Dr. John D. Madsen  
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Re: Change in Proposed Action to the *Egeria densa* Control Program (EDCP) (2014 – 2017), Letter of Concurrence, issued under the Endangered Species Act Section 7(a)(2), and Magnuson Stevens Act Essential Fish Habitat and Fish and Wildlife Coordination Act responses

Dear Dr. Madsen:

This letter is in response to your February 21, 2017, letter proposing a change in action to the *Egeria densa* Control Program (EDCP) 2014 – 2017, for which the most recent letter of concurrence (2013/9391) was issued by NOAA’s National Marine Fisheries Service (NMFS) on March 20, 2014. NMFS’s letter of concurrence on the potential effects of the EDCP on Sacramento River winter-run Chinook salmon (*Oncorhynchus tshawytscha*), Central Valley spring-run Chinook salmon (*O. tshawytscha*), California Central Valley steelhead (*O. mykiss*), threatened Southern distinct population segment of North American green sturgeon (*Acipenser medirostris*), (listed species), and their designated critical habitats, was based on the inclusion of proposed fish passage protocols, minimization measures, and EDCP acreage treatment limits (i.e., 5,000 acres per year) for the control of *Egeria densa* in the Sacramento-San Joaquin Delta (Delta).

On January 25, 2017, the California Department of Fish and Wildlife (CDFW) completed risk assessments for three submerged aquatic vegetation (SAV) species [i.e., Eurasian watermilfoil (*Myriophyllum spicatum*), coontail (*Ceratophyllum demersum*), and Carolina fanwort (*Cabomba caroliniana*)] in the Delta. As a result of the risk assessment, CDFW concluded that all three species should be considered invasive plants that are likely to negatively affect the economy, environment and/or public health in California. In addition, after conducting three separate reviews, including peer reviewed journals and government publications, CDFW predicted that all three species are “major invaders” of the Sacramento-San Joaquin Delta. Each SAV species has the potential to become widespread and negatively alter fish habitat structure and invertebrate communities, as well as affect the functionality of the submerged aquatic plant community in the Delta. If conditions are left untreated, Eurasian watermilfoil, coontail, and Carolina fanwort infestations will continue to rapidly expand within the Delta and its tributaries. Therefore, the U.S. Department of Agriculture – Agricultural Research Service (USDA) and its applicant, the California Department of Parks and Recreation, Division of Boating and Waterways (CDBW), request to treat – in addition to *Egeria densa* and curly-leaf
pondweed – Eurasian watermilfoil, coontail, and Carolina fanwort during the 2017 treatment season in the EDCP, for a maximum of 5,000 treatment acres in the Delta and its tributaries.

Treatment locations for Eurasian watermilfoil will include, but are not limited to, Franks Tract, Sandman Slough, Taylor Slough, and Discovery Bay. Treatment locations for coontail will include, but are not limited to, Franks Tract, Bishop Cut, 14 Mile Slough, and Mildred Island. Treatment of locations for Carolina fanwort will include, but are not limited to, Hotchkiss Tract, Holland Tract, King Island, Shima Tract, New Hope Tract, and Sargent Barnhart Tract.

USDA and CDBW will follow the EDCP protocols and minimization measure described in the EDCP Biological Assessment dated December 31, 2012, to ensure no negative direct and indirect effects to the listed species or their designated critical habitats, and Essential Fish Habitat (EFH). USDA and CDBW will continue to monitor dissolved oxygen concentrations pre- and post-treatments and during water quality sampling.

Based on NMFS telephone meetings with USDA and CDBW and review of your letter, the requested change in action (i.e., addition of Eurasian watermilfoil, coontail, and Carolina fanwort to be treated), is not likely to expose listed species, their designated critical habitat, and EFH to herbicide levels that may affect the listed species and their critical habitats beyond those that were previously considered in the informal consultation that was conducted for the EDCP. Therefore, NMFS has determined that reinitiation of consultation for the EDCP is not warranted at this time.

Reinitiation of Consultation

Reinitiation of consultation is required and shall be requested by USDA or by NMFS, where discretionary Federal involvement or control over the action has been retained or is authorized by law and (1) new information reveals effects of the action that may affect listed species or critical habitat in a manner or to an extent not previously considered; (2) the identified action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in NMFS’s March 20, 2014, concurrence letter; or if (3) a new species is listed or critical habitat designated that may be affected by the identified action.

Please contact Dr. Melanie Okoro at (916) 930-3728, or via email at Melanie.Okoro@noaa.gov, if you have any questions or require additional information concerning this correspondence.

Sincerely,

Maria Rea
Assistant Regional Administrator
California Central Valley Office
cc: California Central Valley Office
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