

# **AD-HOC ENVIRONMENTAL PLANNING AND PERMITTING WORK GROUP**

## **JANUARY 2021**



# Agenda

- Revised Draft EIR/Supplemental Draft EIS
  - Project Description with Operations
  - Administrative Draft Chapters in Review
- Permitting
  - Biological Assessment
  - Incidental Take Permit
- Schedule and Dashboard Update
- Upcoming Priorities and Timing of Next Meeting

# Revised Draft EIR/ Supplemental Draft EIS

# Discussion Goals

1. Project Description with Operations
  - Review and approve/reject recommendation to post Project Description on the Authority's website
2. Administrative Draft Chapters Development
  - Discuss and provide direction on impact findings for Batch 1A Admin. Draft Chapters

# Project Description

- Project Description will be Chapter 2 of the Revised Draft EIR/Supplemental Draft EIS
- Continued to develop it over the end of last calendar year
- Currently under review by team (Sites and Reclamation staff)
- Proposing to release as a Draft on the Authority's website
  - For information / discussion purposes with regulatory agencies, NGOs, interested members of the public
  - Not taking public comments / not responding to comments
  - Continue to refine until release Revised Draft EIR/Supplemental Draft EIS in July

# Alternatives Summary

Facilities / Operations	Alternative 1	Alternative 2	Alternative 3
Reservoir Size	1.5 MAF	1.3 MAF	1.5 MAF
Hydropower	Incidental upon release	Same as Alt 1	Same as Alt 1
Diversion Locations	Red Bluff Pumping Plant and Hamilton City	Same as Alt 1	Same as Alt 1
Conveyance Release / Dunnigan Release	1,000 cubic feet per second (cfs) into new Dunnigan Pipeline to Colusa Basin Drain	1,000 cfs into new Dunnigan Pipeline to Sacramento River. Partial release into the Colusa Basin Drain	Same as Alt 2
Reclamation Involvement	<ol style="list-style-type: none"> <li>1. Funding Partner</li> <li>2. Operational Exchanges               <ol style="list-style-type: none"> <li>a. Within Year Exchanges</li> <li>b. Real-time Exchanges</li> </ol> </li> </ol>	Operational Exchanges <ol style="list-style-type: none"> <li>a. Within Year Exchanges</li> <li>b. Real-time Exchanges</li> </ol>	Same as Alt 1, but up to 25% investment
DWR Involvement	Operational Exchanges with Oroville and storage in SWP facilities South-of-Delta	Same as Alt 1	Same as Alt 1
Route to West Side of Reservoir	Bridge across reservoir	Paved road around southern end of reservoir	Same as Alt 1

# More Substantial Project Description Changes Since Previous Updates

- Hydropower – All alternatives include power generation incidental upon release up to 40 MW at Funks and up to 40 MW at TRR
  - Confirmed with FERC staff that this qualifies for a FERC exemption
- Emergency Release Flows, Alternative 2 – Refinements to emergency release locations
  - Inlet/Outlet Works, Sites Dam, and Saddle Dam 8B into Hunters Creek watershed

# More Substantial Project Description Changes Since Previous Updates (cont.)

- Reclamation Involvement

Facilities/ Operations	Alternative 1	Alternative 2	Alternative 3
<b>Reclamation Involvement</b>	<p>Two Options:</p> <ol style="list-style-type: none"> <li>1. Funding Partner (up to \$200M investment) with Operational Exchanges:               <ol style="list-style-type: none"> <li>a. Within Year Exchanges</li> <li>b. Real-time Exchanges</li> </ol> </li> <li>2. Operational Exchanges Only (no funding)</li> </ol>	<p>Operational Exchanges Only</p> <ol style="list-style-type: none"> <li>a. Within Year Exchanges</li> <li>b. Real-time Exchanges</li> </ol> <p>No Funding</p>	<p>Funding Partner, up to 25% investment, and Operational Exchanges:</p> <ol style="list-style-type: none"> <li>a. Within Year Exchanges</li> <li>b. Real-time Exchanges</li> </ol> <p>Enhanced opportunity for carry over of Sites water in Shasta Lake.</p>



# Operations Project Description

- Operational Criteria (no real changes, just reminders)
  - Junior diverter – diverting after all senior water rights and water quality and flow requirement are met
  - Diverting during “excess conditions” (as determined by Reclamation and DWR)
  - Diversion locations in priority:
    1. Red Bluff Pumping Plant into the Tehama-Colusa Canal
      - Up to 2,100 cfs diversion for Sites (plus losses), subject to other uses
    2. Hamilton City Pump Station into the GCID Main Canal
      - Up to 1,800 cfs diversion for Sites (plus losses), subject to other uses
  - Diversions when Sacramento River not fully appropriated (September 1 to June 15)

# Operations Project Description (cont.)

- Diversion Criteria
  - Pulse flow protection implemented at Bend Bridge:
    - Each pulse protected (previously protected one pulse per month)
    - Pulse “reset” to differentiate between pulses
  - Wilkins Slough Bypass flow requirements:
    - 8,000 cfs April/May
    - 5,000 cfs all other months
  - Fremont Weir Notch:
    - First 600 cfs held to 1% change
    - 600 – 6,000 cfs held within 10%
    - No restriction above 6,000 cfs
  - Net Delta Outflow Index:
    - No criteria assumed
    - SWP ITP requires spring export reduction measure in April/May
    - Sites operations not expected to impact implementation of this measure

# Operations Project Description (cont.)

- Delivery Criteria (no real changes, just reminders)
  - Deliveries can occur using three mechanisms:
    - Releases directly from Sites
    - Releases from Shasta via exchange
    - Releases from Oroville via exchange
  - Deliveries occur when balanced conditions exist
  - Deliveries South-of-Delta occur when there is available pumping capacity at Banks Pumping Plant and incur carriage water costs to maintain Delta water quality conditions
  - Sites assumed to operate “on top of” existing CVP/SWP operations, seeks to avoid and minimize impacts to existing operations and COA

# Operations Project Description (cont.)

- Exchanges (no real changes, just reminders)
  - “Within Year Exchanges” – For all alternatives, model assumes within year exchanges with Shasta and Oroville
    - Sites releases water for the CVP/SWP in spring/early summer
    - Shasta/Oroville releases Sites water in later summer/early fall
    - Exchange only occurs under certain circumstances in some year types
    - More water is exchanged more frequently with Oroville than with Shasta
  - “Real-time Exchange” with GCID – Completed on a real-time basis
    - CVP allocation released from Shasta
    - GCID does not pump water at Hamilton City, flows downstream to other Sites participants
    - GCID receives CVP allocation from Sites reservoir

# Operations Project Description (cont.)

- Operations team has been working with both DWR and Reclamation staff on coordinating operations and reviewing operating assumptions
- Sites operations would not impair the ability for CVP/SWP to meet their own operating requirements:
  - Maintaining minimum instream flow objectives, Sacramento River temperature requirements, and Delta salinity control requirements assigned to CVP and SWP
  - Operation of Fremont Weir Notch to provide at least 17,000 acres of juvenile salmonid habitat in the Yolo Bypass
  - Compliance with the Water Quality Objectives for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary

# Administrative Draft Chapters Development

- Batch 1: 19 Draft Chapters & Appendices
- Introductory Chapters
  - Ch. 1, Introduction
  - Ch. 3, Environmental Analysis
  - Ch. 4, Regulatory and Environmental Compliance & Appendix 4A
- Resource Chapters
  - Minerals, Noise & Noise Appendix, Population and Housing, Indian Trust Assets, Geology and Soils & Appendices, Visual Resources & Appendices, Land Use, Tribal Cultural Resources, Public Services and Utilities, Environmental Justice and Socioeconomics

# Administrative Draft Chapters Development

- Preliminary CEQA Determinations/NEPA Conclusions
  - Requiring Mitigation Measures
    - Public Services
    - Geology and Soils
  - Significant and Unavoidable/Substantial Adverse
    - Visual Character and Quality
    - Public Services
    - Geology and Soils
    - Land Use
    - Tribal Cultural Resources
    - Environmental Justice

# Next Steps

- Modeling results completed this month
- Batch 1B: 7 Chapters and Appendices end of January
- Entire Admin Draft expected on April 15



# Permitting

Biological Assessment/Opinion and State  
Incidental Take Permitting Overview



# Discussion Goals

1. Biological Assessment/Opinion and State Incidental Take Permitting
  - Common understanding of overall process – set the foundation for future, more detailed discussions

# Permitting Update

- Since September, the Sites' permitting team has been advancing the state and federal ESA permitting:
  - Update Project Description and mapping
  - Develop and refine diversion criteria
  - Meetings/Workshops with state and federal agencies
    - USFWS and NMFS
    - CDFW
    - Reclamation
  - Updating ESA species lists, data and models
  - Preparing Draft ESA permit documents
- This workgroup update is first of several we anticipate in 2021

# ESA Overview

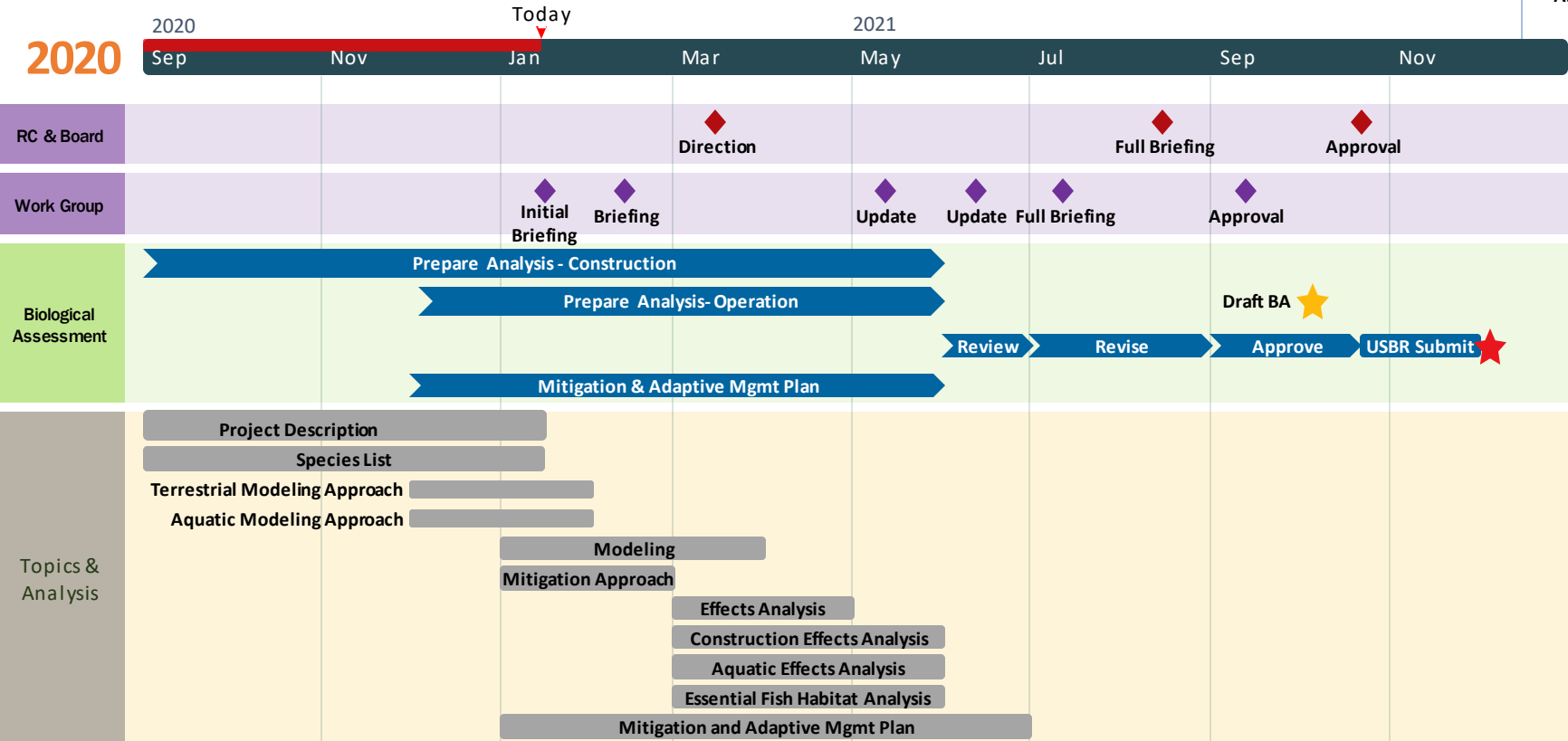
- A Biological Assessment (BA) is prepared when the Federal Action Agency concludes the proposed project “may affect” federally listed species or designated critical habitat
- Reclamation is the Federal Action Agency
- “Consulting” under Section 7 of ESA with:
  - USFWS – Terrestrial and freshwater fish
  - NMFS – Anadromous (ocean-going) fish
- Section 7 is necessary to meet our schedule, but Reclamation is lead (not the Authority)
- Essential Fish Habitat (EFH) – Under the Magnuson-Stevens Fishery Conservation and Management Act (MSA), refers to habitat necessary to maintain commercial fish production

# Biological Assessment Process and Schedule

Biological Assessment

2020

2021



# Service (USFWS and NMFS) Agency Response to the Biological Assessment

- Anticipated outcome is two non-jeopardy Biological Opinions (BiOps) from USFWS and NMFS, meaning:
  - USFWS and NMFS have determined that the action is not likely to jeopardize the listed species and/or adversely modify critical habitat, therefore incidental take can be authorized.
  - Each BiOp will contain an Incidental Take Statement.
  - Sites Authority will need to implement the measures described in the BA to minimize/mitigate effects on each species. These are Sites/USBR commitments to ensure a non-jeopardy finding.
  - Each BiOp will contain Reasonable and Prudent Measures (RPMs) to further minimize the impacts, but they *cannot* impose any RPMs that “alter the basic design, location, scope, duration, or timing of the action.” RPMs involve only minor changes. [50 CFR §402.14(i)(2)].

# CESA Permitting and ITP Process

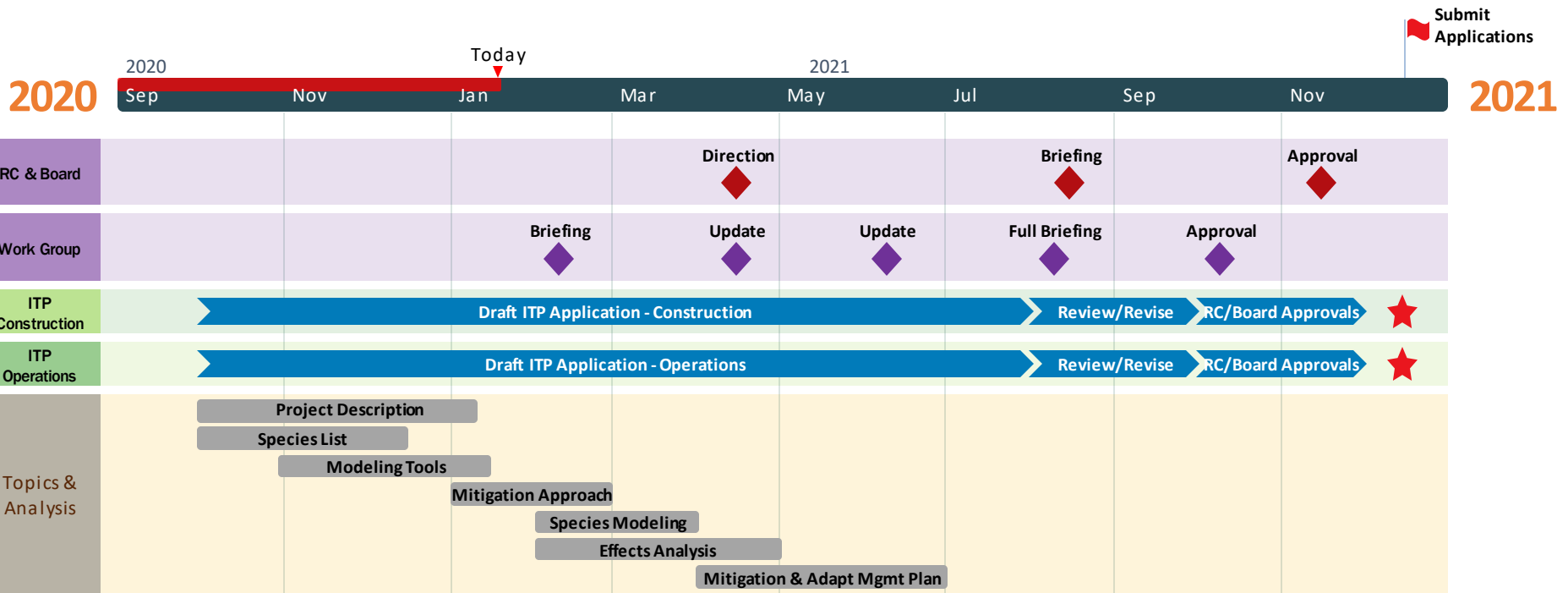
- Key components of the Incidental Take Permit (ITP) Application include:
  - Listed species take analysis:
    - Impacts of the proposed taking on the species
    - Whether issuance of the ITP would jeopardize the continued existence of a species
  - Measures to minimize and fully mitigate the species take impacts
  - A plan to monitor effectiveness of the proposed minimization and mitigation measures
  - A description of the funding sources for entirety of project
- Sites Authority must implement species-specific minimization and avoidance measures, and fully mitigate the impacts of the project. (Note – no “fully mitigate” standard under ESA)
- Sites Authority is consulting directly with CDFW

# CESA Permitting and ITP Process (cont.)

- In response to the ITP Application:
  - Section 2081(b) of the California Fish and Game Code allows CDFW to authorize take of a listed wildlife or plant species
  - CDFW produces an incidental take permit
  - Take is authorized for an up to number of individuals of the species
  - Requires mitigation to be funded for permit to be authorized



# Incidental Take Permit Application Process and Schedule



# ESA and CESA Species List

Listed Species	Federally Listed	State Listed	Operations	Construction
Delta smelt	✓	✓	X	
Longfin smelt		✓	X	
Winter-run Chinook	✓	✓	X	X
Spring-run Chinook	✓	✓	X	X
Steelhead	✓		X	X
Green Sturgeon	✓		X	X
Fall-run/Late Fall-run Chinook**			X	X
Giant garter snake	✓	✓		X
Valley elderberry longhorn beetle	✓			X
Crotch and western bumblebees		✓		X
Palmate-bracted bird's beak	✓	✓		X
Western yellow-billed cuckoo	✓	✓	X*	
Swainson's hawk		✓		X
Bank swallow		✓	X*	
Tricolored blackbird		✓		X

Notes: \*Depending on downstream channel effects

\*\* Fall-run and Late-fall run Chinook not listed, consultation for the purposes of Essential Fish Habitat under the Magnuson-Stevens Fishery Conservation and Management Act

# Biological Opinion and Incidental Take Permit

## Challenge: Lack of Property Access

- How to address lack of property access
  - Terrestrial species predictive models
  - Impact assessment/mitigation measures in permits based on models and assumptions
  - Ground truthing and surveys when property access is granted
  - Amend permits based on refined mapping and species surveys

The biological assessment and ITP application will outline this process and frontload it into the permits.

# Next Steps

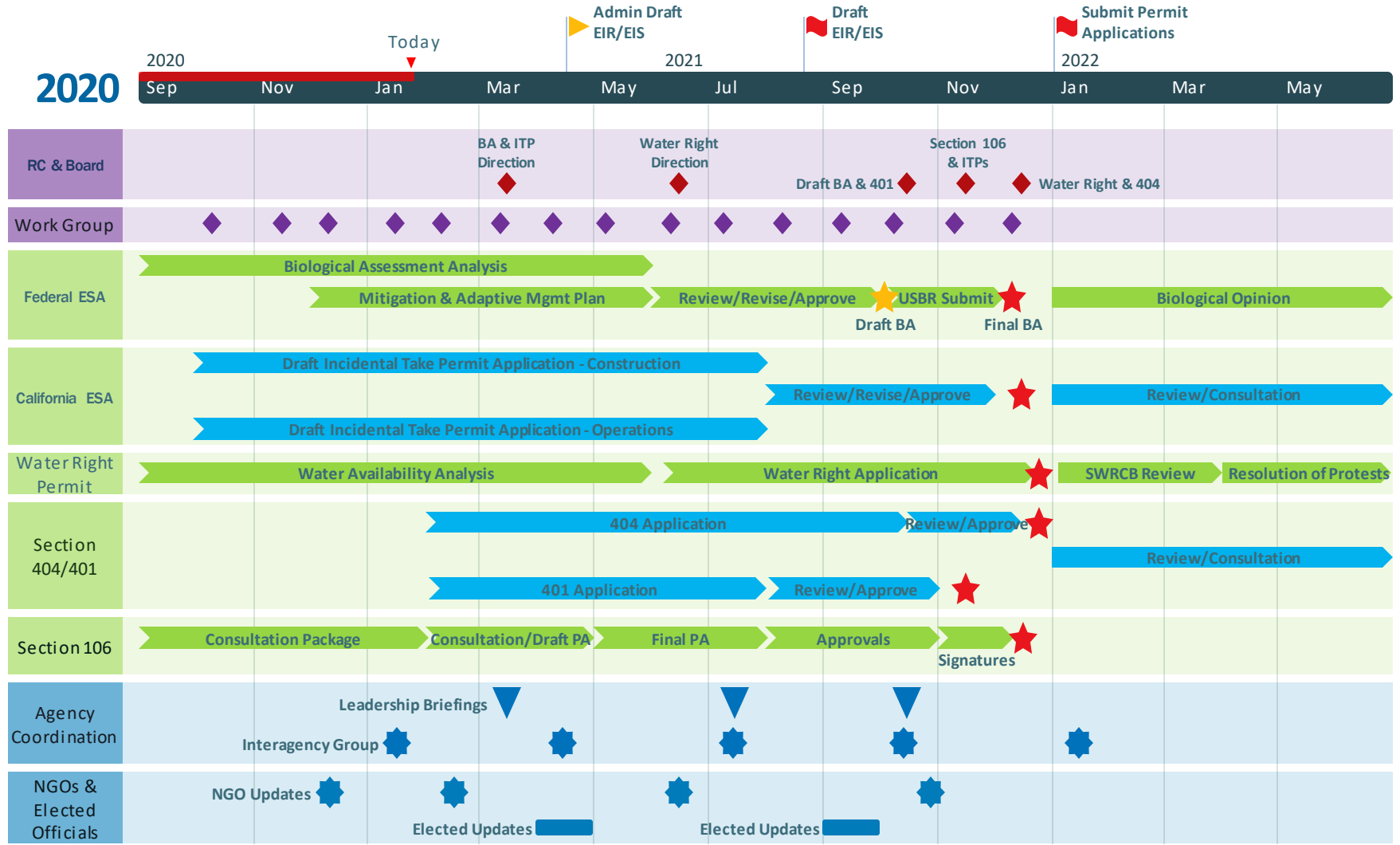
- Coordinate with Reclamation, USFWS, NMFS, and CDFW during preparation of the BA and ITP applications
- Preliminary discussions have indicated that the agencies are open to the general approach for species models and stepwise approach
- Complete joint NMFS/USFWS BA for submittal to Reclamation in October 2021
- Complete construction and operations ITP applications for CDFW in December 2021

# Schedule and Dashboard Update

# Schedule Update

2020

2022








# Dashboard Update

## Key

- Prepared:** Internal work by team
- Presented:** Provided to agencies for review
- Reviewed:** Reviewed and discussed with agencies
- Revised:** Agency comments considered and addressed
- Resolved:** Agency issues/concerns discussed and resolved
- Deferred:** Deferred to further negotiations after application
- Confirmed:** Agencies have confirmed acceptance/agreement





- Complete** Activity completed
- In Progress** Activity in progress
- Challenge** Team and agencies discussing how to resolve issues
- Roadblock** Significant issues slowing progress; escalation may be needed

Permit	Summary Status	Permit Topics/Considerations	Agreement Status with Agencies						
			Prepared	Presented	Reviewed	Revised	Resolved	Deferred	Confirmed
<b>Biological Assessment/ Biological Opinion</b>		Project Description							
		Species List							
		Terr. Species Modeling Approach							
		Aquatic Species Modeling Approach							
		Mitigation Approach							
		Species Modeling							
		Effects Analysis							
		Essential Fish Habitat Analysis							
		Construction Effects Analysis							
		Aquatic Effects Analysis							
<b>Reclamation USFWS NMFS</b>		Mitigation and Adaptive Mgmt Plan							
		Project Description							
		Species List							
		Species Modeling Approach							
		Mitigation Approach							
		Species Modeling							
		Effects Analysis							
		Mitigation and Adaptive Mgmt Plan							
		Project Description							
		Species List							
<b>Incidental Take Permit – Construction</b>		Species Modeling Approach							
		Mitigation Approach							
		Species Modeling							
		Effects Analysis							
		Mitigation and Adaptive Mgmt Plan							
		Project Description							
		Diversion Criteria							
		Modeling Approach							
		Mitigation Approach							
		Species Modeling							
<b>Incidental Take Permit – Operations</b>		Effects Analysis							
		Mitigation and Adaptive Mgmt Plan							
		Water Availability Analysis							
		Draft Water Right Application							
		Internal Review/Revise							
		Submit Water Right Application							
		Water Availability Analysis							
		Draft Water Right Application							
		Internal Review/Revise							
		Submit Water Right Application							
<b>Water Right Permit</b>									

# Dashboard Update

<b>Prepared:</b>	Internal work by team	<b>Complete</b>	Activity completed						
<b>Presented:</b>	Provided to agencies for review	<b>In Process</b>	Activity in progress						
<b>Reviewed:</b>	Reviewed and discussed with agencies	<b>Challenge</b>	Team and agencies discussing how to resolve issues						
<b>Revised:</b>	Agency comments considered and addressed	<b>Roadblock</b>	Significant issues slowing progress; escalation may be needed						
<b>Resolved:</b>	Agency issues/concerns discussed and resolved								
<b>Deferred:</b>	Deferred to further negotiations after application								
<b>Confirmed:</b>	Agencies have confirmed acceptance/agreement								

Permit	Summary Status	Permit Topics/Considerations	Agreement Status with Agencies						
			Prepared	Presented	Reviewed	Revised	Resolved	Deferred	Confirmed
Clean Water Act - Section 404		Desktop Wetland Delineation							
		LEDPA* Analysis							
		404 Permit Application							
		Compensatory Mitigation Plan							
		Internal Review/Revise							
USACOE		Approve/Submit 404 Application							
Clean Water Act - Section 401		Pre-Application Meeting							
		Draft 401 Application							
		Review/Revise							
		Approve/ Submit							
Section 106 Consultation		Consultation Information Package							
		Phased Identification Work Plan							
		Draft Programmatic Agreement							
		Consultations							
		Final Programmatic Agreement							
Reclamation SHPO Tribes		Reviews							
		Final PA for signature							
		Execution							
EIR/EIS		Project Description & Alternatives							
		Modeling Baseline & Approach							
		Fisheries Impacts							
		Tribal Cultural Resources							
		Terrestrial Impacts							
		Water Quality							
		Water Rights							
Reclamation & Cooperating Agencies		Cumulative Impacts & GHGs							



**Final Stretch . . .**



# Upcoming Work and Priorities – Jan/Feb

- Revised Draft EIR/Supplemental Draft EIS:
  - “Batch 1B” chapter review
  - Begin operations analysis and drafting operations-related chapters
  - Schedule and hold series of NGO focused technical discussions

# Upcoming Work and Priorities – Jan/Feb

- Permitting:
  - BA/ITP:
    - Continue construction desktop analysis
    - Begin operations analysis
    - Continue discussions on operations criteria with agencies
  - 404/401 – Continue desktop analysis and finalize desktop delineation; final prep for pre-application meeting; initiate discussions with State Board
  - Section 106 PA – Prepare consultation information package
  - Water Rights – Begin Water Availability Analysis; initiate discussions with State Board staff on approach and key parameters

# Timing of Next Meeting

- Next meeting – Target week of March 8
  - Topics –
    - BA/ITP – Initial Findings and Mitigation, Construction
    - BA/ITP – Initial Findings and Mitigation, Operations
    - EIR/EIS Batch 1B Chapter Update and Findings

**Thank you!**

