Meeting Minutes

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Prepared for: Midas Gold Idaho, Inc. (Midas Gold)
Project Title: Stibnite Gold Project
Project No.: 151586

Purpose of Meeting: ESA Informal Consultation Meeting, Fish
Date: October 8, 2019
Meeting Location: BC Boise
Time: 9 a.m.
Agenda Prepared by: Paul Leonard, Brown and Caldwell
Meeting Minutes Prepared by: Megan Tverdy, Brown and Caldwell

Attendees:

Clayton Nalder, USFS
Lee Jacobson, USFS
Erin Kenison, USFWS
Ally Turner, USFWS
Robyn Armstrong, NPT
Johnna Sandow NOAA
Bill Lind, NOAA
Bill Bosworth, IDFG
Marde Mensinger, OEMR
Jordan Messner, IDFG
Michael Edmonson, OSC
Dan Kline, Midas Gold
Paula Leonard, BC
Alix Matos, BC
Aylin Lewallen, BC
Megan Tverdy, BC
Matt Van De Bogert, BC
Stacy Villanueva, BC
Mark Miller, BioAnalysts
Rob Richardson, RIO ASE

Represented Organizations[1]: USFS, USFWS, NOAA, OER, IDFG, OSC, OEMR, Shoshone and Nez Perce Tribes, Midas Gold, AECOM, Ecosystem Sciences, Brown and Caldwell, BioAnalysts, Rio ASE

Consultation Meeting Goals and Objectives

To work collaboratively as a group to develop a sound and defensible biological assessment, based on best scientifically and commercially available data, that meets the needs of the U.S. Forest Service, the NOAA Fisheries, the U.S. Fish and Wildlife Service, and United States Army Corps of Engineers to timely complete the formal Endangered Species Act (ESA) Section 7 consultation process for the Stibnite Gold Project.

1. *Clarify which Endangered Species Act listed, proposed, and candidate species and designated or proposed critical habitats are in an agreed-upon action area (Completed);*
2. *Determine what effect the federal action may have on these species or critical habitats and explore and agree upon the analysis necessary to support the development of the biological assessment;*

[1] Actual attendees from each organization will be captured in meeting minutes.

3. *Explore ways to modify the action to reduce or remove adverse effects to the species or critical habitats;*
4. *Explore the design or modification of an action to benefit the species and coordinate on their inclusion in the biological assessment; and*
5. *Discuss and seek concurrence on the content and organization of the biological assessment.*

Proposed Agenda Kline covered agenda and asked if anyone needed to move anything.

1. **Stream Temperature Regime and Species Periodicity (60 min)– Objectives 2-4**
   Intent: To present the stream thermal regime context that was discussed and requested by the agencies during the September ESA IC Fish meeting

Leonard: Back in September we did a presentation on the results of the stream temperature modeling. We showed the results as modeled compared to the results of no action. The comparison showed what the differences were. We all agreed that it was important to put those changes into a larger context, which is what we are doing today. Graphical depictions on slide 6.

Longest common flow and temperature data are from USGS sources. We will talk through data and when it may apply

Sandow: You did mean vs. max temps for all of them?
Leonard: We will show both.

Leonard: Discussing slide 8. We have between five to seven years of data.
Left access is temp, right axis is Mean daily discharge.
This shows a pretty much stable low flow summer, Fall, and throughout Winter.
What is happening biologically during those periods? Life stage periodicity, revised graphs will show juvenile as well as adult.

Leonard discusses Pit tag graph – This is the same information as before, but this version includes Steelhead and Chinook.
Kline: Where is the pit tag detection array depicted?
Leonard: It's below the town of Yellow Pine. This is largely fish going up Johnson Creek. The duration of detections is close to the bar, but arrivals are closer to middle of the bar.

Leonard: With regards to SPLNT modeling – there are two periods of note, SPLNT calibration and validation - those are the two periods we simulated to show effect on stream temps. One week in August and one in early sept. For the SPLNT we chose the warmest conditions we could find.
Slides showing exceedance temps for years we are showing – Matt's slide shows that we modeled the warmest period.
Armstrong: What is the proposed action?
Leonard: Midas Gold's original Plan of Restoration, the PRO. In NEPA, it's the proposed action.

Leonard: If you take all temps measured for 7 years and plot as exceedance curve, then rank from highest to lowest, you can deduce 20 days per year the temp is higher than this point.

There were less than a couple of days in 7 years were over our model temps.

Nalder: The SPLNT is trying to pick peak data, what I would want to see regarding that week you modeled how many years was it above or below median during that week, that is3 years it was modeled above and 3 years it was modeled below. You can't compare the number of days. Be careful with how this interpreted. Look at week in July that was modeled. Compare how many years above vs. below. Need to zoom in on that.

Leonard: You want to know the % number of days?

Nalder: I want to know in the SPLNT model, of the 6 years, how many were above or below.

Leonard: Do a 7 day running average and collect that for the week.

Nalder: This is max daily now.

Leonard: You're saying you want to know what years had temps above 12? Three years had no days of mean temps above 12.

Sandow: 50% of days modeled had temps above.

Sandow: We are concerned when spawning and incubation is occurring during those target days.

Leonard: We simulated a rare event. The warmest of the years we had data for.

Nalder: But two out of six years, you were above modeled threshold.

Leonard: This isn't an annual statistic, it's daily statistic. Two of the years had five days total above modeled temperatures.

Edmondson: I would think about the exceedances. Those I don't have concerns about the data.

Leonard: If there is some other stat someone would like to see represented, let us know. We can make that happen.

Nalder: We want to be careful saying our SPLNT shows a rare occurrence. With only six years of data its difficult to say.

Leonard: On five days out of seven years the temps were measured by USGS, temps were above 12. "At the highest range of occurring temps" might be a better way to say it.

Nalder: There is always the language that "we feel this is conservative" but there was not language to support that in the doc. This graph helps. We almost wanted to discredit SPLNT by saying it was a rare event.

Leonard: Conservative is a poor word. The SPLNT picked the warmest summer compared to other observed summers. You have to interpret the results.

Nalder: It could discredit the modeling results using the original language. Note: As a follow up to this discussion, Dan Kline on 10.16.2019 sent out a clarifying email entitled *Clarification of the Term "Conservative" in the Temperature Modeling Reports.*

Sandow: I want to know the impact on the entire migration period, and of spawning. You have to say this is what you would expect to happen. You have to have some idea of what that increase looks like. You are going to have to figure out how to apply results.

Leonard: We have the answers to these questions presented here.

Jacobsen: Clayton's point is five out of six weeks is a bigger number that 5 days out of 1900.

Leonard: so, basically what is your denominator?

Richardson: When talking about conservative, the model is looking at the warmest part of the year. With data that go into model, there was effort to describe how the data that went in was conservative. I think it's appropriate to say the model is conservative. The goal was to aim on the conservative side based on many variables.

Edmondson: What is our elevation?

Leonard: 6500

Edmondson: Do these bar graphs look similar to the upper Salmon Basin project?

Miller: Yes, but it has very different streams. This is more local.

Edmondson: It seems like incubation tail is a bit long. You don't have any work being done when there isn't something in the gravel.

Miller: Cutthroat can emerge into September. You can have later emergence than expected.

Nalder: I've seen bull trout spawning the first of August.

Leonard: We have solid blocks but also lines that came from Mark's info that show info outside seasons

Miller: We don't want the NEPA process to use a different period that ESA, so consistency is important.

Leonard: The information is from the Bioanalysts 2018 report included as an appendix to Rio's Stream Design Report and has been available for review for the past year or so.

Edmondson: If you have Steelhead reproduce at the end of marked spawning, emergence time is 50-55 days. That's outside the graph numbers.

Edmonson: The slide showing exceedance curves is anecdotal. Do we not have 2015 data?

Leonard: USGS didn't collect data in that period.

Edmonson: We need to note that the date was not available.

Leonard: We need to look for data for 2015.

Edmonson: That was the warmest product on record.

Miller: Stephanie's report does have the 2015 data. (From Stantec.)

Leonard: Will add that data to the Temperature Exceedance graph.

Basically, what we are saying is that we have USGS existing data plus Stantec's "less continuous" data. The best continuous data we had was this USGS data with the missing 2015 information.

Leonard: Clayton how did you address this in the PDEIS?

Nalder: AECOM is currently working on it.

Leonard: Is there anything you are doing that would contribute to this?

Nalder: No, we are doing something more qualitative

Leonard: How are you putting the modeling information in the report?

Nalder: I haven't seen full details so can't comment.

Miller: What metrics are you using?

Nalder: We are comparing with all of those based on the letter sent with different criteria from Bioanalysts.

Leonard: Any other comments about this representation?

Sandow: What do you mean by analysis?

Leonard: Analysis is two weeks of data put it in context of thermal regime over the year and the biological periodicities of the species of concern. We intend to discuss species by specie sin the BA including temperature data. Do they cause lethality, does in inhibit migration, etc.? A more quantitative and qualitative evaluation is the goal.

Kline: What document is this data from?

Leonard: This temperature data has been used in the SPLNT report and has been refernced in the Aquatic Resource baseline report, but this analysis and presentation was prepared for this meeting. This will be captured in the BA.

Kline: So, the BA is the go-back dock for review of the meeting.

Leonard: We may change some details based on comments from today. Maybe we should put verbiage with regards to Claytons comments such as "occurrence of temps in range based on historical date." It will all go into BA, but this does not need to be an action item.

Bosworth: Temperature and discharge are related. Is there a need to account for mining diversions?

Leonard: They are accounted for here, and the sensitivity of stream water temperature to flow was analyzed in the SPLNT Report

Bosworth: Is the Flow Discharge curve based on observed values?

Leonard: It is based on USGS data.

Sandow: On the previous graph, would it be more informative, to show average and then in gray shading max and min?

Leonard: Gray shading above and below shows the observed range of temperatures for each day. We could put gray bar to show max and min.

Sandow: What if you don't show the year. If you show max an min you show complete range over period.

Leonard: That is why Matt is on the phone to listen to these comments and make changes. We are trying to put forth the maximum amount of information. Showing traces does make it a little more confusing.

Sandow: The annual data is trace?

Leonard: yes.

Leonard: Matt can you make a simpler graph to show what Johnna requested?

Van De Bogert: Yes. Note: before the end of the meeting, a revised graphic was developed and supplied to Johnna and her impression was that it addressed her issue.

Leonard: We do have 2015 data to add to analysis. It just isn't USGS data.

Van De Bogert: These are the five USGS sites in our project area.

2. **Stibnite Large Woody Debris (LWD) and Pool Spacing Field Data Collection 2019 Report (60 min) – Objective 2**

Intent: To provide an overview of the report summary and how it provides information to fill SFA data gaps

- Summarize 2019 field data results

Richardson: A quick reminder we had one MWH PIBO site between Sugar and Meadow creek. The concern is that one site wasn't appropriate. In the SFA ledger we estimated improved quotes for LWD and streams. This Summer we went back and walked the lower part of Meadow Creek, East Fork, and met up at Sugar Creek. We have photos of everything and measured all pools.

Kline: Rio has put photos in KMZ file that will be uploaded to Sharepoint.

Nalder: Including spatial data?

Richardson: Yes.

Richardson: For the existing LWD I tried to show field work in green, the ledger is off to right in blue (from earlier in the Summer) and you can see the difference in values from the reach SFA score is shown next to the reach for the field work and ledger component.

One thing to note, there were a lot of pieces that were in that 8" range. They do provide cover and habitat. There are pieces over 30' but still only 8" diameter.

Richardson: Pool quantity equals number of pools. A lot of changes were made based on observations. Johnna, you asked question when were in the field why we were proposing certain features. This spatial representation shows where we are proposing to add wood.

Richardson: Pool Quality is pools over 3' deep or 1 meter. There are not a lot of pools over 3' or one meter. Yellow Pine pit reach wasn't converted as it is basically one pool.
Miller: Given some of the smaller streams, what is our expectation of having 1-meter deep pools?

Nalder: In the past we haven't had to worry about stream channels and pools. I've voiced concern with off channel habitat. That doesn't mean it isn't functioning. You aren't going to have a stream less than 2 meters There are some problems with Watershed Commission data reports.

Richardson: These are relative vs. absolute measurements. There is some flexibility build into the ledger.
Jacobsen: Did you count other pools that weren't quality?

Richardson: Yes, we counted all pools.

Nalder Meadow Creek 6 sticks out. The lower piece doesn't look like it's physically been altered.
Richardson: We proposed changed language from functioning to functioning appropriately.
Nalder: I haven't been concerned with something shown as a value of 1. But if you're going in and artificially adjusting just to get credit, I would have objections.
Richardson: We are proposing an adequate resting and holding area.
Nalder: I don't have problem with area below getting credit.
Miller: Is this referencing Overton data?

Nalder: Overton 1996 I believe?

Richardson: Regarding off-channel habitat, I included field notes because it's a qualitative definition. The WCI criteria are many, some, or none. Had to be more than 10' long to be included.
Armstrong: You saw beaver in Meadow Creek?

Richardson: Yes, there are 2 new dams in lower Meadow Creek.

Richardson: We wanted to look at side channels when we were in the field. There are notes from our field trip. The SFA ledger evaluates areas of long flow. The ledger account is both adding the side channel element and providing length to reach. We all agreed that was the appropriate way to define them, correct?
Nalder: Keep a note that is how you did it in case there are questions or concerns.
Richardson: Concluding the field measurements will supersede existing measurements. We won't include until an alternative is decided upon. We will update the SFA ledger with the preferred alternative and then update baseline conditions at the same time.
Nalder: AECOM is using the ledger so if it needs to be updated with preferred alternative, and if it's going to be in the DEIS it should be updated at that point. If the preferred alternative is alternative 2 then we already have it. We would just have to make the change before the Final EIS.
Richardson: We would make the revisions before the FEIS. It shouldn't have a dramatic effect on the alternatives analysis. Plus, we will have a new year of 2019 data to include.
Nalder: What data are you collecting for 2019?

Richardson: We are not collecting any, this was just in case someone else had some.

- Describe how data are being integrated into the SFA ledger

Richardson: There have been discussions and concerns about groundwater within the liner and a question arose about whether the stream liner intersects GW and whether there is some risk of loss of streamflow to the liner corridor.

Slide 24 -
Richardson explains Darcy's law calculation for each location. Summary of results at top of the slide. Calculations were run at low, average, and high conductivity.
Sandow: When was this sent out?
Kline: It was sent last week and will be posted on Sharepoint.
Richardson: What would be low vs. high conductivity material? Three scenarios were run showing percent of surface flow that is expected to go subsurface. Low conductivity is below 1%, high is as much as 25%. The area we are defining is cut off at the bottom of the stream liner.
Sandow: This assumes saturation?
Richardson: Yes.
Sandow: Have you looked at the time it will take for these areas to be saturated?
Richardson: We can do that based on these same types of calculations.
Nalder: I believe GW modeling assumes that?
Richardson: For this project it doesn't not assume.
Richardson: You can start to see if you look at Meadow Creek, the topsoil conductivity is 1 ft per day moving though floodplain and 100 ft per day is the assumption. Hydraulic conductivity for the armored level is 150. The transition layer is estimated at 50. We haven't specified exactly what these materials will be. We aren't at that point. There is a potential risk if we use too coarse of material.
Miller: When do we arrive at a steady state with the fishway when we are initially starting up? How long will that take?
Sandow: How much of your water is going to wetting up your flood plain and for how long?
Richardson: Is the concern that we just turn all the water on, and fish would be stranded? When we reactivate the channels, it occurs over the span of a few hours to days. You let some water trickle though.
Nalder: How much water do you have to take out of channel to provide for channel maintenance?
Richardson: We need to have the details flushed out, not general statements more specifics. Like how much do we need in our channel or what is acceptable to take from other channels?
Leonard: We plan to outline this in protocols.
Sandow: It must be very explicit, so the contractor doesn't have to guess.
Leonard: The Darcy's calculation doesn't answer the question on how long it takes to fill up the fishway, but the volume and time required to fill the fishway will be estimated
Edmonson: Most often it is the turbidity standard.
Sandow: Having examples available would be helpful.
Richardson: The Big Wood River is a hugely losing system we can use that data.
Kline: We could maybe schedule it to go online during snow melt.
Leonard: We should develop a BMP for the contractor. A step-by- step instruction list.
Edmondson: The Yankee Fork did a hold-up.
Leonard: Were there any write ups on re-watering protocol at that project?
Edmondson: It's usually just the turbidity standard.
Miller: If we did develop numbers for these areas, would we do a worst case scenario?

Richardson: Let's talk offline do determine what we think is best.
Leonard: The on-the-ground experience at Yankee Fork is good experience.
Richardson: Stream channels are not likely to run dry during low flow unless the flood plain material is very highly porous. The floodplain is likely to saturate very rapidly upon re-watering the channel. GW elevation is likely to support the proposed vegetation. Surface grading can be used to fine tune elevations. Hyporheic flow is likely; the rate of GW exchange depends on the hydraulic conductivity of the flood plain material. We want a diversity of vegetation types.
Edmondson: What did you envision for floodplain roughness?
Richardson: It will probably include boulders and vegetation.
Leonard: We are doing additional assessment of risk of potential for loss of streamflow to address concerns.
Sandow: Where do you anticipate summarizing and outlining your results?
Leonard: We will pull from existing modeling. We may have to do a technical memo. In some cases, this is existing data and we are just extracting it into tables and slides.
Kline: This has been added to future mtg topics to address more completely.
Miller: Would you know if there was a puncture in the liner?
Richardson: It would depend on the size of the puncture.
Edmondson: It would also depend on when - before or after GW rebound.
Leonard: Depending on GW level and elevation of a puncture, water might actually flow the other way – from the local groundwater into the liner.
Miller: Is there a response to puncture?
Richardson: The liner is anticipated to be placed once with no maintenance.
Miller: So, they will naturally seal over time. Is it going to come to a steady state?
Richardson: It's highly variable. Ideally the GW in the channel would fluctuate in conjunction with the water outside. We have range of flexibility in materials to counteract these fluctuations.
Leonard.: It would have to be a large rip or tear to make much of a difference.

3. **Fish Salvage and Relocation (60 min) – Objective 2 and 3**
Intent: To provide an overview of the proposed fish salvage methods and more detailed on proposed relocation sites
   - Discuss fish salvage methods as follow up from September ESA IC meeting

Lewallen: This series of slides were in the September slide deck. Want to take the time to go through them since we couldn't in the last meeting. We want to go over what we are using for our fish salvage methods. Slide 29 is the reference of what we are using for determinations. If there are other documents or references you would like us to use please let us know.

Leonard: This is basically the outline of what will be in the report.
Sandow: It seems you may want to still spot check where water might be pooling to capture fish that might have been missed.
Nalder: It's a matter of how to efficiently get the fish out as quickly as possible. You probably should use electrofishing as it will be more effective in capture. It would be better to develop a realistic and effective plan rather that all the contingencies.
Leonard: The most important thing is to use good electrofishing practices.

Sandow: Dewatering may be more effective prior to electrofishing, allow fish to volitionally move and then follow up with electrofishing to capture as many fish as possible.
Miller: The conductivity is conducive to electrofishing.
Sandow: To minimize effects, you would start on the lowest, most conservative setting.

Kline: How much length downstream are you considering for possible relocation options?
Miller: With relocating all fish in Yellow Pine pit we need to think about the concentration of fish and can if we relocate them in the first mile. If that is not possible, we will have to expand that. How long will it take and how many need to be transferred. We want to get fish out and then not allow them to go back.
Nalder: I would think strategy would be NOAA won't want additional migratory Bull in Sugar Creek so it would make sense to inquire about what to do with migratory Bull Trout. It would make sense to not drop them all in one place, but to spread them out so you're not overloading a section downstream instead going past Johnson Creek to release.
Leonard: Fish will redistribute themselves as well.
Turner: We would like to see Bull trout with the same local population. With Meadow Creek we would like them located closer and not below Johnson or Sugar Creek.
Miller: You're not suggesting to not put Bull trout in Johnson Creek just suggesting we don't overload it.
Nalder: The complication with salvaged fish is the tendency to mess up equilibrium. You just need to think about how best to do the process. We don't want t a lot of juveniles.
Miller: We need to manage the impact on the moved fish plus the impact on the fish of where you are moving to. Basically, the community impact of transplantation.
Leonard: A question is are the Bull Trout in Yellow Pine pit somehow unique? We aren't sure we are seeing evidence of that as some individual fish appear to be resident even at larger sizes. More after we complete the YPP Report this year.
Nalder: The East Fork has a healthy West Slope Cutthroat population so Johnson Creek may be best place to relocate. The other three species aren't there so there wouldn't be impact to those species.
Leonard: There are some species you might want to put in the East Fork South Fork.
Edmondson: What numbers of fish are we looking at for Bull Trout and White?
Leonard: Whitefish are very abundant in the Yellow Pine pit.
Edmondson: You'd work with IDFG?
Leonard: Yes, we would certainly want to coordinate with all the agencies.
Miller: There could be potential areas of Johnson Creek where we could relocate in positive way.
Nalder: For non-listed species definitely talk to IDFG.
Nalder: Are you looking at the number of Whitefish?
Leonard: We aren't tagging them, but we can estimate, and we need to separate species during transport
Nalder: For TSF are they looking a diverting it twice?
Richardson: In the Mod PRO yes.
Nalder: What mine year is second diversion?
Richardson: I'm not sure on that.
Kline: Around year six or seven, I think.
Kline: Where is this information going to go?
Miller: In the FMP?
Leonard: Details will be in FMP.

Agreed that potential relocation sites and rationale for site selections by species would be revisited.

4. **Overview of YPP Salmonid Population and Movement 2019 Study Preliminary Results (30 min) – Objectives 2 and 3**

   Intent: To present provisional 2019 sampling results and discussion of how to assess for the BA

   - Present provisional fish collection results and movement trends by species based on the tagging efforts

Slide 39 presented by Lewallen.
We want to show 2018 numbers for those who hadn't seen them.

Slide 40 presented by Lewallen
Showed 2019 numbers

Nalder: Did they plant adult Chinook in 2018?
Kline: No.
Nalder: in 2017?
Miller: In the last two years they didn't.
Nalder: Do you have a table showing Rainbow/Cutthroat you took samples of?
Leonard: We do have that but haven't received results of genetic tests back from USFWS Abernathy.
Lewallen: Samples from this year were sent last week. We do have numbers, but I didn't pull them. There were a couple tagged that could be potentially hybrid.
Leonard: Did Abernathy say when we might see 2018 results?
Lewallen: I will email to check with Abernathy. (**Action item:** Lewallen)

Slide 42
Leonard: These are strictly facts with no interpretation so far.
Nalder: When will you do that?
Leonard: We should have that by the end of the year.
Turner: The largest fish are returning in July and August?
Lewallen: The majority of fish leaving and coming back are doing so in late Fall. Almost 60% of tagged Bull Trout came back by the end of September.

Slide 44
Nalder: How many white fish did you handle this year?
Lewallen: Over 1,000 between the three events.

Slide 45
Lewallen: The intent is to have the report finished by the end of the year. We will continue to download data each Friday.
Miller: Did we get a commitment from FWS for database of how this data compares to other populations?
Turner: I will look back at my notes.

- Discussion of how data will be used in the ESA Consultation efforts for potential effects determination and take by species

5. **Update on ESA Consultation Schedule (30 min) – Objective 5**
Intent: To provide an update on the ESA schedule to show timing and duration of key review milestones
    - Remind and update ESA IC team of schedule milestones

Slide 48 presented by Lewallen.
The schedule we are showing is based on the AECOM schedule.
Turner: Has it changed since last meeting?
Leonard: No.
Leonard: Can we show the clip of the Gantt chart as well when we send this out?
Lewallen: Yes.
Kline: Any concerns from the group?
Sandow: This is a pretty aggressive schedule. One concern I have is that you mentioned two reviews of the BA. I did notice there isn't any time for addressing the first round of comments.
Nalder: I believe there were a whole lot of things lumped into one section. The Gantt chart will break out those items.
Sandow: Another initial concern regarding the draft is that it is highly unlikely NOAA would be able to draft a BiOp and have time for internal processes to QA/QC within 90 days.
Leonard: We have scheduled in accordance to regulations provided by NOAA.
Sandow: This appears to be giving 90 days instead of normal 135 days.
Leonard: There are 135 days total, per regs
Lind: Looking at the dates it is optimistic to have an entire BiOp drafted by then. That's assuming the comments are addressed quickly and well. That determines if second draft can start on the day predicted.
Turner: When is the draft BA due?
Lind: Complete product is due in 135 days
Turner: The signed Final?
Lind: Yes.
Turner: When would the agency and applicant review?
Lind: At least between 90 and 135 days. I don't think we could turn around something this complex sooner than 90 days.
Sandow: The take home is we can't commit to how long a draft document would take to be ready to share. Regulations do have specific timelines regarding a Jeopardy Analysis, etc. We can ask the agency for an extension of time.
Leonard: MG applied and got status as the applicant and so if an extension beyond regs is required, they must concur..
Jacobson: USFS and agencies can agree on 60 days extension but can't go beyond that without applicant approval.
Kline: extended 60 days beyond the 135?
Sandow: Yes, that is correct.
Kline: The applicant would have to chime in if it went beyond that 60-day extension.
Kline: We will need to build some adjustments in.

Nalder: What adjustments? The assumptions need to be met that a preferred alternative will be identified and that the preferred alternative isn't going to change. These are big assumptions since we haven't even released it for public comment. The bigger assumption is the uncertainty the preferred the alternative may change from DEIS to FEIS.
Leonard: If there was a change that caused enough stuff to change, that would change the BA and you wouldn't initiate.
Nalder: The start of FEIS is 3/11/20, action agencies should see it May 15th.
Nalder: Assuming there will be an extension on the comment period for DEIS. No extension was built in for a supplemental draft.
Leonard: This requires a fair number of assumptions. This suggests the assumption that everything is going to go according to plan. We don't want to get tied to date, rather how much time the task will take. We'll get to the BA, agencies will accept BA, if there is something additional your agency needs or wants, that could be helped along by including info in the BA. We would be dependent on agencies to tell us those items.
Sandow: It's about a month for a draft BiOp. How we work with reviews: document will be ready and once it's reviewed, we can share excerpts, i.e. proposed action and draft term and conditions. If the entire draft BiOp is requested, it needs to go through the entire internal review process. My question is would the USFS want to see the entire BiOp or only excerpts?

Nalder: I think we are going to want to see the entire draft BiOp at once.

Nadler: Are there regulations that prevent the release of the entire draft to the agencies at once?

Lind: It must go through several reviews (4 levels) prior to that. If it turns out it's a draft jeopardy, we would want to work with general counsel.

Jacobson: If it's all straight-forward, the draft is ok. With this as big and complicated as it seems, there will probably be a lot of questions.
Nalder: if there is a jeopardy call, we would want to see draft terms and conditions.
Leonard: If it's a difficult decision or jeopardy, there would be a lot of discussion.
Lind: If you request the entire draft it will likely make it difficult to make the normal 135-day threshold.
Kline: For scheduling purposes, if a full document request was asked for what, time frame are we looking at?

Lind: At least and additional two weeks, probably more a like a month. I can't give an exact answer.

Jacobsen: When we have requested the full BO its typically when we have an applicant suggest that it's more than a minimal change of plan.
Nalder: After 90 days you will have done jeopardy analysis and know whether you need the full draft or excerpts.
Leonard: How openly can we talk about these things during review? Is that allowable?

Group consensus is yes.

Kline: We need to expand the schedule with a little more detail about the items we have discussed.
Leonard to Nalder: Thoughts, guidance or ideas on how you judge what is enough new information to issue an SDEIS?

Nalder: What would constitute supplemental - if DEIS went out with holes in it and public didn't get to review those items.

Jacobson: Or if you came up with new alternative. Anything the public hasn't seen or commented on, your risk level goes up.

Leonard: So, you are saying that whether you've put out anything public didn't get to comment on, and/or significant changes would trigger an SDEIS?

Jacobson: Yes, or something grammatically changed, or things were added.

Nalder: This is the Administrative Procedures Act, not just a hard look. Most likely we will get a request for extension on comment period of DEIS. We can say no and have done so in the past.

Leonard: The schedule is using base assumption nothing has gone awry from basic timeline. Schedule assumes there is nothing amiss.

6. **Future Meeting Items Discussion (15 min)**
Intent: Identify topics for future meetings

- GW rebound in YPP backfill and adjacent to HF pit with respect to stream liner redundancy.
- Revisit fish density pop estimates for relocation/salvage
- Revisit ESA schedule with more detailed updates.
- Additional temp effect analysis
- Review/Address comments on FOMP
- Meadow Creek diversion options
- Downstream effects of high flow diversions for HF Pit example
- Fish salvage sequence: Meadow Creek example
- BT population viability upstream of MC TSF
- Water quality criteria for use in BA
- Liners near HF and YPP pits and GW rebound levels
- Subgroup to discuss 404 permit monitoring and AM requirements
- USFS discussion on use of SFA in WCI analysis

7. **Review Past and Current Action Items (15 min)**
Intent: To get status of actions by each group and discuss if any changes needed to each action item

- Share periodicity document for group comment
  BC/BA to send out to group.
- Need to find temperature data for year 2015 – BC will pull the Stantec 2015 data to add to the Temperature Exceedance graphs.
- Update/edit some of the graphics to simplify per Johnna's recommendations.
- Determine how much stream water will be used to saturate/wet new stream restoration and take away from fish migration, spawning, incubation. – OSC has some examples to support. Develop BMP to implement wetting restored streams.
- BC/MGII to revise ESA schedule with additional details to include:
  - 90 days
  - 45 days
  - Possible extensions
  - Possible delays

Next meeting: Changed to **Nov 6th**, *was previously scheduled Nov 8th. Changed by Aylin on SGP calendar.*

Dec 5th