



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, NORTHWESTERN DIVISION
PO BOX 2870
PORTLAND OR 97208-2870
SEP 30 2005

District Support Team

Ms. Susan Martin, Project Leader
Upper Columbia Fish & Wildlife Office
11103 E. Montgomery Drive
Spokane, Washington 99206

Dear Ms. ^{Susan}Martin:

The U.S. Army Corps of Engineers (Corps) and the Bonneville Power Administration (BPA) are submitting the enclosed information as requested by the U.S. Fish and Wildlife Service (Service) in an email transmitted on June 13, 2005, to move forward with the ongoing reintiated Endangered Species Act (ESA) Section 7 consultation on the effects of the operations of Libby Dam on Kootenai River white sturgeon (sturgeon) and bull trout and the sturgeon designated critical habitat. The Corps and the Service, as defendants in Center for Biological Diversity; Ecology Center v. U.S. Army Corps of Engineers et al., submitted the Federal Defendants' Response in Opposition to Plaintiffs' Motion to Lift Stay on August 11, 2005, in which the Service stated that if the Action Agencies provided the requested information by October 1, 2005, that the Service could complete formal consultation and issue a final biological opinion by February 18, 2006.

Libby Dam is one of twelve Corps projects operated in coordination with two U.S. Bureau of Reclamation projects, commonly referred to as the Federal Columbia River Power System (FCRPS). The Corps is authorized to operate its FCRPS projects for multiple uses, including flood control, hydropower, fish and wildlife, water quality and supply, irrigation, navigation, recreation. As the Corps' operation of its FCRPS projects to provide for these project uses may affect listed species, the Corps has undergone several ESA consultations on the operation of these projects with the Service and National Marine Fisheries Service (NMFS). On July 9, 2004, the Corps and BPA submitted a Supplemental Biological Assessment on the Effects of the Operation of Libby Dam on Kootenai River White Sturgeon and Bull Trout to the Service. On May 6, 2005, pursuant to a request from the Service dated September 9, 2004, the Corps and BPA submitted the requested additional information. This was followed by the June 13 request noted above. The information in response to this more recent request is enclosed, as well as additional information requested during subsequent discussions with the Service. The requested information is enclosed.

The Corps and BPA believe the July 9, 2004, Supplemental BA, the additional information provided on May 6, 2005, and the information contained herein, constitute a complete and comprehensive description of the Corps and BPA's proposed action complete with a biological assessment and related information necessary to formulate the biological opinion.

The ESA regulations provide that if the Action Agency finds its proposed action may affect the listed species, it is to initiate formal consultation and is to describe the action to be considered; describe the specific area that may be affected; describe any listed species or critical habitat that may be affected; provide a description of the manner in which the action may affect any listed species or critical habitat and an analysis of any cumulative effects; and provide relevant reports and any other relevant available information on the action, the affected species or critical habitat.

The Service is to formulate its biological opinion as to whether the Action Agency's proposed action, taken together with the cumulative effects, is likely to jeopardize the continued existence of the listed species or result in the destruction or adverse modification of critical habitat. If jeopardy or adverse modification is found, the Service is to recommend "reasonable and prudent" alternatives (RPA). The RPA is an alternative action that can be implemented in a manner consistent with the scope of the agency's legal authority and jurisdiction, that is economically and technologically feasible, and that the Service believes would avoid the likelihood of jeopardizing the continued existence or listed species or result in the destruction or adverse modification of critical habitat.

In preparing the Supplemental BA and the additional information which we have provided to the Service, the Corps and BPA, as Action Agencies, have worked collaboratively with state and tribal biologists, the Sturgeon Recovery Team, and the Service to ensure that our decisions are informed by the best available science. The information which we have submitted to the Service is based on these collaborations as well as our own engineering expertise and experience concerning hydrology and project operations to provide for desired biological outcomes and authorized project uses. The Action Agencies conclude that the proposed action will avoid the likelihood of jeopardizing the continued existence of the listed sturgeon and bull trout in the vicinity of Libby Dam and will not result in the adverse modification of the sturgeon's designated critical habitat.

The enclosed material provides the Service with the information requested and we look forward to continuing our work with the Service toward the completion of this consultation and a biological opinion. If you have any questions or concerns, please contact David Ponganis at 503-808-3828 for the Corps and Rick Pendergrass at (503) 230-7666 for the BPA.

Sincerely,



Witt Anderson
Chief, District Support Team
Portland/Walla Walla/Fish

Enclosure