Message

From: Scianni, Melissa [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=96DF5A77C72A4D109141A14DCF9E5C9B-MSCIANNI]
Sent: 1/23/2021 12:09:40 AM
To: Gan, Janice@Wildlife [Janice.Gan@wildlife.ca.gov]; Pankratz, Shannon L CIV USARMY CESPL (US) [Shannon.L.Pankratz@usace.army.mil]; Steinert, Tiffany@Waterboards [Tiffany.Steinert@Waterboards.ca.gov]
Subject: RE: Petersen Ranch MB Credit Release Request -

Hi Everyone,

I'm not available the afternoon of Jan 28 or 29. But if everyone else is, please go ahead and meet without me. I think you have my general thoughts from the emails below.

Thanks,
Melissa

Melissa Scianni
Wetlands Office
US EPA, Region IX, Southern CA Field Office
600 Wilshire Blvd, Suite 940
Los Angeles, CA 90017
(213) 244-1817
scianni.melissa@epa.gov

From: Gan, Janice@Wildlife <Janice.Gan@wildlife.ca.gov>
Sent: Friday, January 22, 2021 4:04 PM
To: Pankratz, Shannon L CIV USARMY CESPL (US) <Shannon.L.Pankratz@usace.army.mil>; Steinert, Tiffany@Waterboards <Tiffany.Steinert@Waterboards.ca.gov>; Scianni, Melissa <Scianni.Melissa@epa.gov>
Subject: RE: Petersen Ranch MB Credit Release Request -

Shannon
Id really like to talk next week if possible. I am now available only after 12 on Thursday and Friday, Jan 28 and 29.

-specifics of why did not met their performance standards
-credit types and locations which did not meet perf standards
-do the circumstances support accepting less than the minimum requirement
-should they revise the annual report and credit release request to be more transparent (i.e. they didn't meet these specific standards for x, y, z reasons but believe the credit release should be granted because a, b, and c).
-do they need a Development Plan amendment (if they aren't changing the monitoring timing and we aren't changing the performance standards) from Melissa email below-I don't think switching to the Ephemeral CRAM module would trigger an amendment, but I could be wrong.

If we have time and Shannon has feedback from OGC also like to talk about the amendment for Cal Trans.

Anything else? Thanks Janice

From: Gan, Janice@Wildlife
Sent: Friday, January 22, 2021 11:40 AM
To: Pankratz, Shannon L CIV USARMY CESPL (US) <Shannon.L.Pankratz@usace.army.mil>
Subject: Re: Petersen Ranch MB Credit Release Request -

We haven't talked about it yet. Next week I'm
In Thursday or Friday if everyone is available

Sent from my iPhone

On Jan 21, 2021, at 3:47 PM, Pankratz, Shannon L CIV USARMY CESPL (US) <Shannon.L.Pankratz@usace.army.mil> wrote:

Warning: This email originated from outside of CDFW and should be treated with extra caution.

Was everyone able to meet? Or is this still in the works?

Thanks!

Shannon Pankratz
Senior Project Manager, Biologist
Regulatory Division, North Coast Branch, Los Angeles and San Bernardino Counties Section
Los Angeles District, U.S. Army Corps of Engineers
915 Wilshire Blvd, Suite 930
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From: Gan, Janice@Wildlife <Janice.Gan@wildlife.ca.gov>
Sent: Wednesday, January 6, 2021 9:05 AM
To: Scianni, Melissa <Scianni.Melissa@epa.gov>; Steinert, Tiffany@Waterboards <Tiffany.Steinert@Waterboards.ca.gov>; Pankratz, Shannon L CIV USARMY CESPL (US) <Shannon.L.Pankratz@usace.army.mil>; Mahdavi, Sarvy <Mahdavi.Sarvy@epa.gov>
Cc: Zimmerman, Jan@Waterboards <jan.zimmerman@waterboards.ca.gov>
Subject: [Non-DoD Source] RE: Petersen Ranch MB Credit Release Request -

All times work for me
Wednesday 1-3
Thursday before 12:30
Friday before 2

From: Scianni, Melissa <Scianni.Melissa@epa.gov>
Sent: Tuesday, January 5, 2021 6:43 PM
To: Gan, Janice@Wildlife <Janice.Gan@wildlife.ca.gov>; Steinert, Tiffany@Waterboards <Tiffany.Steinert@Waterboards.ca.gov>; Pankratz, Shannon L CIV USARMY CESPL (US) <Shannon.L.Pankratz@usace.army.mil>; Mahdavi, Sarvy <Mahdavi.Sarvy@epa.gov>
Cc: Zimmerman, Jan@Waterboards <jan.zimmerman@waterboards.ca.gov>
Subject: RE: Petersen Ranch MB Credit Release Request -

Warning: This email originated from outside of CDFW and should be treated with extra caution.

HI Everyone,

I'm available for an hour meeting this week at the times below. I agree with Janice that they should revise the annual report and credit release request to be more transparent (i.e. they didn't meet these specific standards for x, y, z reasons but believe the credit release should be granted because a, b, and c). I don't think we need a Development Plan amendment at this time since we aren't changing the monitoring timing or performance standards. I don't think switching to the Ephemeral CRAM module would trigger an amendment, but I could be wrong.

Wednesday 1-3
Thursday before 12:30
Friday before 2

Thanks,
Melissa

Melissa Scianni
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Los Angeles, CA 90017
(213) 244-1817
scianni.melissa@epa.gov

From: Gan, Janice@Wildlife <Janice.Gan@wildlife.ca.gov>
Sent: Tuesday, January 05, 2021 5:31 PM
To: Scianni, Melissa <Scianni.Melissa@epa.gov>; Steinert, Tiffany@Waterboards <Tiffany.Steinert@Waterboards.ca.gov>; Pankratz, Shannon L CIV USARMY CESPL (US) <Shannon.L.Pankratz@usace.army.mil>; Mahdavi, Sarvy <Mahdavi.Sarvy@epa.gov>
Cc: Zimmerman, Jan@Waterboards <jan.zimmerman@waterboards.ca.gov>
Subject: Petersen Ranch MB Credit Release Request -

If there is a time that works for everyone else I'd like to talk. I can be available anytime this week.

They can't make unapproved changes to the Development Plan whether or not they rely on those to meet Perf Standards (as they did here).

BEI Section VI F. Modification of the Development Plan

> In the event the Bank Sponsor and the IRT determine that modifications must be made to the Development Plan, the Parties shall meet to discuss the modifications, and the Bank Sponsor shall submit a written request for approval of such modifications to the IRT within 60 calendar days of the meeting. Upon written approval from the IRT, the Bank Sponsor shall then implement all approved modifications. Modification of the Development Plan may constitute an amendment.

Based on Exhibit F-1 I think the requirement is to meet Year 2 Perf Standards Not year 3 (hoping you can show me that I am mistaken)
I'd like to talk more about why its OK to accept the under 20% cover which is a minimum requirement. That is a significant decision and I need to be able to write a solid justification for it.
They need to submit a credit release request that reflects the fact that they did not meet the Performance Standard and provides justification for requesting the Credit Release. It has to be more accurate and transparent. And they need to commit to following the process for modifying the Development Plan.
Their annual report is not accurate. It says they met Performance Standards and they did not when based on the CRAM model, monitoring locations and times as described in the Development Plan. I think that needs to be clear in the record but we can't ask them to correct it. Do we write a letter and add it to the file with corrections? That kind of thing ALWAYS gets overlooked in the future.

I plan to look at the last credit sale tomorrow to see if they changed the reporting to be clearer.
Thanks Janice

From: Scianni, Melissa <Scianni.Melissa@epa.gov>
Sent: Wednesday, December 30, 2020 7:33 PM
To: Steinert, Tiffany@Waterboards <Tiffany.Steinert@Waterboards.ca.gov>; Gan, Janice@Wildlife <Janice.Gan@wildlife.ca.gov>; Pankratz, Shannon L CIV USARMY CESPL (US) <Shannon.L.Pankratz@usace.army.mil>; Mahdavi, Sarvy <Mahdavi.Sarvy@epa.gov>
Cc: Zimmerman, Jan@Waterboards <jan.zimmerman@waterboards.ca.gov>
Subject: RE: IRT Notice of 30 day Amendment Comment Period: Petersen Ranch MB - BEI Amendment to Allow Use of the Combined STD 213/CPA

Warning: This email originated from outside of CDFW and should be treated with extra caution.

I think having a brief IRT only meeting to discuss the monitoring results is a good idea. My initial take is below.

I'm ok with the switch to the Episodic CRAM Module for the ephemeral streams. They are probably not going to meet their CRAM targets in the ephemeral streams using the Riverine Module. We expect ephemeral streams to score lower using the Riverine Module (designed for perennial streams), that is why the episodic module was developed. The Episodic Module appropriately scores ephemeral washes based on the expected vegetation and physical characteristics of those streams.

I think I'm ok with them missing their 20% native cover performance standard for Peterson Stream Restoration site for the following reasons. First, they documented a recent deposition event that buried vegetation (though I wish they had documented the extent of this burial). Second, they recorded 18.4% cover and the performance standard was 20% cover, so they didn't miss by much. Third, the site had been performing fine in previous years. However, I am not ok with using fall monitoring for the cover

performance standard but the spring data for everything else. Instead, they should just consistently monitor in early summer so we have comparable data. But I'd like to discuss this more with the IRT before giving them a final answer.

I do have concerns about the Area E site that I think need more discussion. However, Area E isn't included in their credit release request, so I think we can wait for that discussion until we get their adaptive management plan.

I did not review the credit sale in detail, but can if others have questions.

Melissa Scianni
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US EPA, Region IX, Southern CA Field Office
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(213) 244-1817
scianni.melissa@epa.gov

From: Steinert, Tiffany@Waterboards <Tiffany.Steinert@Waterboards.ca.gov>
Sent: Friday, December 18, 2020 9:38 AM
To: Gan, Janice@Wildlife <Janice.Gan@wildlife.ca.gov>; Scianni, Melissa <Scianni.Melissa@epa.gov>; Pankratz, Shannon L CIV USARMY CESPL (US) <Shannon.L.Pankratz@usace.army.mil>; Mahdavi, Sarvy <Mahdavi.Sarvy@epa.gov>
Cc: Zimmerman, Jan@Waterboards <jan.zimmerman@waterboards.ca.gov>
Subject: Re: IRT Notice of 30 day Amendment Comment Period: Petersen Ranch MB - BEI Amendment to Allow Use of the Combined STD 213/CPA

Hi Janice,

I agree with you. They should explain that they did not meet the performance standards for A, B, C so they did X,Y,Z to make that happen. As for the recent stuff that was submitted, I have not reviewed that yet.

Tiffany Steinert
Engineering Geologist

Regional Water Quality Control Board - Lahontan Region 6
15095 Amargosa Road – Bldg 2, Ste 210
Victorville, CA 92394
Direct (760) 241-7305
Front desk (760) 241-6583
Fax (760) 241-7308

The majority of Lahontan Water Board staff are teleworking due to an Executive Order from Governor Newsom. However, we are available via email and voicemail. We are responding to emails throughout the workday. Responses to voicemail may take more than one business day.

From: Gan, Janice@Wildlife <Janice.Gan@wildlife.ca.gov>
Sent: Friday, December 18, 2020 9:26 AM
To: Steinert, Tiffany@Waterboards <Tiffany.Steinert@Waterboards.ca.gov>; Scianni, Melissa <Scianni.Melissa@epa.gov>; Pankratz, Shannon L CIV USARMY CESPL (US)

<Shannon.L.Pankratz@usace.army.mil>; Mahdavi, Sarvy <Mahdavi.Sarvy@epa.gov>
Subject: RE: IRT Notice of 30 day Amendment Comment Period: Petersen Ranch MB - BEI Amendment to Allow Use of the Combined STD 213/CPA

EXTERNAL:

HI everyone

Id like to talk with the IRT about a couple things and would like to know if you think its worth setting up a call. I know they are asking for a quick turnaround and I have some questions.

Credit release request-
It appears they are relying on methodologies that differ from the requirement (October survey results) to be able to meet the goals. Also wondered if they used a different CRAM "model" to be able to meet those perf standards. This may be the way CRAM works I am clueless about that. Their draft letter simply states that they have met their performance standards. I think they should say they did not meet the perf standards for A, B, C so they did X,Y,Z and then did meet the goals and ask us if that I acceptable.

Recent credit sale-
they had a sale recently and I still have not reviewed it. We asked them to provide additional information with the credit sales so we could track them better. Did anyone look at what they provided?
Thanks Janice

From: Steinert, Tiffany@Waterboards <Tiffany.Steinert@Waterboards.ca.gov>
Sent: Thursday, December 17, 2020 3:41 PM
To: Scianni, Melissa <Scianni.Melissa@epa.gov>; Pankratz, Shannon L CIV USARMY CESPL (US) <Shannon.L.Pankratz@usace.army.mil>; Gan, Janice@Wildlife <Janice.Gan@wildlife.ca.gov>; Mahdavi, Sarvy <Mahdavi.Sarvy@epa.gov>
Cc: Tracey Brownfield <tracey@landveritas.com>; Nate Bello <bello@wra-ca.com>; Estes, Stephen M CIV USARMY CESPL (US) <Stephen.M.Estes@usace.army.mil>; Marlene Tyner-Valencourt <tyner-valencourt@wra-ca.com>
Subject: Re: IRT Notice of 30 day Amendment Comment Period: Petersen Ranch MB - BEI Amendment to Allow Use of the Combined STD 213/CPA

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Hi Shannon,

The Water Board has no comments and is ok with waiving the 30-day comment period.

Tiffany Steinert
Engineering Geologist

Regional Water Quality Control Board - Lahontan Region 6
15095 Amargosa Road – Bldg 2, Ste 210
Victorville, CA 92394
Direct (760) 241-7305
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The majority of Lahontan Water Board staff are teleworking due to an Executive Order from Governor Newsom. However, we are available via email and voicemail. We are responding to emails throughout the workday. Responses to voicemail may take more than one business day.

From: Scianni, Melissa <Scianni.Melissa@epa.gov>
Sent: Wednesday, December 16, 2020 12:39 PM
To: Pankratz, Shannon L CIV USARMY CESPL (US) <Shannon.L.Pankratz@usace.army.mil>; Gan, Janice@Wildlife <Janice.Gan@wildlife.ca.gov>; Mahdavi, Sarvy <Mahdavi.Sarvy@epa.gov>; Steinert, Tiffany@Waterboards <Tiffany.Steinert@Waterboards.ca.gov>
Cc: Tracey Brownfield <tracey@landveritas.com>; Nate Bello <bello@wra-ca.com>; Estes, Stephen M CIV USARMY CESPL (US) <Stephen.M.Estes@usace.army.mil>; Marlene Tyner-Valencourt <tyner-valencourt@wra-ca.com>
Subject: RE: IRT Notice of 30 day Amendment Comment Period: Petersen Ranch MB - BEI Amendment to Allow Use of the Combined STD 213/CPA

EXTERNAL:

Hi Shannon,

EPA has no comments and is ok with waiving the 30-day comment period if the other IRT members agree.

Thanks,
Melissa

Melissa Scianni
Wetlands Office
US EPA, Region IX, Southern CA Field Office
600 Wilshire Blvd, Suite 940
Los Angeles, CA 90017
(213) 244-1817
scianni.melissa@epa.gov

From: Pankratz, Shannon L CIV USARMY CESPL (US) <Shannon.L.Pankratz@usace.army.mil>
Sent: Wednesday, December 16, 2020 12:29 PM
To: Gan, Janice@Wildlife <Janice.Gan@wildlife.ca.gov>; Scianni, Melissa <Scianni.Melissa@epa.gov>; Mahdavi, Sarvy <Mahdavi.Sarvy@epa.gov>; Steinert, Tiffany@Waterboards <tiffany.steinert@waterboards.ca.gov>
Cc: Tracey Brownfield <tracey@landveritas.com>; Nate Bello <bello@wra-ca.com>; Estes, Stephen M CIV USARMY CESPL (US) <Stephen.M.Estes@usace.army.mil>; Marlene Tyner-Valencourt <tyner-valencourt@wra-ca.com>
Subject: IRT Notice of 30 day Amendment Comment Period: Petersen Ranch MB - BEI Amendment to Allow Use of the Combined STD 213/CPA

Hello IRT members,

Please see the attached amendment (Amendment No.1) request received from the Petersen Ranch Mitigation Bank sponsor. The Corps has determined use of the streamlined review process described in 33 C.F.R. 332.8(g)(2) is appropriate as the use of STD 213/CPA is not a significant change. Per the 2008 Mitigation Rule, the 30-day IRT comment period for this proposed amendment, (technically beginning on December 21st), is through January 18, 2021. Please provide your written agency comments (including via email), or respond that you have no comments, or that you are waiving the 30-day comment period.

All the best and happy holidays,

Shannon Pankratz
Senior Project Manager, Biologist
Regulatory Division, North Coast Branch, Los Angeles and San Bernardino Counties Section
Los Angeles District, U.S. Army Corps of Engineers
915 Wilshire Blvd, Suite 930
Los Angeles, California 90017
shannon.l.pankratz@usace.army.mil

Office: 213-452-3412
Government Mobile: 213-453-8586

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From: Marlene Tyner-Valencourt <tyner-valencourt@wra-ca.com>
Sent: Wednesday, December 9, 2020 3:43 PM
To: Pankratz, Shannon L CIV USARMY CESPL (US) <Shannon.L.Pankratz@usace.army.mil>; Gan, Janice@Wildlife <Janice.Gan@wildlife.ca.gov>; Scianni, Melissa <Scianni.Melissa@epa.gov>; Sarvy Mahdavi <Mahdavi.Sarvy@epa.gov>; Steinert, Tiffany@Waterboards <tiffany.steinert@waterboards.ca.gov>
Cc: Tracey Brownfield <tracey@landveritas.com>; Nate Bello <bello@wra-ca.com>
Subject: [Non-DoD Source] Petersen Ranch MB - BEI Amendment to Allow Use of the Combined STD 213/CPA

Dear Petersen Ranch IRT,

Pursuant to Section XII.D.1 of the Petersen Ranch Mitigation Bank Enabling Instrument ("BEI"), Land Veritas Corp is requesting Exhibit F-2, Credit Purchase Agreement and Payment Receipt Templates, of the BEI be amended to include an additional template Credit Purchase Agreement, and that language be added to the BEI allowing additional templates to Exhibit F-2 of the BEI be included upon written approval of all interagency review team members to provide greater flexibility and reduce time and effort should the need arise to create further templates (i.e., future templates associated with advance/bulk credit purchase). A copy of the proposed amendment is attached for your review.

It has come to our attention that the California Department of Transportation ("Caltrans") is not able to

execute the Credit Purchase Agreement Template currently appended in Exhibit F-2 of the BEI to purchase credits from the Corps-approved BEI. The proposed amendment includes using both the Credit Purchase Agreement, as required by the BEI, and the State of California-Department of General Services ("DGS") Standard Agreement 213 (STD 213), as required by DGS for Caltrans use in purchasing credits for Caltrans transportation projects that have been assigned a permit number. Please note the fully executed Credit Purchase Agreement would be attached to the fully executed STD 213, which includes language that the terms of the Credit Purchase Agreement control if there is a conflict between the two.

Sincerely,
Marlene Tyner-Valencourt

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MARLENE TYNER-VALENCOURT, MESM | Conservation Project Manager | d: 858.682.2699 | o: 858.842.1800 x 2210 | c: 248.499.0805 | tyner-valencourt@wra-ca.com

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