

ESA Section 7 Consultation on the LTO – Biological Opinion

Jana	Garwin
<ul style="list-style-type: none"> Analysis of jeopardy and adverse modification - JANA 	
<p>Jeopardy analysis is on the species; adverse mod is on designated critical habitat. The jeopardy and adverse modification analyses look at the complete picture. Our analytical process requires that we identify the effects of construction, operations, restoration, and other project activities and consider those effects in light of the range-wide status and baseline of listed species and their critical habitat at the time of consultation. Then we synthesize what all of this means for the species and habitat moving forward, and draw our conclusion from that.</p>	
<ul style="list-style-type: none"> The Services will closely coordinate with the goal of a joint BiOp - JANA 	
<p>Whether or not integration is likely is based on several factors including timing, format, and approach to the analysis. Even if not a joint BiOp, rest assured that the Services will be closely coordinating. That coordination will ensure consistent implementation of regulations governing the section 7 consultation process.</p>	
<ul style="list-style-type: none"> Consultation Approach - JANA 	
<p>Otherwise known as programmatic or standard consultation. Programmatic consultation is appropriate if there are subsequent federal actions/approvals needed and it makes more sense to fill in the details closer to when that action takes place when more info on details are known. If there are enough details to analyze the effects and quantify the amount or extent of incidental take and there are no subsequent federal approvals needed, standard consultation is appropriate. Operations of the facilities are being addressed programmatically in the CWF BiOp, and we expect will be addressed under standard consultation with an ITS in the ROC on LTO.</p>	<p>In addition to what Jana just said about subsequent federal actions/approvals, one of the key questions is whether there are enough details in the proposed action in order to analyze the effects and quantify the amount or extent of incidental take. For example, currently, Reclamation is preparing a separate consultation for restoration projects in Yolo Bypass, even though those projects are required as part of the RPA.</p>
<ul style="list-style-type: none"> Goal: Heavy reliance on the BA - GARWIN 	
	<p>Ideally, since we'll be closely coordinating on the development of the BA, much of our</p>

	analysis can point back to information in the BA.
<ul style="list-style-type: none"> Recovery is an important consideration in the jeopardy analysis - GARWIN 	
In the ROC, we will consider how or if the action will affect recovery potential of listed fish. We often look to recovery plans and other information to understand what the species needs to recover and then think about the action in that context.	The section 7 regulations do not require recovery of listed species through consultation, but a proposed action cannot preclude the survival or recovery of the listed species in the wild.
<ul style="list-style-type: none"> Peer review? - GARWIN 	
	The section 7 regulations do not require peer review of consultation documents. However, for large and/or complex biological opinions, NMFS and FWS typically have its draft biological opinions peer reviewed. NMFS and FWS expect portions of the draft biological opinion(s) for the ROC on LTO to be peer reviewed.