



United States Department of the Interior

FISH AND WILDLIFE SERVICE
9325 S. Alda Rd. STE B
Wood River, Nebraska 68883



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 18, 2024

Subject: U.S. Fish and Wildlife Service Reporting on 2023 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 17th calendar year of the Program, January through December 2023, 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.

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 2023:

Four Federal depletions formal consultations resulting in a tiered biological opinion relying on the PRRIP were completed in 2023. These Projects involved two Federal Depletions in Wyoming, one in Colorado, and one in Nebraska. Only one of these resulted in new Federal depletions while the remaining ones were existing water uses. The U.S. Fish and wildlife Service is currently undertaking efforts to update, revise, and complete MOA’s with the applicable interested Federal Agencies and that process has continued in 2024.

Tiered-Consultation Activity in 2023

Seven consultations relying on coverage provided by the PRRIP were completed in 2023. Of the seven completed consultations, four were in Wyoming, two in Colorado, and one in Nebraska. All seven consultations completed in 2023 are included in the enclosed master spreadsheet under the applicable year. There are separate tabs for each state and ordered by date that the BO was issued. Information regarding all PRRIP consultations since PRRIP inception in 2007 is also included. 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);
- 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. Since PRRIP Implementation began in 2007, a total of 229 tiered formal consultations resulting in biological opinions have been completed (through CY2023) for depletions projects relying on the PRRIP programmatic biological opinion.

cc: Tyler Abbott, U.S. Fish and Wildlife Service, Wyoming
Nathan Darnall, U.S. Fish and Wildlife Service, Wyoming
Liisa Niva, U.S. Fish and Wildlife Service, Colorado
Drue Deberry, U.S. Fish and Wildlife Service, Colorado
Mark Porath, U.S. Fish and Wildlife Service, Nebraska