



United States Department of the Interior

FISH AND WILDLIFE SERVICE
 Sacramento Fish and Wildlife Office
 2800 Cottage Way, Room W-2605
 Sacramento, California 95825

IN REPLY REFER TO:
 1-1-00-I-0964

February 18, 2000

DEPT. OF FISH & GAME
 REGION 2

FEB 29 2000

Mr. David P. Boergers
 Secretary
 Federal Energy Regulatory Commission
 888 First Street, N.E., Room 1-A
 Washington, D.C. 20426

Subject: Letter of Non-Concurrence and Acknowledgment of Request for
 Consultation on Weber Dam Hydroelectric Project No. 7454, Licence
 Surrender, Weber Creek, El Dorado County, California

Dear Mr. Boergers:

This acknowledges the U.S. Fish and Wildlife Service's (Service) December 16, 1999, receipt of your December 13, 1999, letter requesting formal section 7 consultation under the Endangered Species Act of 1973, as amended (Act), for the Weber Dam Licence Surrender Project (project). At issue are the effects of the proposed project on the federally endangered vernal pool tadpole shrimp (*Lepidurus packardii*), stepbbins' morning-glory (*Calystegia stebbinsii*), Pine Hill ceanothus (*Ceanothus roderickii*), Pine Hill flannelbush (*Fremontodendron californicum ssp. decumbens*), El Dorado bedstraw (*Galium californicum ssp. sierrae*), the federally threatened California red-legged frog (*Rana aurora draytonii*), valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*), bald eagle (*Haliaeetus leucocephalus*), giant garter snake (*Thamnophis gigas*), delta smelt (*Hypomesus transpacificus*), Central Valley steelhead (*Oncorhynchus mykiss*), Central Valley spring-run chinook salmon (*Oncorhynchus tshawytscha*), Sacramento splittail (*Pogonichthys macrolepidotus*), Layne's butterweed (*Senecio layneae*), the federally proposed mountain plover (*Charadrius montanus*), and the California tiger salamander (*Ambystoma californiense*), a federal candidate species.

After reviewing your December 13, 1999, final environmental assessment, the Service does not concur with your determination that the proposed project will have no effect on the California red-legged frog or valley elderberry longhorn beetle. Information required of you to initiate consultation was not included with your letter but is otherwise accessible for our consideration and reference. We have assigned log number 1-1-00-F-0047 to this consultation.

Section 7 allows the Service up to 90 days to conclude formal consultation with your agency and an additional 45 days to prepare our biological opinion (unless we mutually agree to an

extension). Therefore, we expect to provide you with our biological opinion before April 29, 2000.

As a reminder, the Endangered Species Act requires that after initiation of formal consultation, the Federal action agency make no irreversible or irretrievable commitment of resources that limits future options. This practice ensures agency actions do not preclude the formulation or implementation of reasonable and prudent alternatives that avoid jeopardizing the continued existence of endangered or threatened species or destroying or modifying their critical habitats. Please contact Charlene Hall of my staff at (916) 414-6600, if you have questions regarding this response.

Sincerely,



Karen J. Miller
Chief, Endangered Species Division

cc: AES, Portland, OR
CDFG, Sacramento, Attn: Stafford Lehr, Rancho Cordova, CA
El Dorado Irrigation District, Placerville, CA
US Army Corp of Engineers, Sacramento District, Sacramento, CA