



# United States Department of the Interior

FISH AND WILDLIFE SERVICE  
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In Reply Refer to:  
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## MEMORANDUM

**To:** Jason Farnsworth, Executive Director  
Platte River Recovery Implementation Program

**From:** Matt Rabbe, U.S. Fish and Wildlife Service  
Wildlife Biologist, Mountain-Prairie Region

**Date:** April 6, 2020

**Subject:** U.S. Fish and Wildlife Service Reporting on 2019 Tiered Platte River Biological Opinions

The U.S. Fish and Wildlife Service (Service) committed, in the Platte River Recovery Implementation Program (PRRIP or Program) Federal Depletions Plan, to provide an annual summary to the Governance Committee (GC) regarding the Endangered Species Act (ESA) Section 7 consultations related to depletions that relied on coverage provided by the PRRIP. Attached is a summary of these consultations completed during the twelfth calendar year of the Program, January through December 2019, for distribution to the GC.

### Tiered Biological Opinions

The PRRIP's programmatic biological opinion (BO or opinion) was issued on June 16, 2006. As described in those opinions, subsequent Federal agency activities in the Program area having a federal nexus (both existing and certain new water-related activities) are able to proceed in a streamlined manner and "tier" from the programmatic BO's with regard to addressing their effects on federally-listed species and designated critical habitat in the central and lower Platte River.

The Program Document (page 21) states that "such ESA compliance will continue beyond the first 13 years of the Program provided a subsequent Program increment or First Increment Program extension is adopted pursuant to ESA and National Environmental Policy Act compliance procedures, and, for a subsequent increment or extension, the effects of water-related activities are to be covered under a programmatic BO for that subsequent increment or extension." In 2018, the Service issued a Supplemental Biological Opinion addressing a 13-year Extension to the First Increment. In December, 2019, the 13-year Extension to the First Increment was approved and implementation under this Extension began in January, 2020. Based on the above, each completed BO that tiered from the above mentioned programmatic BO's includes a statement that re-initiation of consultation will not be required at the end of the first increment or an extension.

### **INTERIOR REGION 5** **Missouri Basin**

Kansas, Montana\*, Nebraska, North Dakota, South Dakota

### **INTERIOR REGION 7** **Upper Colorado River Basin**

Colorado, New Mexico, Utah, Wyoming

\*PARTIAL

### Section 7 Consultation Website

The Service continues to maintain a website (<http://www.fws.gov/platteriver>) providing information to federal agencies and water-related project proponents regarding procedures for seeking ESA coverage for water-related activities through the PRRIP. That site provides guidance documents specific to each state, as well as a template biological assessment and other information relevant to pursuing a streamlined BO. Additionally, the PRRIP website provides related information (<http://www.platteriverprogram.org>).

### Federal Depletion Offsetting Mechanisms and Agreements with the Three States

The PRRIP Federal Depletions Plan notes that:

“Each state has agreed to work with the DOI and cooperating federal agencies in the process of securing up to 350 acre-feet of water annually, if needed, to offset new federal depletions within the state in a manner consistent with the respective state’s Depletion Plan.”

Federal depletions associated with historic (pre-1997) federal water uses in the Platte River basin are considered automatically covered by the Program, consistent with the Program’s intent to cover historic uses and in recognition of the substantial federal monetary contributions being made toward First Increment implementation.

With regard to new federal water uses in the Platte River basin, the following progress was made in 2018:

The three states of Colorado, Nebraska, and Wyoming all had federal depletions projects in 2019 and worked with the appropriate federal agencies to secure offsets, if needed.

### Tiered-Consultation Activity in 2019

Twelve consultations relying on coverage provided by the PRRIP were completed in 2019. Three of these projects resulted in a federal depletion to the Platte River. Of the twelve completed consultations, six were in Colorado, one was in Nebraska and five were in Wyoming. The three federal depletion consultations (one in Colorado, one in Nebraska, and one in Wyoming) were consulted on and tiered from the programmatic BO. All twelve consultations completed in 2019 are included in the enclosed spreadsheet. They are grouped by state and ordered by date that the BO was issued. The table provides the following information:

- The Service’s internal Tracking and/or Integrated Logging System (TAILS) number;
- Lead federal agency;
- County (where applicable);
- Project name;
- Project proponents/beneficiaries;
- Date that the BO was issued;
- Category of the depletion (existing, new, or some combination thereof; and whether the depletion is federal or non-federal);

- Estimated start year of the water use (if a new water-related activity); 3
- A summary of the corresponding water sources, uses, and depletions if estimated; and
- The offsetting measure(s) used to address depletions.

The information presented in the table is condensed summarized information; more complete information is provided in the corresponding BO. The shaded rows in the attached table highlight the three Program federal depletion consultations in 2019. Since PRRIP Implementation began in 2007, a total of 208 tiered formal consultations resulting in biological opinions have been completed (through CY2019) for depletions projects relying on the PRRIP programmatic biological opinion.

cc: Matt Hoobler, Wyoming State Engineer's Office  
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