

Reservoir Committee and Authority Board Meeting

Agenda Item 3.4: Steps Leading to a Record of
Decision

August 15, 2024



Background

- Reclamation must complete NEPA prior to entering into the Partnership Agreement, Ops Agreement, and related Project agreements
- Final EIS is completed, but Reclamation must comply with ESA and Section 106 prior to signing the Record of Decision (ROD)
- All of these actions identified as needed for investor commitment

Section 106 Compliance (Cultural Resources)

- Reclamation is lead federal agency
 - Will address Reclamation's and Army Corps' compliance requirements
- Programmatic Agreement (PA)
 - Identifies process for:
 - Identifying historic properties once land access is obtained
 - Assessing the effects of the Project on these properties
 - Committing to resolving any adverse effects
 - Work in conjunction with Final EIR/EIS mitigation measures for Cultural Resources and most Tribal Cultural Resources
 - Some Tribal Cultural Resources mitigation measures go beyond the PA as the Authority also needed to comply with State law
 - Four tribes have requested consultation

Section 106 Compliance (Cultural Resources) – continued

- Draft PA in March 2022
 - Comments from 2 tribes, Army Corps and State Historic Preservation Officer (SHPO)
 - Authority had no comments
 - Reclamation considering all comments and conducting consultation with tribes
- Revised Draft PA expected in the coming weeks
- Final PA around end of year, executed in early 2025
 - Considered executed when Reclamation, SHPO and Advisory Council on Historic Preservation have signed
- Executed PA completes the Section 106 Process
- Implementation of the PA continues throughout the life of the Project

ESA Compliance

- Reclamation is lead federal agency
 - Will address Reclamation's and Army Corps' compliance requirements
- Step 1 – Expected to be completed this calendar year
 - Project-level Construction
 - Reclamation submitted BA in November 2023
 - USFWS expected to issue BiOp in December 2024
 - Program-level Operations
 - Sites submitted as programmatic action in 2023/2024 CVP/SWP Reconsultation BA
 - USFWS expected to issue BiOp in October 2024
 - NMFS expected to issue BiOp in December 2024

ESA Compliance – continued

- Step 2 – Expected to be completed by end of 2025
 - Project-level Operations
 - Expect to initiate in first quarter 2025 and complete by end of 2025
 - BiOps from USFWS and NMFS
- Sites working with Reclamation to evaluate whether the ROD would be signed after Step 1 or Step 2

Questions?