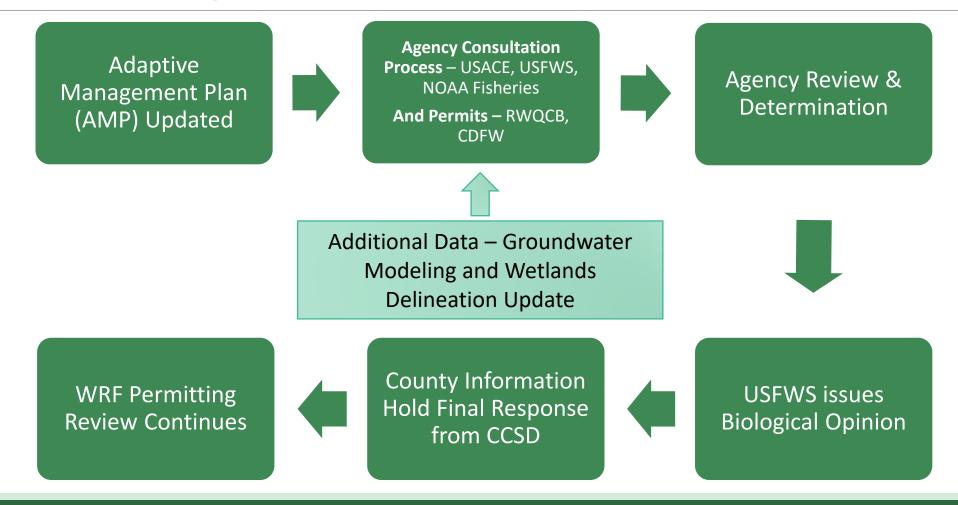


Section 7 ESA Consultation

WHAT IT IS AND WHY WE NEED IT



Permitting Process







CCSD applies for Coastal **Development Permit** (DRC2013-00112); **Emergency Water Supply** Project is fully operational January 2015

2014-15

Agreement for **Consultant Services** signed with Cleveland Biological for Section 7 consultation and permitting assistance

Revised Project Description submitted to SLO County for DRC2013-00112; Information Hold letter received

AMP updates completed, including updated groundwater modeling. Section 7 agreement to expire June 2022.

2014

2019

2021

County of San Luis Obispo issues emergency permit for construction of **Emergency Water** Supply Project (ZON2013-00259)

Subsequent **Environmental Impact** Report certified by BOD

2017

2018

Brine Pond Closure Plan completed; ESHA Feasibility Study completed; scope of work prepared for Instream Flow Study with WRF task included

2020

CCSD staff responds to Information Hold, providing Operational Noise Technical Memo and Traffic Study. Instream Flow Study commences.

2022

4/20/2022

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)



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?

