

12.0 REINITIATION OF CONSULTATION

Consultation must be reinitiated if the amount or extent of taking specified in the incidental take statement is exceeded or is expected to be exceeded; if new information reveals effects of the action may affect listed species in a way not previously considered; if the action is modified in a way that causes an effect on listed species that was not previously considered; or if a new species is listed or critical habitat is designated that may be affected by the action (50 C.F.R. Section 402.16).

These general conditions apply as well to prospective agreements, plans, and contracts that the Action Agencies use to plan for operation of or to actually operate the FCRPS and USBR projects and to coordinate operations with Canada and regional utilities. Examples include implementation of the Columbia River Treaty between the United States and Canada, such as adopting assured operating plans and detailed operating plans; arranging with Canada for non-Treaty storage; and renewing and revising the Pacific Northwest Coordination Agreement.

To the extent that the prospective agreements are used to achieve operations that are in accordance with this Opinion, including its terms and conditions, the effects of those prospective agreements on listed fish have been considered in this Opinion. To the extent that proposed agreements impact FCRPS or USBR operations that affect listed fish in ways not considered in this Opinion or have provisions that go beyond implementing the operations specified in the Opinion, those proposed actions may require separate consultation or reinitiation of this consultation.

In addition to the general conditions described above, this Opinion relies on specific performance standards that, if not met, would result in a reinitiation of this consultation. These performance measures and the conditions governing reinitiation on the basis of performance are described in Section 6.2.3. If NOAA Fisheries determines that the performance standards have not been met, this will be the basis for a reinitiation of consultation.

The proposed action in this biological opinion anticipates specific projects to provide non-hydro mitigation. Details of those projects will be provided in the annual plans described in Section 6.2.3. When the details are available, formal or informal supplemental consultation may be necessary to consider the effects of those projects and, if appropriate, authorize any incidental take.

Similarly, the USBR proposes to provide supplemental biological assessments concerning certain of its irrigation projects that may have local effects on listed species. NOAA Fisheries' consideration of this additional information may necessitate formal or informal supplemental consultation.