



Meeting: **Joint Reservoir Committee & Authority Board**      **September 22, 2021**  
**Agenda Item 3.1**

Subject: **Biological Assessment Update**

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**Requested Action:**

Receive an update on status of resolution of discussions with the Bureau of Reclamation (Reclamation) on the how Project operations will be addressed in the Biological Assessment.

**Detailed Description/Background:**

At the August Reservoir Committee and Authority Board meetings, staff reported on discussions with Reclamation with regard to addressing Project operations in the Biological Assessment. Staff, along with some of the Reservoir Committee and Authority Board members, met with Reclamation leadership to discuss the best approach forward for federal Endangered Species Act compliance for the operations of the Project. The group reached the conclusion that Reclamation and the Authority will work together to revise the operations in a way that will establish a Federal nexus, and that substantial potential exists for coverage for the operations of the Project to be included in the Biological Assessment currently being prepared and resulting Biological Opinion that would be received from the National Marine Fisheries Service and the U.S. Fish and Wildlife Service (the Services).

The group also agreed that the Project will be accomplished without creating harm to the Central Valley Project (CVP) and can result in mutual benefits to the CVP operations and/or environment, specifically, salmonid benefits in the Sacramento River through cold water pool management, spring pulse flow management, and further stabilizing fall flows. The group agreed to pursue these mutual benefits through operations coordination which is to be reflected in the Biological Assessment. The Project team and Reclamation will collaborate over the next few months to identify flexible cooperative operations criteria that will allow benefits to accrue for species without impacting the Project's performance. These discussions will also influence the amount and purpose for the federal investment.

Staff is continuing to work on an Administrative Draft Biological Assessment that will include both the Project's construction and operational effects to federally-listed species. With these changes and the changes for aquatic resources, staff is now projecting that the Biological Assessment will be submitted by Reclamation to the Services in **February 2022**, an approximate 3-month delay.

The State Incidental Take Permit Application and Water Rights Application are similarly impacted.

**Prior Action:**

July 2021: Received update on the status of permitting activities as compared against the Amendment 2 Work Plan.

**Fiscal Impact/Funding Source:**

Efforts on the Biological Assessment are covered in the Amendment 2 Work Plan and the current efforts will remain within the budget in the Work Plan. Due to the changes anticipated from discussions with Reclamation and CDFW, additional, previously unanticipated efforts will be needed in early 2022 and included in the Amendment 3 Work Plan to complete and submit the Biological Assessment.

**Staff Contact:**

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**Primary Service Provider:**

ICF

**Attachments:**

None