



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
West Coast Region
501 West Ocean Boulevard, Suite 4200
Long Beach, California 90802-4213

July 14, 2016

Aaron Allen, Ph.D.
Regulatory Division
Corps of Engineers, Los Angeles District
Ventura Field Office
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Ventura, CA 93001

Dear Dr. Allen:

As you are aware, NOAA's National Marine Fisheries Service (NMFS) is developing a biological opinion for the Corps' Regional General Permit (RGP) 78 that would supersede the existing programmatic biological opinion dated May 23, 2008¹. In the meantime, NMFS continues to rely on the existing programmatic biological opinion to review proposed projects as they arise.

Three Fisheries Restoration Grant Program (FRGP) projects were awarded funding and are under consideration for the Corps' RGP 78 (i.e., Fish Passage Improvement at Crossing #4 on Quiota Creek, Fish Passage Improvement at Crossing OA on Quiota Creek, and San Antonio Creek Arundo Removal Project). These projects are scheduled for completion during the 2016 work season.

After carefully considering these proposed projects, NMFS concludes the activities that are the basis of the two road crossing removal projects are consistent with the activities and related effects already considered in the biological opinion. Adverse effects to steelhead and designated critical habitat for this species are not likely to result from these projects owing to the dry channel that currently exists at these project sites. Additionally, the reasonable and prudent measures contained in the incidental take statement of the existing biological opinion are sufficient to minimize take of steelhead if surface water appears within the project reach. Similarly, the activities associated with the San Antonio Creek Arundo Removal Project are fully considered in the existing biological opinion. The proposed activities to remove this vegetation will occur outside the wetted channel, and root masses will remain intact to minimize disturbance to the adjacent stream habitat.

¹ The May 23, 2008, biological opinion considers the Corps' proposed issuance of the RGP and related implementation of FRGP projects that are expected to improve habitat characteristics and conditions for threatened South-Central California Coast (SCCC) Distinct Population Segment (DPS) of steelhead (*Oncorhynchus mykiss*) and endangered Southern California Coast (SCC) DPS of steelhead. The biological opinion concludes that the proposed action is not likely to jeopardize the continued existence of the threatened SCCC DPS of steelhead or the endangered SCC DPS of steelhead, or adversely modify designated critical habitat for these species.

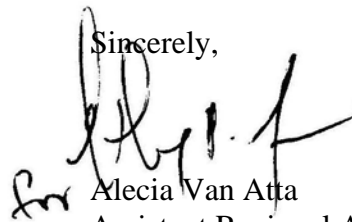


We considered the potential effects of the California Department of Fish and Wildlife's request to fund stream restoration projects for an additional year. To this end, this extension of the work period is not expected to increase the amount or extent of adverse effects already identified in the biological opinion, or create effects not previously considered. The biological opinion previously considered the potential effect of the original proposed action on steelhead and designated critical habitat for this species, and identified measures for avoiding and (or) minimizing resulting adverse effects on the species or designated critical habitat. Implementation of the proposed FRGP projects for an additional year is not expected to increase effects to steelhead or designated critical habitat because the potential effects of the extended proposed action are the same as considered in the original proposed action. NMFS hereby extends the effective date of the biological opinion until May 23, 2017, or the date the new FRGP biological opinion is issued, whichever comes first. Therefore, NMFS believes that the existing proposed action will continue to minimize the impacts of the extended proposed action as required by 50 CFR § 402.14 (i)(1)(iv) and reinitiation of consultation is not necessary at this time.

As provided in 50 CFR § 402.16, reinitiation of formal consultation is required where discretionary Federal agency involvement or control over the action agency has been retained (or is authorized by law) and if: (1) the amount or extent of taking specified in the incidental take statement is exceeded, (2) new information reveals effects of the proposed action that may affect steelhead or designated critical habitat in a manner or to an extent not previously considered in the biological opinion, (3) the proposed action is subsequently modified in a manner that causes an effect to steelhead or designated critical habitat that was not considered in the biological opinion, or (4) a new species is listed or critical habitat designated that may be affected by the action. In instances where the amount or extent of incidental take is exceeded, formal consultation shall be initiated immediately. Thank you for coordinating with NMFS on this matter.

If you have a question concerning this letter or consultation, please contact Rick Bush of my staff at (562) 980-3562, or via e-mail at Rick.Bush@noaa.gov.

Sincerely,



Alecia Van Atta
Assistant Regional Administrator
California Coastal Area Office

cc: Mary Larson, CDFW
Roger Root, USFWS
Tim Robinson, COMB
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