APPENDIX 8.2B

Agency Consultation

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Sacramento Area Office
650 Capitol Mall, Suite 8-300
Sacramento, California 95814-4706

August 24, 2001

In Reply Refer To:
SWR-01-SA-5996:MEA

E.J. Koford
Senior Biologist
CH2M HILL
2485 Natomas Park Drive, Suite 600
Sacramento, California 95833-2937

Dear Mr. Koford:

This is in response to your letter of June 5, 2001, requesting a list of federally listed endangered or threatened species under the jurisdiction of the National Marine Fisheries Service (NMFS) that may occur in or near the proposed Ranco Seco Gas-Fired Power Project (RSGFPP), including the extension of a natural gas supply line from south Sacramento, along with issues of concern.

The proposed project area (the RSGFPP and associated gas supply line extension) is located within the Lower Sacramento and Lower Cosumnes-Lower Mokelumne hydrologic units (18020109 and 18040005, respectively).

Available information indicates that the following federally listed and candidate anadromous fish species may occur within the proposed project area:

Sacramento River winter-run chinook salmon (*Oncorhynchus tshawytscha*) - endangered
Central Valley spring-run chinook salmon (*O. tshawytscha*) - threatened
Central Valley steelhead (*O. mykiss*) - threatened
Central Valley fall/late fall-run chinook salmon (*O. tshawytscha*) - candidate

In addition, **designated critical habitat** occurs within the proposed project area for **Sacramento River winter-run chinook salmon, Central Valley spring-run chinook salmon, and Central Valley steelhead.** Critical habitat for Sacramento River winter-run chinook salmon includes the Sacramento River (including the river water and river bottom) and adjacent riparian zone (FR Vol. 58, No. 114). Critical habitat for Central Valley spring-run chinook salmon and Central Valley steelhead is designated to include all river reaches accessible to listed chinook salmon in the Sacramento River and its tributaries, including those within Hydrologic Units 18020109 and 18040005). Excluded are areas above specific dams (Comanche Dam in Hydro Unit 18040005) or above longstanding naturally impassable barriers (i.e. natural waterfalls in existence for at least several hundred years).

You should also be aware that the proposed project may also effect **Essential Fish Habitat (EFH)** for chinook salmon as described in Amendment 14 of the Pacific Salmon Fishery Management Plan (FMP) pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (MSA). Any biological assessment prepared for this project should also include an EFH Assessment for the species managed by the Pacific Salmon FMP. Complete information on EFH and the Fishery Management Plan can be found on our website under Habitat Conservation Division (**http://swr.nmfs.noaa.gov**).

Since the proposed project will cross the Cosumnes River and associated tributaries and riparian zones within the Lower Cosumnes and Lower Sacramento River hydrologic units, the following conservation measures are recommended:

In-water construction and/or drilling beneath watercourses within the project area should be conducted between June 1 and October 30.

2. A spill and hazardous material spill response and cleanup plan shall be prepared prior to construction activities in or beneath stream and/or river crossing sites. This plan shall include response and cleanup of frac-outs during drilling.

3 During construction activities within riparian zones and near or within stream channels, heavy equipment should be inspected to insure no hydraulic fluids enter the surface waters. When working within these areas, a spill plan should be available and in effect, including the appropriate spill equipment and/or materials.

4. All standard best management practices for water quality and erosion control shall be implemented during construction.

5. To the extent practical, riparian vegetation and/or shaded riverine aquatic vegetation (SRA) shall be avoided or preserved during construction. If avoidance and/or preservation of riparian vegetation and/or SRA are not possible the folllowing guidelines should be applied:

   a. Riparian and/or SRA removed or destroyed during construction shall be replaced at a 3:1 ratio.
   b. Species chosen for replanting shall reflect native species lost during construction or native species usually found in the riparian and SRA zones within the project area.
   c. Plantings should be done during the optimal season for the species being planted.
   d. Monitoring and maintenance plans for revegetated sites shall be prepared and conducted for at least three growing seasons. Success of revegetation shall be measured as 100% or greater after three years, relative to pre-project conditions.
   e. A remediation plan should also be prepared and implemented in the event of revegetation failure.

If you have any questions regarding this response or require additional information, please contact Ms. Madelyn Martinez at the letterhead address or by telephone at (916) 930-3605.

Sincerely,

Michael E. Aceituno
Supervisor, Sacramento Area Office

cc: Madelyn Martinez, NMFS, Sacramento, CA
Kevin Hudson, SMUD, Sacramento, CA

8.2B

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO, CALIFORNIA 95814-2922

REPLY TO
ATTENTION OF

July 5, 2001

Regulatory Branch (200100296)

E. J. Koford
CH2M Hill
2485 Natomas Park Dr., Suite 600
Sacramento, California 95833-2937

Dear Mr. Koford:

I am responding to your June 5, 2001, request for comments on the proposed Rancho Seco Gas-Fired Power Project. This project extends from Rancho Seco Power Plant to the Carson Energy Plant at Sacramento Regional Waste Water Treatment Plant, in Sacramento County, California.

The Corps of Engineers jurisdiction within the study area is under the authority of Section 404 of the Clean Water Act for the discharge of dredged or fill material into waters of the United States and/or Section 10 of the Rivers and Harbors Act for work affecting navigable waters. Waters of the United States include, but are not limited to, rivers, perennial or intermittent streams, lakes, ponds, wetlands, vernal pools, marshes, wet meadows, and seeps. A list of navigable waters is also on our web-site mentioned below. Project features that result in the discharge of dredged or fill material into waters of the United States, including wetlands, (waters) or work affecting navigable waters, will require Department of the Army authorization prior to starting work.

Your question pertaining to the occurrence of threatened or endangered species potentially affected by your proposed project should be directed to the U.S. Fish and Wildlife Service, National Marine Fisheries Service, and the California Department of Fish and Game. Their addresses are below.

We recommend the project proponent conduct a wetland delineation, in accordance with our **1987 Wetland delineation Manual** and **Wetland Delineation Information, Suggestions for Applicants and Consultants** documents, to determine the extent of waters subject to our jurisdiction within the project area. If waters of the United States, including wetlands, may occur in the project, you should submit the delineation to this office for verification. The type of permit needed will depend on the type and amount of waters affected by the work. All efforts should be made to avoid and minimize impacts to waters. If you believe the project would comply with the terms and conditions of a nationwide permit(s), you should follow any notification procedures required by that permit. Otherwise, you should submit a standard application. All documents referenced above, including detailed permit application information, is available on our web-site at www.spk.usace.army.mil/cespk-co/regulatory.

Please refer to number 200100296 in any correspondence concerning this project. If you have any questions, please write to Mr. Justin Cutler, Room 1480, e-mail: jcutler@spk.usace.army.mil, or telephone (916) 557-5258.

Sincerely,

Michael Finan
Chief, Delta Office

Copies Furnished:

Jan Knight, Chief, Endangered Species Division, U.S. Fish and Wildlife Service, 2800 Cottage Way, Suite W2605, Sacramento, California 95825-3901
Rebecca Lent, Ph.D., Regional Administrator, Sacramento Area Office, National Marine Fisheries Service, 650 Capitol Mall, Suite 8-300, Sacramento, California 95814-4706
Terry Roscoe, California Department of Fish and Game, Region 2 Sacramento Valley, 1701 Nimbus Drive, Rancho Cordova, California 95670-4599
Karen Bates, California Department of Fish and Game, Wildlife and Habitat Data Analysis Branch, Natural Diversity Database Unit, 1807 13th Street, Sacramento, California 95814-7137

Approved
OMB No.: 0710-0012
Expires: 30 September 2001

The Public reporting burden for this collection of information is estimated to average15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Defense, Washington Headquarters Services, Directorate for Information Operations and Reports (0710-XXXX), 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. PLEASE DO NOT RETURN YOUR APPLICATION TO THE ABOVE ADDRESS. RETURN COMPLETED APPLICATION TO THE ADDRESS SHOWN ON THE APPLICATION INSTRUCTION SHEET.

CUSTOMER SERVICE SURVEY - REGULATORY PROGRAM
U.S. ARMY CORPS OF ENGINEERS

We at the U.S. Army Corps of Engineers Regulatory Branch are committed to improving service to our customers and would like to know how well we have been doing. Who are our customers? You are our ***customers*** if you submitted a permit application, requested a jurisdictional determination or wetland delineation, or scheduled a pre-application meeting with us. ***Other customers*** include those of you who receive our Public Notice and/or commented on a particular project or our work in general, because of your interest in the Regulatory Program. To identify how we can better serve you, we need your help. Please take the time to fill out this brief survey and mail it back to us. Your honest opinions will help us determine areas in which we need to improve. For each question, please indicate the level of service you received by marking the appropriate number on a scale from 1-5, with 1 being low (dissatisfied) and 5 being high (very satisfied). If the question does not apply to you, simply mark N/A. Thank you for your time and comments! Response to this survey is VOLUNTARY. If you choose not to respond, it will not affect any current or future dealings you may have with the USACE in any way.

I. FOR APPLICANTS & OTHERS REQUIRING AUTHORIZATIONS	***LOW SATISFACTION***			***HIGH SATISFACTION***		
1. Do you think you received your Corps permit decision in a reasonable amount of time?	1	2	3	4	5	NA
2. Do you think you received your Corps jurisdictional determination in a reasonable amount of time?	1	2	3	4	5	NA
3. If we recommended/required project changes/modifications to reduce impacts, did we clearly explain the reasons why?	1	2	3	4	5	NA
4. If we recommended/required project changes/modifications to reduce impacts, did the changes seem reasonable to you?	1	2	3	4	5	NA
5. If we denied your permit, did we clearly explain the reasons why?	1	2	3	4	5	NA
6. For enforcement cases, did our office clearly and professionally explain the basis for the enforcement action (e.g., what work we believe you performed without authorization?	1	2	3	4	5	NA
7. For enforcement cases, did our office include options for resolution?	1	2	3	4	5	NA
II. FOR "OTHER" CUSTOMERS						
1. For permitted actions, was the permit effective in achieving appropriate protection/mitigation for impacts to aquatic resources?	1	2	3	4	5	NA
2. For enforcement actions, did the Corps require appropriate compensation/restoration for impacts to aquatic resources?	1	2	3	4	5	NA
III. FOR APPLICANTS & "OTHER" CUSTOMERS						
1. Did the Corps representative act professionally and treat you with courtesy?	1	2	3	4	5	NA
2. Did the Corps provide sufficient information to allow you to complete an application form, comment on a public notice, or otherwise evaluate our work?	1	2	3	4	5	NA
3. Did we respond to your letters and telephone calls in a reasonable amount of time?	1	2	3	4	5	NA
	1	2	3	4	5	NA
5. What is your OVERALL rating of the level of service provided by the Corps of Engineers Regulatory Program?	1	2	3	4	5	NA

e: DATA FROM THIS QUESTIONNAIRE WILL BE USED BY THE DISTRICT TO IMPROVE SERVICE. ALSO, INFORMATION WILL BE TABULATED NATIONALLY BY SERVICE AREA. RESPONDENTS WILL NOT BE IDENTIFIED BY NAME OR ORGANIZATIONN FOR ANY REPORT DERIVED FROM THIS SURVEY.

PLEASE COMPLETE THE FOLLOWING QUESTIONS BY GIVING US ANY COMMENTS OR SUGGESTIONS FOR HOW WE CAN IMPROVE.

Please indicate the nature of your business *(If applicable, check more than one)*:

. Property developer
_ Public Agency Applicant
_ Civic or Trade Organization
_ Member of Legislature
_ Federal/State/Local Official
_ Conservation Organization
_ Flood/Water Control District
_ Consultant
_ Farming/Ranching
_ Public Agency
_ Personal/Private Project
_ Adjacent Property Owner
_ Sand & Gravel
_ Law Office
_ Silviculture
_ Mining
_ Media
_ Native American
_ Other *(describe)*: _____

What Service(s) Did You Seek From the Corps? *(If applicable, check more than one)*:

_ General Information
_ Pre-application Consultation
_ Nationwide general permit
_ Regional or programmatic general permit
_ Standard Individual permit
_ Letter of Permission
_ Jurisdictional/wetland determination
_ Resolution of violation/non-compliance
_ Regulatory Program presentation
_ Commented on Public Notice/permit application
_ Other *(describe)*: _____

Which Corps office *(District, Division, Headquarters, other)* did you deal with? _____

Name of person you contacted in our office *(optional)*: _____

Do you have any comments or suggestions on the Regulatory Program?

Information about you *(optional)*:

Name/Title: _____

Address: _____

Telephone *(include area code)*: _____

May we contact you? YES NO

Authorities: The government Performance and Results Act of 1993 and Executive Order (EO) 12862, "Setting Customer Service Standards", dated September 11, 1993. Purpose: To determine the quality of services our customers expect, as well as their satisfaction with USACE's existing services. Information provided on this form will be used in evaluating the performance of the Corps Regulatory Program. Routine Uses: This information may be shared with the Office of Management and Budget, members of Congress, and other federal, state, and local government agencies. Disclosure: Providing requested information is voluntary. Failure to provide this information will not result in an adverse action.

(Reverse of Eng Form 5065)