



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

In response refer to:
SWR/2006/07316

September 24, 2008

Lieutenant Colonel Farrell
District Engineer
U.S. Department of the Army
San Francisco District, Corps of Engineers
1455 Market Street
San Francisco, California 94103-1398

Dear Colonel Farrell:

This letter transmits NOAA's National Marine Fisheries Service's (NMFS) final Biological Opinion (Enclosure 1) on the water supply, flood control, and channel maintenance operations (Project) conducted by the U.S. Army Corps of Engineers (Corps), the Sonoma County Water Agency (SCWA), and the Menocino County Russian River Flood Control District (MCRRFCD) in the Russian River watershed. We provided you with three previous drafts of the Biological Opinion on June 11, 2007, August 1, 2008 (working draft), and September 17, 2008.

The drafts and final Biological Opinion report our analysis of the effects of the proposed project on Central California Coast (CCC) steelhead (*Oncorhynchus mykiss*), CCC coho salmon (*O. kisutch*), California Coastal (CC) Chinook salmon (*O. tshawytscha*), and their designated critical habitats in accordance with section 7 of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 *et seq.*). We concluded that the Project is likely to jeopardize the survival and recovery of CCC steelhead and CCC coho salmon and adversely modify their critical habitats. Our analysis indicated that the CC Chinook salmon will not be jeopardized by the proposed project, nor would their critical habitat be adversely modified or destroyed.

Subsequent to the June 11, 2007, draft Biological Opinion, we worked with the Corps, SCWA, and MCRRFCD to develop a Reasonable and Prudent Alternative (RPA) to the Project that meets the requirements of the ESA (50 CFR 402.02) and 50 CFR 402.14(g). During that time we issued a working draft biological opinion (August 1, 2008), to facilitate additional work on the RPA needed as a result of NMFS' internal review. Once this work with the Corps and SCWA was completed, we issued a third draft Biological Opinion on September 17, 2008. We greatly appreciate your timely comments on the third draft, and we have used these comments, and comments from SCWA, to prepare this final Biological Opinion. Because this biological opinion has found jeopardy to listed species and adverse modification of critical habitat, the Corps is required to notify NMFS of its final decision on the implementation of the RPA (50 CFR 402.15 (b)).



This letter also transmits NMFS' Essential Fish Habitat (EFH) Conservation Recommendations (Enclosure 2) as required by the Magnuson-Stevens Fishery Conservation and Management Act (MSA), as amended (16 U.S.C. 1801 et seq.). NMFS has reviewed the proposed project for potential effects on EFH and determined that the proposed project would adversely affect EFH for various federally managed fish species within the Pacific Salmon, Coastal Pelagics, and Pacific Groundfish Fishery Management Plans.

Section 305(b)(4)(B) of the MSA requires the Corps to provide NMFS with a detailed written response within 30 days to these EFH Conservation Recommendations, including a description of the measures adopted by the Corps for avoiding, minimizing, or mitigating the impact of the project on EFH (50 CFR 600.920(j)). In the case of a response that is inconsistent with NMFS' recommendations, the Corps must explain its reasons for not following the recommendations, including the scientific justification for any disagreements with NMFS over the anticipated effects of the proposed action and the measures needed to avoid, minimize, or mitigate such effects.

If you have any questions about this Biological Opinion or EFH Conservation Recommendations, please contact Dr. William Hearn (707) 575-6062.

Sincerely,



Rodney R. McInnis
Regional Administrator

Enclosures

1. Biological Opinion, RPA, Incidental Take Statement
2. EFH Conservation Recommendations

cc: Randy Poole, Sonoma County Water Agency
Peter LaCivita, U.S. Army Corps of Engineers
Sean White, MCRRFCD
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