



Meeting: **Reservoir Committee & Authority Board**  
**Agenda Item 2.1**

**August 22, 2025**

Subject: **Sites Project Operations Biological Assessment**

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**Requested Action:**

Reservoir Committee and Authority Board consider approval to submit the Sites Project's Step 2 Operations Biological Assessment (project-level analysis) to the Bureau of Reclamation for consultation under the Federal Endangered Species Act.

**Detailed Description/Background:**

Receiving the Federal Biological Opinions from the U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) for project-level operations is a high priority Work Plan action in Amendment 3 and a condition precedent to the Benefits and Obligations Contract taking effect, among other things. This staff report provides an update on this critical permit and recommends approval to submit the project-level operations Biological Assessment for the Sites Project (Project) using the approach outlined below. This approach was reviewed at the August 14 Environmental Planning and Permitting Workgroup meeting where there was concurrence with the approach and discussion about risk areas and potential pitfalls to watch for as progress is made.

**Consultation Approach**

The Sites Project is consulting under Section 7 of the Federal Endangered Species Act (ESA) for Project operations, and Reclamation is the federal lead agency. The Reservoir Committee and Authority Board previously concurred with a two-step approach to completing the Project's operations ESA consultation. In late 2024, Reclamation received Biological Opinions from the USFWS and NMFS on the Reconsultation of the Long-Term Operations of the Central Valley Project and State Water Project (2024 LTO BiOps). The 2024 LTO BiOps included operations of the Sites Project as a programmatic action, which completed the first step (Step 1) in the Sites Project ESA consultation approach.

Currently, the Authority and Reclamation are working to complete Step 2 in the Sites Project ESA consultation approach, which consists of analyzing the effects of Sites' operations at a project level.

Previously, Staff anticipated that the Project's Step 2 consultation would consist of a stand-alone Biological Assessment, Biological Opinion, and Incidental Take Statement for the Project. In working with Reclamation, this approach has been refined to now "tier" from the 2024 LTO BiOps. The Project would be analyzed as a "distinct component" – in much the same way as the 2024 LTO BiOps considered components like the San Joaquin and Stanislaus River operations. The Sites Project will not be a division of the CVP or be subject to reconsultation every time there is a reconsultation on the CVP and SWP.

As a distinct component, the Project would be evaluated for its specific effects as another layer to those identified and permitted in the 2024 LTO BiOps. Where greater than de minimis differences are identified in modeling and subsequent analysis between the Project and the 2024 LTO BiOp, the USFWS and NMFS would assess the need for additional take for the Project that would be above and beyond that which was issued in the 2024 LTO BiOps. If additional incidental take is required, the USFWS and/or NMFS would issue an Incidental Take Statement for Sites' project-level operational effects.

This methodology produces a project specific and stand-alone take statement for the Sites Project which is what Participants have required. It also recognizes that the Sites Project is being operated in the context of the existing system of the State and Federal projects. Changes can and will occur in the future to operations of the State and Federal projects, but this does not necessarily result in the need to re-evaluate the Sites Project, unless there is something about what's changing in the operations of the State and Federal projects that would cause the operations of the Sites Project to change in a way that results in new, not previously analyzed, effects to species or cause the Sites Project to exceed its Incidental Take Statement. The Authority and Reclamation intend to clarify these distinctions to minimize future potential conflicts regarding future re-consultations within the terms and conditions of the Partnership Agreement.

### Species Covered

At this time staff are anticipating the Authority receiving incidental take coverage under Section 7 of the ESA for all species and associated habitats where incidental take is reasonably certain to occur. This includes consideration of the

following species: Delta smelt, longfin smelt, North American green sturgeon, winter-run Chinook salmon, Sacramento River Central Valley spring-run Chinook salmon, California Central Valley steelhead, and Southern Resident killer whale.

Specifics on the type and level of incidental take the Project would be determined during consultation.

#### Schedule

The anticipated schedule for completion of the Project's operations ESA consultation remains as December 2025.

#### **Prior Action:**

January 2024: Receive an update on the State Incidental Take Permit applications and Federal Biological Assessments / Biological Opinions.

June 2023: Received an update on the Federal Biological Assessment / Biological Opinion and State Operations Incidental Take Permit application.

September 2022: Received an update on the Federal Biological Assessment and State Incidental Take Permit applications.

#### **Fiscal Impact/Funding Source:**

The Amendment 3 Work Plan includes sufficient budget to cover required resources and activities.

#### **Staff Contact:**

Ali Forsythe & John Spranza

#### **Primary Service Provider:**

ICF and HDR

#### **Attachments:**

None.