

RECLAMATION

Managing Water in the West

Biological Assessment for Bureau of Reclamation Operations and Maintenance in the Snake River Basin Above Brownlee Reservoir

Baker Project
Boise Project
Burnt River Project
Little Wood River Project
Lucky Peak Project
Mann Creek Project
Michaud Flats Project
Minidoka Project
Owyhee Project
Palisades Project
Ririe Project
Vale Project



U.S. Department of the Interior
Bureau of Reclamation
Pacific Northwest Region
Snake River Area

August 2007

Acronyms and Abbreviations

APA	Administrative Procedures Act	IWRB	Idaho Water Resource Board
BA	Biological Assessment	IWRRI	Idaho Water Resources Research Institute
BiOp	Biological Opinion	kg/day	Kilograms per day
BPA	Bonneville Power Administration	mg/L	Milligrams per liter
BRT	Biological Review Team	MPG	Major Population Group
cfs	Cubic feet per second	NMFS	National Marine Fisheries Service
CIG	Climate Impact Group	NWF	National Wildlife Federation
CREP	Conservation Reserve Enhancement Program	ODEQ	Oregon Department of Environmental Quality
CWA	Clean Water Act	ODFW	Oregon Department of Fish and Wildlife
DCMI	Domestic, commercial municipal, and industrial	O&M	Operations and maintenance
DPS	Distinct Population Segment	PCE	Primary Constituent Element
EFH	Essential fish habitat	PFMC	Pacific Fishery Management Council
EPA	Environmental Protection Agency	PIT	Passive Integrated Transponder
ESA	Endangered Species Act	Reclamation	U.S. Bureau of Reclamation
ESPA	Eastern Snake Plain Aquifer	RM	River mile
ESU	Evolutionarily Significant Unit	RPA	Reasonable and Prudent Alternatives
FCRPS	Federal Columbia River Power System	RSW	Removable Spillway Weir
FERC	Federal Energy Regulatory Commission	Settlement	2004 Nez Perce Water Rights Settlement
FPC	Fish Passage Center	SRBA	Snake River Basin Adjudication
FR	Federal Register	State	State of Idaho
HUC	Hydrologic Unit Code	TDG	Total dissolved gas
ICBTRT	Interior Columbia Basin Technical Recovery Team	TFCC	Twin Falls Canal Company
IDEQ	Idaho Department of Environmental Quality	TMDL	Total Maximum Daily Load
IDWR	Idaho Department of Water Resources	TMT	Technical Management Team
ISAB	Independent Scientific Advisory Board	USACE	U.S. Army Corps of Engineers
ISG	Independent Study Group	USBR	U.S. Bureau of Reclamation
		USFWS	U.S. Fish and Wildlife Service
		USGS	U.S. Geological Survey
		VSP	Viable Salmonid Population
		WDOE	Washington Department of Ecology
		WLCTRT	Willamette Lower Columbia Technical Review Team

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The mission of the Department of the Interior is to protect and provide access to our Nation's natural and cultural heritage and honor our trust responsibilities to tribes.

The mission of the Bureau of Reclamation is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public.

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Chapter 1 OVERVIEW

1.1 Purpose of the Biological Assessment

In November 2004, the U.S. Department of the Interior, Bureau of Reclamation (Reclamation) initiated formal consultation under Section 7 of the Endangered Species Act (ESA) by submitting a biological assessment (BA) to the U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NMFS). The *Biological Assessment for Bureau of Reclamation Operations and Maintenance in the Snake River Basin above Brownlee Reservoir* (2004 Upper Snake BA) (USBR 2004a) described 12 separate actions involving operations and routine maintenance at 12 Federal projects located upstream of Brownlee Reservoir and evaluated the potential effects of those actions on ESA-listed endangered or threatened species and their designated critical habitat. The projects, collectively referred to as the upper Snake projects, were the Minidoka, Palisades, Michaud Flats, Ririe, Little Wood River, Boise, Lucky Peak, Mann Creek, Owyhee, Vale, Burnt River, and Baker Projects. Reclamation initiated consultation because the existing biological opinion (BiOp) expired before the start of the 2005 irrigation season, and some components of the proposed actions differed from the actions consulted upon in the previous consultation. Most notable was the development of the Nez Perce Water Rights Settlement that described the conditions for continued provision of salmon flow augmentation from the upper Snake.

Reclamation received a BiOp from NMFS in March 2005 (2005 Upper Snake BiOp) (NMFS 2005a). The 2005 Upper Snake BiOp concluded that Reclamation's proposed actions were not likely to jeopardize the continued existence of 13 Columbia River basin salmon Evolutionarily Significant Units (ESUs) and steelhead Distinct Population Segments (DPSs) listed or proposed for listing under the ESA or to adversely modify or destroy designated critical habitat for three ESUs.

In 2005, American Rivers and others filed a suit alleging Administrative Procedures Act (APA) and ESA violations (*American Rivers v. NOAA Fisheries*). On May 23, 2006, Oregon U.S. District Judge James Redden held that NMFS' March 2005 Upper Snake BiOp contained flawed analysis and did not comply with the ESA or APA. On September 26, 2006, Judge Redden issued an Opinion and Order of Remand providing details on how Federal defendants must revise the consultation to correct these deficiencies.