

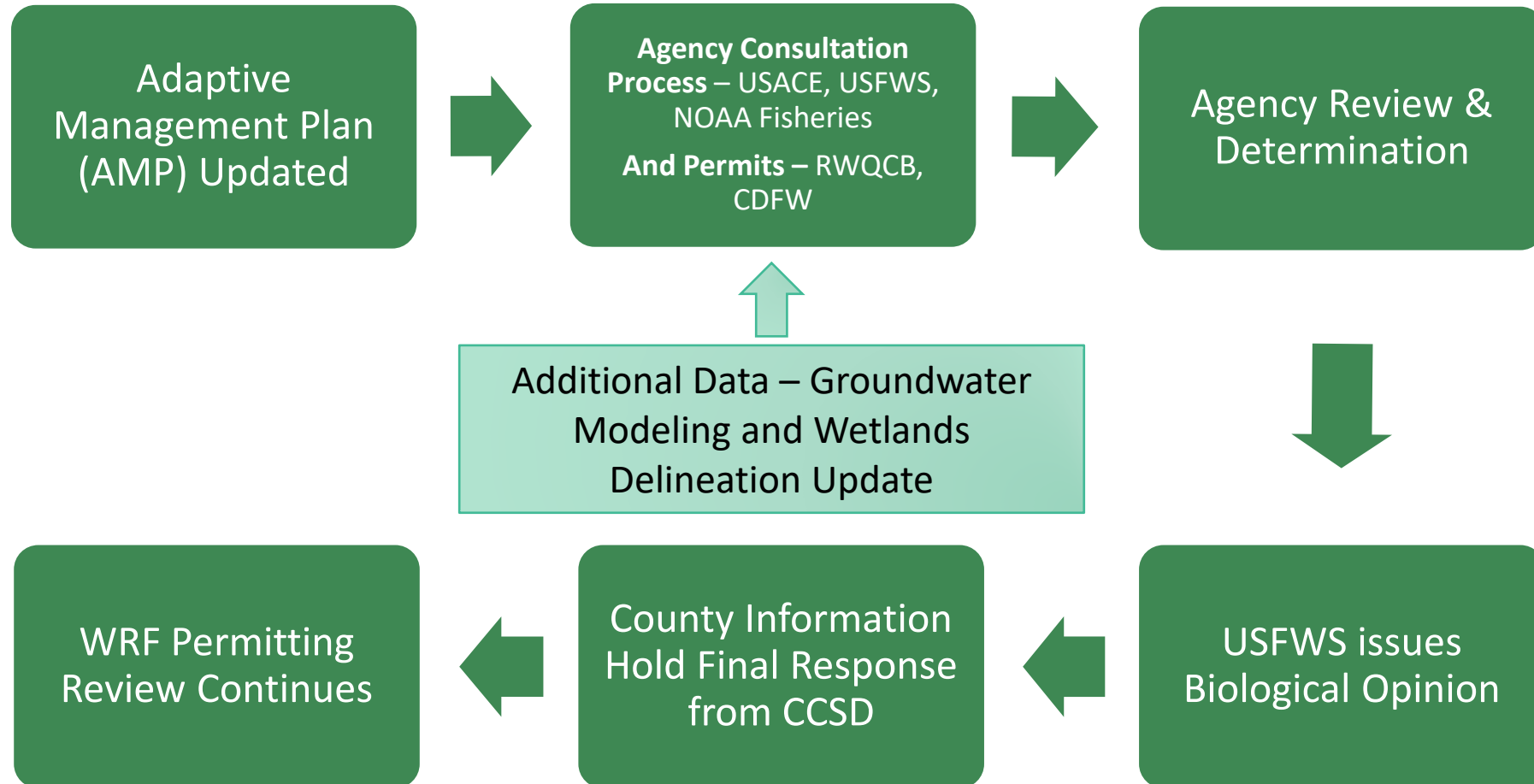


Section 7 ESA Consultation

WHAT IT IS AND
WHY WE NEED IT

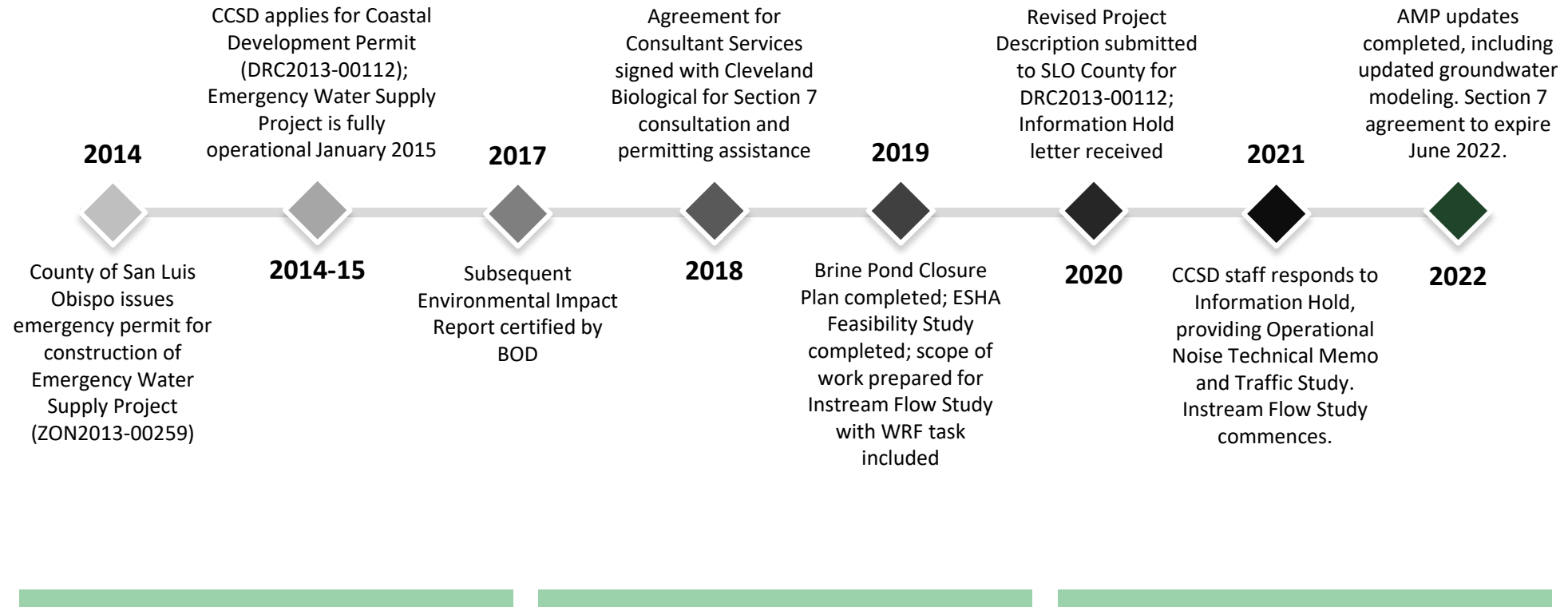


Permitting Process





WRF PERMITTING TIMELINE



Section 7 “charges Federal agencies to aid in the conservation of listed species, and section 7(a)(2) requires the agencies to ensure that their activities are not likely to jeopardize the continued existence of listed species or destroy or adversely modify designated critical habitats.” (USFWS, 2020)

SECTION 7 OF THE ENDANGERED SPECIES ACT



Why Do We Need it?



Ensures resource agency oversight within timeline



Satisfies 2017 SEIR mitigation measures BIO-3 and BIO-18



Provides needed concurrence for CDP application



Most transparent option



SEIR Mitigation Measures

BIO-3:

Within one year of SEIR certification, and within 90 days following completion of all regulatory approvals necessary to allow for the **extension of the lagoon water discharge** (whichever occurs last), and **to avoid biasing Well 16D1 water quality samples (as requested by the RWQCB) and more efficiently deliver surface water into San Simeon Creek** to maintain water levels at San Simeon Creek Lagoon, the CCSD shall remove the surface discharge structure and relocate the surface discharge point further south to the San Simeon Creek bank.

BIO-18:

The CCSD shall comply with all applicable local, state, and federal regulations concerning impacts to riparian habitat, including Clean Water Act (CWA) Sections 401 and 404, and/or California Fish and Wildlife Code Section 1602. Specifically, the **CCSD shall obtain a Section 401 Permit under the federal CWA from the RWQCB, a Section 404 Permit under the federal CWA from ACOE, and a Section 1602 Permit under the FGC from the CDFW.**

(Includes requirements for wetland delineation and Habitat Mitigation and Monitoring Plan)



Scope of Work Tasks

Task 1 – Update Delineation of Waters of the U.S. and State of California

- Update wetland delineation of the study area
- Deliverable – delineation map and report; updated from 2016

Task 2 – Clean Water Act Section 404 Nationwide Permit Application

- Task 2.1 – Compensatory Habitat Mitigation and Monitoring Plan
 - - Requirement to Monitor and Mitigate potential impacts
 - - Design mitigation measures

Task 2.2 – Biological Assessments

- Analyze actions that "may affect" a federally listed species
- USFWS – California Red-Legged Frog and Tidewater Goby
- NOAA Fisheries – Steelhead trout



Scope of Work Tasks, cont.

Task 3 – Clean Water Act Section 401 Water Quality Certification Application.

- - Required for project that results in fill or physical changes to Waters of the US and State
- - Reviewed by Regional Water Quality Control Board (RWQCB)

Task 4 – California Department of Fish and Wildlife (CDFW) Streambed Alteration Agreement

- Alterations of creek's bed, banks, or associated vegetation
- Reviewed by CDFW

Task 5 – Technical Support to Project Team

QUESTIONS?

