

Reservoir Committee and Authority Board Meeting

Agenda Item 3.2: Construction Biological Opinion

May 16, 2025



Construction Biological Opinion

- Reclamation submitted the Project's Construction Biological Assessment (BA) to the USFWS in November 2023, and a Supplement in July of 2024
- Covers anticipated Project construction effects to:
 - ESA-listed species: Vernal Pool Fairy Shrimp, Vernal Pool Tadpole Shrimp, Valley Elderberry Longhorn Beetle, and Giant Garter Snake
 - Candidate species: Northwestern Pond Turtle, Western Spadefoot, and Monarch Butterfly
 - Will be included in a Conference Opinion that provides incidental take coverage should the species be listed
- Is a condition precedent for all funding sources, for Reclamation signing the ROD, and for further Federal permitting

Construction Biological Opinion Key Points

- Conservancy fairy shrimp and California red-legged frog removed from affected species
- Proposed a thoughtful approach in BA and BiOp generally reflects BA commitments:
 - Estimated permanent effects to species and their habitats generally decreased or stayed the same
 - Estimated numerical “take” amounts for individuals are generally consistent with BA
 - Avoidance and minimization measures generally consistent with BA
 - Maximum compensatory mitigation ratios remained consistent with those proposed in the BA and compensatory mitigation will be phased
- As done with other Project permits, the Authority intends to stack similar types compensatory mitigation to the extent possible
- Consistent with Final EIR/EIS and/or Construction ITP / Master LSAA

Next Steps

- Review draft Final Biological Opinion once approved by USFWS Executive team and Solicitor
- Coordinate with GCID and TCCA on items of concern with their facilities and operations
- Provide any suggested final changes to USFWS
- Receive Biological Opinion from USFWS
 - Authority does not sign to execute
- Should any unexpected terms be included we will bring this item back for additional review and discussion

Questions?

