhorn beetle, a threatened species, and must not be disturbed. This species is protected by

the Endangered Species Act of 1973, as amended. Violators are subject to prosecution, fines, and imprisonment." The signs will be clearly readable from 20 feet and will be maintained for the duration of construction.

4) Following construction of the underground utility on the north side of the dam the excavated area would be restored to pre-project conditions. The slope and grade would be returned to pre-project conditions and the disturbed area would be seeded for erosion control. The Bureau of Reclamation would continue to maintain this area as part of the dam facilities.

Accordingly, we have concluded that the project would not adversely affect the valley elderberry longhorn beetle. As we previously stated in June 2000, we also concluded that the project would not adversely affect the Sacramento splittail. We request your concurrence with our determination. If you have any questions, please call Ms. Patricia Roberson, Environmental Planning Section, at (916) 557-6705.

Sincerely,

Mark S. Capik
Acting Chief, Planning Division

Enclosure

Copy Furnished:
Ms. Karen J. Miller, Chief, Endangered Species Division, U.S.Fish and Wildlife Service, 2800 Cottage Way, Room W20606, Sacramento, CA 95825
Mr. Chris Nagano, U.S. Fish and Wildlife Service, 2800 Cottage Way, Room W 20606, Sacramento, CA 95825

Cc:
SPK-PD
PD-R
✓EPS
SPK-PPMD (Hucks)

ROBERSON/cc
PICCOLA
MURPHY
HUCKS
CLAY
CAPIK

June 19, 2000

Environmental Resources Branch

Mr. Wayne White, Field Supervisor
U.S. Fish and Wildlife Service
2800 Cottage Way, Room W20606
Sacramento, California 95825

Dear Mr. White:

This letter supplements the biological assessment for the American River Watershed Project dated June 30, 1995. The Corps is proposing to enlarge the existing river outlets at Folsom Dam. This supplemental biological assessment is necessary because (1) design of the outlet modifications at Folsom Dam has been refined, (2) the status of some of the species previously evaluated has changed, and (3) species not previously identified must be evaluated for presence in the project area and for potential project related impacts. We are enclosing a biological data report which describes potential effects of the Folsom Dam Modification Plan on Federally listed, endangered, and threatened species that might be present in the project area.

The supplemental biological data report evaluates the following species: Aleutian Canada goose, bald eagle, giant garter snake, California red-legged frog, delta smelt, Conservancy fairy shrimp, vernal pool tadpole shrimp, vernal pool fairy shrimp, valley elderberry longhorn beetle, Antioch Dunes evening primrose, Sacramento Orcutt grass, riparian woodrat, mountain plover, and the California tiger salamander. The proposed outlet modifications would not affect any of these species because they are either not located in the project area, or because potential habitat for these species will not be affected.

Although potential habitat for the Sacramento splittail is located along the lower American River we have concluded that the Folsom Dam Outlet Modifications would not adversely affect this species. We request your concurrence with our finding of no adverse affect to the Sacramento splittail. We would appreciate a response within 30 days.

If you have any questions, please contact Ms. Patricia Roberson, Environmental Planner, at (916) 557-6705.

Sincerely,

John H. Kennedy
Chief, Planning Division

Copy Furnished:
Ms. Karen J. Miller, Chief, Endangered Species Division, U.S.Fish and Wildlife Service, 2800 Cottage Way, Room W20606, Sacramento, CA 95825

Mr. Chris Nagano, U.S. Fish and Wildlife Service, 2800 Cottage Way, Room W20606, Sacramento, CA 95825

Cc:
SPK-PD
ERB
EPS
SPK-PPMD (Johnson)
SPK-OC (Clay)

ROBERSON/cc
PICCOLA
BONE
MURPHY
JOHNSON
CLAY
CAPIK
KENNEDY

June 19, 2000

Environmental Resources Branch

Mr. Rodney R. McInnis
Acting Regional Administrator
National Marine Fisheries Service,
Southwest Region
501 West Ocean Boulevard, Suite 4200
Long Beach, California 90802-4213

Dear Mr. McInnis:

This letter supplements the biological assessment for the American River Watershed Project dated June 30, 1995. The Corps is proposing to enlarge the existing river outlets at Folsom Dam. This supplemental biological assessment is necessary because (1) design of the outlet modifications at Folsom Dam has been refined, (2) the status of some of the species previously evaluated has changed, and (3) species not previously identified must be evaluated for presence in the project area and for potential project related impacts. We are enclosing a supplemental biological data report which describes potential effects of the Folsom Dam Modification Plan on Federally listed, endangered, and threatened species that might be present in the project area.

The supplemental biological data report evaluates the following species under your jurisdiction: Central Valley steelhead, winter-run chinook salmon, Central Valley spring-run chinook salmon and proposed critical habitat, and Central Valley fall/late fall-run chinook salmon. The proposed outlet modifications would not affect either the winter-run Chinook salmon or the Central Valley spring-run Chinook salmon because neither of these species uses the lower American River.

We have concluded that construction of the Folsom Dam Modification Plan would not adversely affect either the Central Valley steelhead, Central Valley fall/late fall-run Chinook salmon, or winter-run Chinook salmon. We request your concurrence with our finding of no adverse affect to these species. We would appreciate a response within 30 days.

If you have any questions, please contact Ms. Patricia Roberson, Environmental Planner at (916) 557-6705.

Sincerely,

John H. Kennedy
Chief, Planning Division

Copy Furnished:
Mr. Dennis Smith, National Marine Fisheries Service, 650 Capitol Mall, Suite 6070, Sacramento, CA 95814

cc:
SPK-PD
ERB
EPS
SPK-PPMD (Johnson)
SPK-OC (Clay)

ROBERSON/cc
PICCOLA
BONE
MURPHY
JOHNSON
CLAY
CAPIK
KENNEDY

United States Department of the Interior

FISH AND WILDLIFE SERVICE

Sacramento Fish and Wildlife Office
2800 Cottage Way, Room W2605
Sacramento, California 95825

IN REPLY REFER TO:
1-1-00-SP-0671

January 20, 2000

Ms. Patricia Roberson
Department of the Army
U.S. Army Engineer District, Sacramento
Corps of Engineers
1325 J Street
Sacramento, California 95814-2922

Subject: Species Lists for American River Watershed Project and Folsom Dam Modification Project, Sutter and Sacramento Counties, California

Dear Ms. Roberson:

We are sending the enclosed list in response to your letters dated January 3, 2000, requesting information about endangered and threatened species (Enclosure A). These lists fulfill the requirement of the Fish and Wildlife Service (Service) to provide species lists under section 7(c) of the Endangered Species Act of 1973, as amended (Act).

We used the information in your letter to locate the proposed project on a U.S. Geological Survey (USGS) 7.5 minute quadrangle map. The animal species on the Enclosure A quad list are those species we believe may occur within, *or be affected by projects within*, the following USGS quads, where your project is planned: 511B, Folsom; 511C, Buffalo Creek; 512C, Sacramento East; 512D, Carmichael; 529C, Knights Landing; and 529D, Verona.

Any plants on the quad list are ones *that have actually been observed* in the project quad(s). Plants may occur in a quad without having been observed there. Therefore we have included a species list for the whole counties in which your project occurs. We recommend that you survey for any relevant plants shown on this list.

Fish and other aquatic species appear on your list if they are in the same watershed as your quad or if water use in your quad might affect them.

If a species has been listed as threatened or endangered by the State of California, but not by us nor by the National Marine Fisheries Service, it will appear on your list as a Species of Concern.

However you must contact the California Department of Fish and Game for official information about these species. Call (916) 322-2493 or write Marketing Manager, California Department of Fish and Game, Natural Diversity Data Base, 1416 Ninth Street, Sacramento, California 95814.

Some of the species listed in Enclosure A may not be affected by the proposed action. A trained biologist or botanist, familiar with the habitat requirements of the listed species, should determine whether these species or habitats suitable for them may be affected. For plants, we recommend using the enclosed Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed, Proposed and Candidate Species (Enclosure C).

Some pertinent information concerning the distribution, life history, habitat requirements, and published references for the listed species is available upon request. This information may be helpful in preparing the biological assessment for this project, if one is required. Please see Enclosure B for a discussion of the responsibilities Federal agencies have under section 7(c) of the Act and the conditions under which a biological assessment must be prepared by the lead Federal agency or its designated non-Federal representative.

Formal consultation, under 50 CFR § 402.14, should be initiated if you decide that a listed species may be affected by the proposed project. If you decide that a proposed species may be adversely affected, you should consider requesting a conference with our office under 50 CFR § 402.10. Informal consultation may be used before a written request for formal consultation to exchange information and resolve conflicts with respect to a listed species. If a biological assessment is required, and it is not initiated within 90 days of your receipt of this letter, you should informally verify the accuracy of this list with our office.

When a species is listed as endangered or threatened, areas of habitat considered essential to its conservation may be designated as *critical habitat*. These areas may require special management considerations or protection. They provide needed space for growth and normal behavior; food, water, air, light, other nutritional or physiological requirements; cover or shelter; and sites for breeding, reproduction, rearing of offspring, germination or seed dispersal. Although critical habitat may be designated on private or State lands, activities on these lands are not restricted unless there is Federal involvement in the activities or direct harm to listed wildlife.

If any species has proposed or designated critical habitat within a quad, this will be noted on the species list. Maps and boundary descriptions of the critical habitat may be found in the *Federal Register*. The information is also reprinted in the *Code of Federal Regulations* (50 CFR 17.95).

Candidate species are being reviewed for possible listing. Contact our office if your biological assessment reveals any candidate species that might be adversely affected. Although they currently have no protection under the Endangered Species Act, one or more of them could be proposed and listed before your project is completed. By considering them from the beginning, you could avoid problems later.

Your list may contain a section called *Species of Concern*. This term includes former *category 2 candidate species* and other plants and animals of concern to the Service and other Federal, State and private conservation agencies and organizations. Some of these species may become candidate species in the future.

We appreciate your concern for endangered species. Please contact Harry Mossman, Biological Technician, at (916) 414-6650, if you have any questions about the attached list or your responsibilities under the Endangered Species Act. For the fastest response to species list requests, address them to the attention of Mr. Mossman at this address. You may fax requests to him at 414-6712 or 6713.

Sincerely,

Elizabeth Warne

for Karen J. Miller
Chief, Endangered Species Division

Enclosures