



United States Department of the Interior



BUREAU OF RECLAMATION
South-Central California Area Office
1243 N Street
Fresno, California 93721-1813

IN REPLY REFER TO:

SCC-420
ENV-7.00 (Vern Freeman)

Mr. Rod McInnis
National Marine Fisheries Service
501 West Ocean Boulevard, Suite 4200
Long Beach, CA 90802

DEC 18 2008

Subject: Reclamation Decision on Proposed Federal Action of Approving the Operating Criteria of United Water Conservation District for the Vern Freeman Diversion Dam and the Associated Biological Opinion

Dear Mr. McInnis,

Rod

Pursuant to 50 CFR 402.15, Reclamation is hereby notifying the National Marine Fisheries Service (NMFS) of our decision regarding our proposed federal action of approving the operating criteria of United Water Conservation District (UWCD) for the Vern Freeman Diversion Dam and related facilities (VFDD), in Ventura County, California.

NMFS issued a final Biological Opinion (BO) on July 24, 2008, which concludes the proposed action is likely to jeopardize the continued existence of the endangered Southern California Distinct Population Segment (DPS) of steelhead and is likely to destroy or adversely modify critical habitat for this species. NMFS also issued a Reasonable and Prudent Alternative (RPA) with the BO that NMFS's believes is necessary and appropriate to avoid the likelihood of jeopardizing the continued existence of the DPS and destroying or adversely modifying critical habitat.

The RPA put forward by NMFS, however, is not within Reclamation's authority to implement as Reclamation neither owns nor operates the VFDD. Reclamation is thus precluded from taking either the proposed federal action or implementing the RPA. Therefore, Reclamation has determined that it will not take the proposed federal action of approving UWCD's operations of the VFDD.

Reclamation appreciates the considerable amount of work and coordination that has gone into this consultation process since about 2002, and we are hopeful that the information gleaned will be of value to both NMFS's and UWCD in other consultation activities.

If you have any questions, please contact me at 559-487-5116, or Mr. Michael Kinsey, Supervisory Wildlife Biologist, at 559-487-5139.

Sincerely,

Michael Jackson

Michael P. Jackson, P.E.
Area Manager

cc's Continued Next Page.

cc's Continued.

cc: Mr. Craig Wingert
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