

## 1. Introduction

This Biological Opinion and Conference Opinion (BiOp) is in response to the Bureau of Reclamation (Reclamation) and the California Department of Water Resources (DWR) September 30, 2021 request for reinitiation of formal consultation with the U.S. Fish and Wildlife Service (Service) on the proposed Coordinated Long-Term Operation (LTO) of the Central Valley Project (CVP) and State Water Project (SWP) (proposed action [PA]). The request was received by the Service on September 30, 2021. The Service agreed with the request by letter dated October 1, 2021.

This BiOp addresses the PA's effects on federally-listed species and designated critical habitat. This response is provided under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.) (ESA, or Act), and in accordance with the implementing regulations pertaining to interagency cooperation (50 CFR 402). Pursuant to 50 CFR 402.12(j), Reclamation submitted a Biological Assessment (BA) for our review and requested concurrence with the findings presented therein. These findings are listed in Table 1-1.

Table 1-1: Species and Critical Habitat Determinations

Species	Reclamation Determination	Changes to Final Determination
California Least Tern ( <i>Sterna antillarum browni</i> )	May Affect- Not likely to Adversely Affect	May Affect- Likely to Adversely Affect
California Ridgway's Rail ( <i>Rallus obsoletus obsoletus</i> )	May Affect- Not likely to Adversely Affect	May Affect- Likely to Adversely Affect
Delta Smelt ( <i>Hypomesus transpacificus</i> )	May Affect- Likely to Adversely Affect	No Change
Delta Smelt Critical Habitat	May Affect- Likely to Adversely Affect	No Change
Foothill Yellow-legged Frog Southern Sierra Distinct Population Segment ( <i>Rana boylei</i> )	May Affect- Not likely to Adversely Affect	No Change
Least Bell's Vireo ( <i>Vireo bellii pusillus</i> )	May Affect- Not likely to Adversely Affect	No Change
Giant Garter Snake	May Affect- Not Likely to	May Affect – Likely to

Species	Reclamation Determination	Changes to Final Determination
<i>(Thamnophis gigas)</i>	Adversely Affect	Adversely Affect
San Francisco Bay-Delta Distinct Population Segment of the Longfin Smelt ( <i>Spirinchus thaleichthys</i> )	May Affect- Likely to Adversely Affect	No Change
Northwestern Pond Turtle ( <i>Actinemys marmorata</i> )	May Affect- Likely to Adversely Affect	No Change
Riparian Brush Rabbit ( <i>Sylvilagus bachmani riparius</i> )	May Affect- Not likely to Adversely Affect	May Affect- Likely to Adversely Affect
Riparian Woodrat ( <i>Neotoma fuscipes riparia</i> )	May Affect- Not likely to Adversely Affect	May Affect- Likely to Adversely Affect
Salt Marsh Harvest Mouse ( <i>Reithrodontomys raviventris</i> )	May Affect- Not likely to Adversely Affect	May Affect- Likely to Adversely Affect
Soft Bird's-Beak ( <i>Cordylanthus mollis ssp. Mollis</i> )	May Affect- Not likely to Adversely Affect	May Affect- Likely to Adversely Affect
Soft Bird's-Beak Critical Habitat	May Affect- Not likely to Adversely Affect	May Affect- Likely to Adversely Affect
Suisun Thistle ( <i>Cirsium hydrophilum var. hydrophilum</i> )	May Affect- Not likely to Adversely Affect	May Affect- Likely to Adversely Affect
Suisun Thistle Critical Habitat	May Affect- Not likely to Adversely Affect	May Affect- Likely to Adversely Affect
Valley Elderberry Longhorn Beetle ( <i>Desmocerus californicus dimorphus</i> )	May Affect- Not likely to Adversely Affect	No Change
Valley Elderberry Longhorn Beetle Critical Habitat	May Affect- Not likely to Adversely Affect	No Change
Western Snowy Plover ( <i>Charadrius nivosus nivosus</i> )	May Affect- Not likely to Adversely Affect	May Affect- Likely to Adversely Affect
Western Yellow-billed Cuckoo ( <i>Coccyzus americanus</i> )	May Affect- Not likely to Adversely Affect	No Change
Western Yellow-billed Cuckoo Critical Habitat	May Affect- Not likely to Adversely Affect	No Change

See the attached Effects Tracking Table (Appendix 1) for the species and critical habitat that may be affected by all of the elements of the Proposed Action (PA).