United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ecological Services
Nebraska Field Office
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MEMORANDUM

To: Dr. Jerry Kenny, Executive Director
Platte River Recovery Implementation Program

From: Matt Rabbe, U.S. Fish and Wildlife Service
Wildlife Biologist, Mountain-Prairie Region

Matt Rabbe 3-4-15

Date: March 4, 2015

Subject: U.S. Fish and Wildlife Service Reporting on 2014 Tiered Platte River Biological Opinions

The U.S. Fish and Wildlife Service (Service) committed, in the Platte River Recovery Implementation Program (PRRIP or Program) Federal Depletions Plan, to provide an annual summary to the Governance Committee (GC) regarding the Endangered Species Act (ESA) Section 7 consultations related to depletions that relied on coverage provided by the PRRIP. Attached is a summary of these consultations completed during the seventh calendar year of the Program, January through December 2014, for distribution to the GC.

Tiered Biological Opinions

The PRRIP's programmatic biological opinion (BO or opinion) was issued on June 16, 2006. As described in that opinion, subsequent Federal agency activities in the Program area having a federal nexus (both existing and certain new water-related activities) are able to proceed in a streamlined manner and "tier" from the programmatic BO with regard to addressing their effects on federally-listed species and designated critical habitat in the central and lower Platte River.

The Program Document (page 21) states that "such ESA compliance will continue beyond the first 13 years of the Program provided a subsequent Program increment or First Increment Program extension is adopted pursuant to ESA and National Environmental Policy Act compliance procedures, and, for a subsequent increment, the effects of water-related activities are to be covered under a programmatic BO for that subsequent increment." Based on the above, each completed BO that tiered from the programmatic BO includes a statement that re-initiation of consultation will not be required at the end of the first increment.

Section 7 Consultation Website

The Service continues to maintain a website (http://www.fws.gov/platteriver) providing information to federal agencies and water-related project proponents regarding procedures for seeking ESA coverage for water-related activities through the PRRIP. That site provides guidance documents specific to each state, as well as a template biological assessment and other information relevant to pursuing a streamlined BO. Additionally, the PRRIP website provides related information (http://www.platteriverprogram.org).

Federal Depletion Offsetting Mechanisms and Agreements with the Three States

The PRRIP Federal Depletions Plan notes that:

> "Each state has agreed to work with the DOI and cooperating federal agencies in the process of securing up to 350 acre-feet of water annually, if needed, to offset new federal depletions within the state in a manner consistent with the respective state's Depletion Plan."

Federal depletions associated with historic (pre-1997) federal water uses in the Platte River basin are considered automatically covered by the Program, consistent with the Program's intent to cover historic uses and in recognition of the substantial federal monetary contributions being made toward First Increment implementation.

With regard to new federal water uses in the Platte River basin, the following progress was made in 2014:

Colorado: Memoranda of Agreement (MOAs) and Memoranda of Understanding (MOUs) with interested individual federal agencies that were developed for new federal depletions continue to effectively and efficiently fulfill their purposes within Colorado. In 2014, these MOAs/MOUs continued to streamline federal depletion tiered consultations. It is unknown if the need will arise for additional MOAs/MOUs in the future.

Wyoming: No new information on tracking or handling federal depletions was developed in 2014.

Nebraska: No new information on tracking or handling federal depletions was developed in 2014.

Tiered-Consultation Activity in 2014

Nine consultations relying on coverage provided by the PRRIP were completed in 2014, all of which occurred in Colorado. Three federal depletions (all in Colorado) were consulted on and tiered from the programmatic BO. All nine consultations completed in 2014 are included in the enclosed spreadsheet. They are grouped by state and ordered by date that the BO was issued. The table provides the following information:

- The Service's internal Tracking and/or Integrated Logging System (TAILS) number;
- Lead federal agency;
- County (where applicable);
- Project name;

- Project proponents/beneficiaries;
- Date that the BO was issued;
- Category of the depletion (existing, new, or some combination thereof; and whether the depletion is federal or non-federal);
- Estimated start year of the water use (if a new water-related activity);
- A summary of the corresponding water sources, uses, and depletions if estimated; and
- The offsetting measure(s) used to address depletions.

The information presented in the table is condensed summarized information; more complete information is provided in the corresponding BO. The shaded rows in the attached table highlight the three Program federal depletion consultations in 2014.

cc: Matt Hoobler, Wyoming State Engineer's Office
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