

Chapter 9

Assurances Requested

This chapter describes the assurances Reclamation (the federal lead agency) and PG&E (owner of the Hydroelectric Project) request from USFWS, NOAA Fisheries, and DFG.

Additional Conservation Measure Requirements

If an NCCP permit is issued, DFG may require that additional conservation measures be put in place under certain future conditions, should they occur. For example, should a permit be issued¹, additional measures may be required to prevent an action from jeopardizing the continued existence of a species covered under the Programmatic NCCP Determination. Specific future conditions may be defined by DFG. In the event of such a circumstance during the term of the ASIP, amendments to the ASIP may be proposed by the project proponent, USFWS, NOAA Fisheries, or DFG to address these circumstances. USFWS, NOAA Fisheries, DFG, Reclamation, and PG&E would work together to identify opportunities to redirect resources to address the new circumstance. Notwithstanding the foregoing, however, DFG will not:

- require the commitment of additional land, water, or financial compensation by the project proponent, other than those agreed to elsewhere in the ASIP, or
- impose additional restrictions on the use of land, water, or natural resources otherwise available for use by the project proponent under the original terms of the ASIP to avoid, minimize, and compensate for the effects of the project.

Future Federal Listing of Unlisted MSCS Evaluated Species

The project proponent requests that the BOs prepared for the Restoration Project, which will address the MSCS species and designated critical habitat evaluated in this ASIP, also contain conservation measures necessary to minimize the impact of take of potentially affected, unlisted MSCS evaluated species. If any of the unlisted evaluated species addressed in the BOs is subsequently listed pursuant to

¹ This text was changed from the original Draft ASIP (April 2004) at the request of DFG on November 18, 2004.

the ESA, ESA regulations require the reinitiation of formal consultation under Section 7 if take authorization is requested. The project proponent requests that conservation measures identified in the BOs to minimize the effects of take on potentially affected unlisted MSCS evaluated species be sufficient to provide a reasonable expectation that, if implemented, will allow the species to be included in the BOs as federally covered species without the addition of new conservation measures.