

*Yampa River Management
Plan and Programmatic
Biological Opinion*

Presentation to the Green
River Basin Advisory Group

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Yampa River Basin Endangered Fish Recovery and Water Management Plan

■ Purpose:

- To allow for the use and future development of the water resources of the Yampa Valley (in both Wyoming and Colorado)
- To protect and promote recovery of the four endangered fish species in the Upper Colorado River Basin

Purpose of Yampa River Basin PBO

- To address impacts of water depletions throughout the Yampa River Basin on the endangered fish species
- To evaluate the benefits of the Recovery Program's actions for the endangered fish
- To serve as an "umbrella" consultation for existing human water use and an increment of future water depletions

Why is a PBO appropriate for the Yampa River Basin?

- Provides regulatory certainty for water users in the Yampa River Basin
- Streamlines project by project ESA compliance

Why is a PBO appropriate for the Yampa - continued:

- Serves as a framework to address existing water use and a block of future water depletions basin-wide
 - *the block is not a cap, but an increment of depletions to allow time to measure the response of the end. fish to Recovery Program activities.*
 - *Treats depletion effects and recovery actions holistically.*
 - *Actions of the Recovery Program will comply with ESA requirements with regard to these depletions.*

Yampa River Basin Endangered Fish Recovery and Water Management Plan

- Existing projects include those projects already consulted on, whether or not constructed.
- New depletions (ie., not previously consulted on) should include a detailed description of location, magnitude and timing of depletions.

*Yampa River Management Plan
continued:*

- Does not speculate on uncertainties.
- Where uncertainties exist in draft plan, placeholders may be used until uncertainties are resolved.

*Yampa River Management Plan
continued:*

- Uncertainties must be resolved before a PBO can be written.
- Does not eliminate the need to consult on new projects; HOWEVER, it will serve as a "Reasonable and Prudent Alternative" (RPA) for those projects; BUT it does not serve as RPA for itself in the context of the PBO.

Cooperative Agreement

- Does not require the same level of specificity as the Plan nor need to reiterate the Plan.
- Simple legal document wherein parties agree to implement the Plan.
- Is the federal action necessitating ESA Section 7 consultation (PBO).

Programmatic Biological Opinion

- Describes the Recovery Program actions set forth in the Yampa Plan.
- Current and future depletions, as well as recovery actions to offset the impacts of those depletions.
- Effects (beneficial or adverse) of the action on the endangered fish species.

*Programmatic Biological Opinion -
continued:*

- PBO is independent from but responsive to the Plan
- Plan should not presuppose the findings of the PBO nor its terms and conditions.

Sequence of Events

- Draft Yampa Plan -- May 2000
- "Revised Draft" Plan -- June 2000
- Draft Coop. Agreement -- June 2000
- Draft PBO -- August 2000
- Final PBO/Agreement -- December 2000