



Meeting: **Joint Reservoir Committee & Authority Board
Agenda Item 3.4**

June 17, 2022

Subject: **Biological Assessment/State Operations ITP Update**

Requested Action:

Receive an update on the status of the Federal Endangered Species Act (ESA) Biological Assessment and California Endangered Species Act's (CESA) Incidental Take Permit (ITP) Application for the Project's operational components.

Detailed Description/Background:

The purpose of this report is to update the Reservoir Committee and Authority Board on the status of the preparation of the Biological Assessment and the Operations ITP Application in preparation for considering approval of submitting the documents to the respective agencies at the July Reservoir Committee and Authority Board meetings.

The modeling needed to support the Biological Assessment and Operations ITP application has been completed and the results from the modeling are currently being used to complete the analyses that will comprise the Project's Biological Assessment and Operations ITP Application, currently focused on Alternative 3A.

Several revisions to the Project's diversion criteria have been included in the modeling effort based on the criteria approved by the Authority Board in March 2022. These conditions will be incorporated into the analysis supporting these permit applications.

Biological Assessment

Reclamation is the lead federal agency for the Project's Biological Assessment and will complete its ESA compliance responsibilities prior to issuing a Record of Decision under the National Environmental Policy Act. The Project team is preparing the Biological Assessment in coordination with Reclamation, and once complete, Reclamation will review, finalize, and submit the Biological Assessment to the U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS).

As both construction and operations will be addressed in the Biological Assessment, the Authority expects 2 Biological Opinions (one each from USFWS and NMFS) with each Biological Opinion addressing both construction and operations for the species under the respective agencies' jurisdiction (terrestrial and freshwater fish for USFWS and marine and anadromous fish for NMFS). Table

1 identifies the federally managed species that Project modeling and analysis suggest take would be requested for in the Biological Assessment.

Table 1: State and Federally Listed Species that the Project Currently Expects To Request Take For

Federally Managed Species	CDFW Managed Species
Spring-run Chinook	Spring-run Chinook
Winter-run Chinook	Winter-run Chinook
Delta smelt	Delta smelt
Steelhead	
Green sturgeon	
Longfin smelt ¹	Longfin smelt
1. Longfin smelt is a candidate for federal listing and will undergo an ESA conference opinion with USFWS	

CESA Operations ITP

The Authority is seeking authorization for incidental take associated with the construction and operations of the Project. The Construction and Operation ITP applications are being separated based on discussions with the California Department of Fish and Wildlife (CDFW) as construction and operations span two different CDFW offices (Region 2 and the CDFW Fisheries team at headquarters) and will proceed on different schedules. An ITP application packet that covers the effects resulting from the construction of the Project was submitted in January 2022. This application is in process and continues to be on schedule. An ITP application covering the operations of the project is currently in preparation. Table 1 above identifies the state-listed species that the Project expects to request take for in the Operations ITP Application.

Next Steps

The Biological Assessment and Operations ITP Application are expected to be ready for submission in August 2022.

Prior Action:

September 2021: Receive an update on the status of the resolution of discussions with the Bureau of Reclamation on how Project operations will be addressed in the Biological Assessment.

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

March 2022: Receive an update on the status of the Biological Assessment for the Project's construction components

Fiscal Impact/Funding Source:

Efforts on the Biological Assessment and Operations ITP Application are covered in the Amendment 3 Work Plan and the current efforts are anticipated to remain within the budget in the Work Plan. Staff continues to work through appropriate mitigation ratios with Reclamation. Once proposed mitigation ratios are developed, staff will assess these as compared to the current Project cost estimate.

Staff Contact:

Ali Forsythe

Primary Service Provider:

ICF, Jacobs and HDR

Attachments:

None