Flip Charst: Constraints/Regulatory Triggers Discussion

**USACE**

Re-authorization triggers:
If costs are greater than 20% above authorized project

*Data gap*: Has BRDA triggered that threshold? Can there be enough cost reductions to keep below this threshold?

If changes in anticipated benefits (up or down) are more than 20% of authorized project

*Data gap*: How would benefits/impacts change if the “without project alternative” is re-defined to refer to date in the future?

**Los Angeles Regional Water Quality Control Board**

*Issues affecting permitting:*
Duration of sediment pulses
Timing. If during natural events, less of an issue
Nutrient levels in sediments behind the dam: how and when they come down
Defining “chronic” sediment: critically important

*Data Gaps:*
% sediment threshold in the Basin Plan
Determination of beneficial use for salmon/steelhead

[Suggestion from Group: “Workshop” at next Study Group meeting on Regional Board permitting for instream sediment levels]

**DFG** (CEQA, 1600 Stream Alteration, CESA incidental take)
Would need to see much more detailed descriptions of actions, e.g. at the 65% design level, to determine if mitigation will be required

*Outstanding Question*: Will DFG accept programmatic EIR for the entire removal project, or require mitigation for specific elements?

*Constraint/possible mitigation trigger*: loss of habitat at slurry sites

*Data Gap*: need more specific level of design
**USFWS**
*Trigger:* More detailed design (of any kind) will re-open the Biological Opinion and Section 7 consultation, likely for red-legged frog, least Bell’s vireo, willow flycatcher

**NOAA/NMFS**
*Trigger:* Similar to FWS
4b. Biological Opinion may need to be re-opened, but not necessarily a negative

*Data Request:* NMFS provide any firm data or guidance to the USACE design team on sediment thresholds for anadromous fish

**CASITAS**
*Constraint/requirement:* Secure water quality and reliable water supply

If natural transport to be considered, has to look at: hydrology, nutrient impacts, chronic impacts

**MOWD**

Ditto.
Potential on-site impacts

*Data gap:* On-site impacts of deposited sediment on MOWD wells
*Data gap:* Impacts of instream sediment on wells
*Data gap:* relationship between storms and well shutdowns required

**VRCWD**

*Data gap:* Sediment disposal impacts on wells
*Data gap:* Solubility of sediments
Flooding potential at BRDA sites

*Response from Design Team:* if OVLC will provide us additional acreage, we can move the site, reduce flooding potential]