

Ad-Hoc Environmental Planning and Permitting Work Group

April 14, 2021



Agenda

- Permitting
 - Update on Key Permits
- Revised Draft EIR/Supplemental Draft EIS
 - Part 1 EIR/EIS Briefing
 - NGO Group Meetings
- Schedule and Dashboard Update
- Upcoming Priorities and Timing of Next Meeting

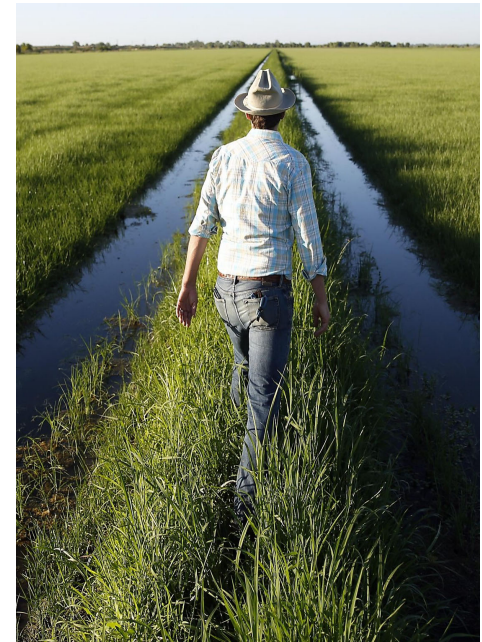
Permitting

Discussion Goals

- Update on key permits
 - Major activities that have occurred
 - Status vs workplan expectations
 - Upcoming actions

Current Status Water Right

- Coordination with SWRCB ongoing
- Third meeting next week
- Continue discussions on application approach and contents
 - Finalize Points of Diversion
 - Finalize Points of Rediversion
 - Review operations modeling
 - Water Availability Analysis
 - Mapping requirements

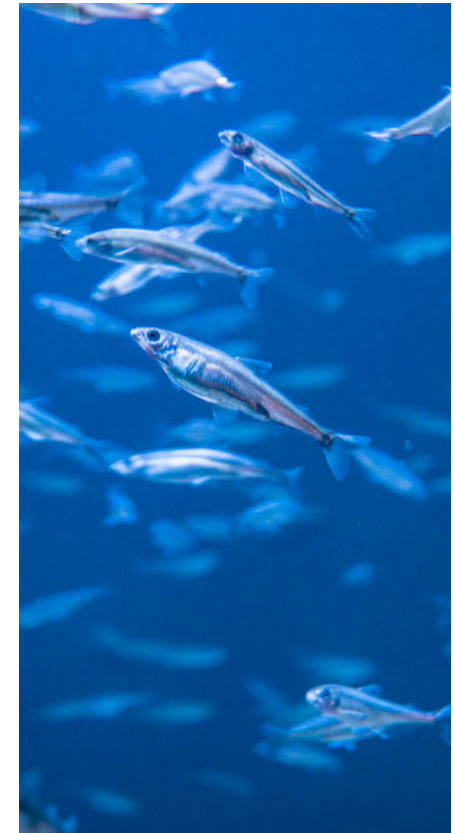


Water Right Upcoming Activities

- Continue preparation of water right application
 - Assignment for A025517 and request for release of priority for A025513 and A025514
 - Review operational models
 - Complete Water Availability Analysis
- Legal review of draft application
 - September
- Authority review of draft application
 - Early November
- Authority approval of water right application
 - Late November
- Submit application
 - December

Current Status ESA BA

- Terrestrial species models completed
- Aquatic and terrestrial effects analysis continuing
- Landcover mapping completed
- Mitigation and Adaptive Management Plans under development
- Ongoing meetings with Reclamation
- Agency Workshops continuing



ESA BA Upcoming Activities

- Continue drafting effects analysis
- Advance Mitigation Plan and Adaptive Management Plan
- Continued coordination with Reclamation on analysis
- Reclamation to initiate formal ESA consultation
- Independent review of BA
 - Early August
- Authority, Reclamation, Legal review of Draft BA
 - Early August
- Authority approval of BA
 - October
- Submit BA to Reclamation
 - Late October

Current Status CESA ITP

- Terrestrial species models completed and agreed to by CDFW
- Landcover mapping completed
- Drafting of Operation and Construction ITPs continues
- Mitigation and Adaptive Management Plans under development
- Agency workshops being planned



CESA ITP Upcoming Activities

- Continue drafting ITPs
- Advance Mitigation Plan and Adaptive Management Plan
- Continue coordination with CDFW on analysis
- Authority and Legal review of Draft ITPs
 - Early September
- Authority approval of ITP Applications
 - Early December
- Submit Application Packages to CDFW
 - Late December

2017 vs 2021 Listed Terrestrial Species

Listed Species	Affected in 2017	Affected in 2021
Keck's checker-mallow	✓	✓
Palmate-bracted bird's beak	✓	✓
Vernal pool crustaceans	✓	✓
Valley elderberry longhorn beetle	✓	✓
California red-legged frog	✓	✓
Giant garter snake	✓	✓
Tricolored blackbird	✓	✓
Swainson's hawk	✓	✓
Western yellow-billed cuckoo	✓	TBD
Bank swallow	✓	TBD
Crotch and western bumblebees*		✓

Notes: *Not listed in 2017

2017 vs 2021 Listed Fish Species

Listed Species	Affected in 2017	Affected in 2021
Delta smelt	✓	✓
Longfin smelt	✓	✓
Green Sturgeon	✓	✓
Steelhead	✓	✓
Fall-run/Late Fall-run Chinook	**	**
Spring-run Chinook	✓	✓
Winter-run Chinook	✓	✓

Notes: *Not listed not listed, ESA consultation for the purposes of Essential Fish Habitat

Current Status Section 106

- Authority provided Reclamation and USACE a draft Programmatic Agreement (PA)
- Authority provided Reclamation Section 106 initiation package
- Reclamation sent Section 106 consultation letters to Native American tribes on 4/5/21
- Biweekly Section 106 work group meetings are ongoing with Reclamation and USACE staff



Image of the inside of a restaurant near Maxwell, California, ca. 1927
Source: Sacramento Valley Museum.

Section 106 Upcoming Activities

- Reclamation to initiate Section 106 consultation with SHPO and other interested parties
- Authority to assist Reclamation with Section 106 consultation meetings with consulting parties
- Consulting parties to develop working draft PA – Reclamation to lead this effort
- Authority review of Draft PA
 - Late Summer/Early Fall 2021
- Authority review of Final PA
 - December 2021

Current Status 404

- Pre-Application meeting completed
- Desktop wetland delineation analysis submitted to USACE
- Developing Draft 404 Application
 - Alternatives and LEDPA analysis
 - Impact calculations
 - Compensatory mitigation plan
- Monthly 404 agency meetings
 - USACE
 - SWRCB and RWQCB

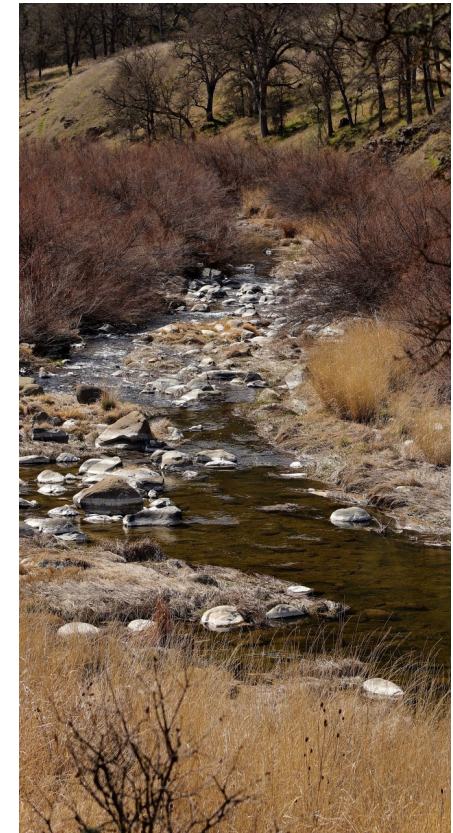


Section 404 Upcoming Activities

- Coordinate with USACE on field verification methodology and timing
- Preliminary Wetland Delineation Acceptance
- Prepare draft 404 Application and Compensatory Mitigation Plan
- Continued agency coordination USACE, SWRCB and RWQCB
- Authority review of Draft 404 Application
 - November
- Authority approve and submit 404 Application
 - December

Current Status 401

- Pre-Filing meeting completed
 - Will not accept 401 application until Final CEQA completed
 - Will accept “Pre-Application Packet” in 2021 for review and comment
- Desktop wetland delineation for ready for submittal
- Board staff attending workshops
- Next meeting being scheduled for late April



Section 401 Upcoming Activities

- Coordinate with RWQCB and SWRCB
 - Delineation
 - Pre-Application contents
 - USACE input and joint 404/401 meetings
- Prepare Draft 401 Pre-Application
- Authority Review of Draft 401 Pre-Application
 - Late August
- Authority approval 401 Pre-Application
 - November
- Submit 401 Pre-Application to SWRCB
 - December

Permitting: Workplan Status Review

Deliverable	Start Date	End Date	Targeted Status as of 8/1/21	Targeted Status as of 12/31/21	Status as of 4/14/21
Water Right Application Advanced	1-Sep-20	31-Dec-21	Water Availability Analysis Complete	Internal draft application completion within 14 days	On Schedule
Biological Assessment	1-Oct-20	1-Oct-21	Reclamation submits BA to USFWS/NMFS	Complete	On Schedule
ITP – Section 2081 Permit	1-Sep-20	31-Dec-21	Draft ITP Applications completion within 30 days	Complete	On Schedule
Section 106 Programmatic Agreement	1-Sep-20	31-Dec-21	Programmatic Agreement in final review	Complete	On Schedule
Clean Water Act 404 Application	1-Sep-20	31-Dec-21	Delineation and Mitigation Plan Complete	Complete	On Schedule
Clean Water Act 401 Application	1-Sep-20	31-Dec-21	Delineation and Mitigation Plan Complete	Complete	On Schedule of Pre-Application Submittal 2021

Revised Draft EIR/ Supplemental Draft EIS

Discussion Goals

- CEQA Overview Briefing for RC and AB
 - Get your feedback on content and level of detail of the briefing
- NGO Group meeting updates
 - Provide status on meetings
 - Get your feedback on progress

CEQA Overview Briefing

Ali Forsythe / Laurie Warner Herson



Process for Approval of Release of the Supplemental Draft EIR

- April – Part 1 Overview
 - CEQA overview and process presentation
- May – Part 2, Key Sections
 - Construction-Related Sections, Local Issues, Growth Inducement
- June – Part 3, Key Sections
 - Operations-Related Section and Cumulative
- July – Request approval
 - Request approval from the Reservoir Committee and Authority Board for release of the public RDEIR in August
- August 2021 - Release of RDEIR
 - Schedule assumes parallel review and release of SDEIS as joint document

Part 1 Overview Presentation for Reservoir Committee and Authority Board

- Overview

- CEQA, What is it?
- When does CEQA apply?
- Agency roles under CEQA
- Determination of impacts
- Types of CEQA documents
- EIR process
- CEQA process leading to a decision

***See draft RC/AB
Presentation
at the end of this
presentation

- Introductory Chapter Update

- NGO Meeting Update

CEQA Overview Briefing for RC and AB

- Is the level of detail appropriate for the Reservoir Committee and Authority Board meetings?
- Other CEQA overview items we should discuss in the April briefing?

NGO Group Meeting Updates

Ali Forsythe



Recent Outreach to NGOs

- Conducted General Workshops in December
 - Workshop 1 – December 14, 2020
 - Workshop 2 –December 16, 2020
- Conducted Survey
 - In January 2021, workshop participants were asked to participate in an online survey to identify topics to be addressed in technical small group meetings
- Formed 6 Technical Small Groups
 - More focused, technical discussions
 - Small groups were formed based on survey responses and workshops questions

Technical Small Group Status

Technical Small Group	Key Topics Areas (examples, not intended to be all inclusive)	Meetings	Status
Fisheries Protections and Effects	<ol style="list-style-type: none"> 1. Diversion criteria, bypass flows, minimum flows 2. Modeling approach, including baseline 3. Fisheries effects (Sacramento River and Delta) 4. Temperature of releases 5. Sites Operations Plan 6. Other topics as identified by the group 	Currently scheduling first meeting	Currently scheduling first meeting
Project Benefits - Proposition 1 - WSIP Benefits	<ol style="list-style-type: none"> 1. Timing, amount, and target species/activities 2. Management of benefit water 3. Ensuring benefits are realized 4. Other topics as identified by the group 	March 11 and March 24	Completed
Terrestrial Species Effects	<ol style="list-style-type: none"> 1. Impacts (species and acres) 2. Mitigation approach 3. Other topics as identified by the group 	March 26	Scheduling follow on meeting

Technical Small Group Status

Technical Small Group	Key Topics Areas (examples, not intended to be all inclusive)	Meetings	Status
Trinity River Effects	<ol style="list-style-type: none"> 1. CalSim modeling for the Trinity River 2. Next Steps for Trinity River considerations 3. Other topics as identified by the group 	March 22	Scheduling follow on meeting
Water Quality	<ol style="list-style-type: none"> 1. Source water quality (Sacramento River and local watersheds) 2. Reservoir water quality 3. Release water quality 4. Salt seepage in reservoir 5. Other topics as identified by the group 	April 7	Scheduling follow on meeting
Water Rights	<ol style="list-style-type: none"> 1. Water right approach and key application parameters 2. Water right schedule 3. Other topics as identified by the group 	February 23 and March 23	Completed – Follow up in August timeframe

Key Areas of Feedback and Questions to Date

- Reclamation level of participation
 - How will Reclamation determine its preferred alternative
 - Potential for CVP water to be stored in Sites Reservoir
- Potential for Trinity River impacts
 - Consideration of the Humboldt County 1959 contract in the modeling and cumulative
 - Need for assurances/protection for the Trinity River system and Trinity River resources
- Request to expand Tribal consultation
- Need to consider area of origin water rights along with potential future instream flow requirements from the State Board and how those might affect the Project
- Changes to Prop 1 benefits allocation and amounts as a result of the final CWC award and due to changes to project
- Project flood control benefits and design considerations

Key Areas of Feedback and Questions to Date (cont.)

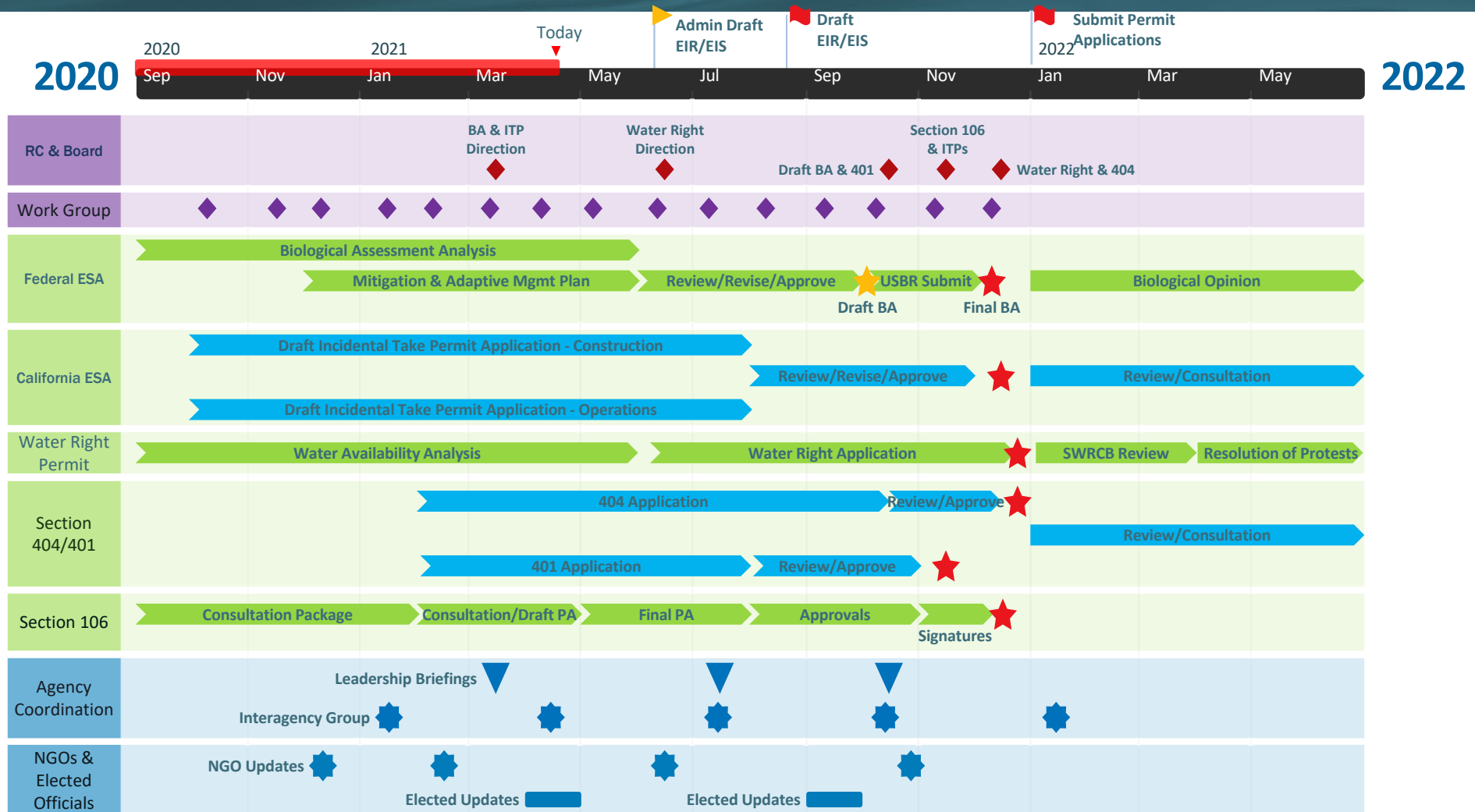
- Lack of recent habitat and species surveys due to lack of property access
- Comparison of giant garter snake impacts from 2017 to 2021
- Gray Lodge Biological Opinion giant garter snake measures should be reviewed and considered for the Project
- Consider Sutter Buttes Land Trust for mitigation opportunities
- Water quality data is limited and may not have been collected during higher flow conditions when the Project would be diverting water
- Water quality analysis should be considering the higher concentrations and not using averages
- Mercury and arsenic could be important considerations for rice farmers and wildlife use of rice fields

Next Steps

- Follow on meetings being scheduled
 - Trinity River
 - Terrestrial Biological Resources
 - Water Quality Considerations
- First meeting being scheduled for Fishery Protections and Effects

Schedule and Dashboard Update






Schedule Update



Dashboard Update

- 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 Process** 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
Biological Assessment/ Biological Opinion		Project Description	Complete	Complete	Challenge				
		Species List	Complete	Complete	Complete	Complete	Complete	Complete	Complete
		Terr. Species Modeling Approach	Complete	Complete	Complete	Complete			
		Aquatic Species Modeling Approach	Complete	Complete	Complete				
		Mitigation Approach	Complete						
		Species Modeling	Complete	Complete	Complete	Complete			
		Effects Analysis	Complete						
		Essential Fish Habitat Analysis	Complete						
		Construction Effects Analysis	Complete						
		Aquatic Effects Analysis	Complete						
Mitigation and Adaptive Mgmt Plan	Complete								
Reclamation USFWS NMFS		Project Description	Complete	Complete	Complete				
		Species List	Complete	Complete	Complete	Complete	Complete	Complete	Complete
		Species Modeling Approach	Complete	Complete	Complete	Complete			
		Mitigation Approach	Complete						
		Species Modeling	Complete						
		Effects Analysis	Complete						
		Mitigation and Adaptive Mgmt Plan	Complete						
Incidental Take Permit – Construction		Project Description	Complete	Complete	Complete				
		Species List	Complete	Complete	Complete	Complete	Complete	Complete	Complete
		Species Modeling Approach	Complete	Complete	Complete	Complete			
		Mitigation Approach	Complete						
		Species Modeling	Complete						
		Effects Analysis	Complete						
		Mitigation and Adaptive Mgmt Plan	Complete						
Incidental Take Permit – Operations		Project Description	Complete	Complete	Challenge				
		Diversion Criteria	Complete	Complete	Complete				
		Modeling Approach	Complete	Complete	Complete				
		Mitigation Approach	Complete						
		Species Modeling	Complete	Complete	Complete	Complete			
		Effects Analysis	Complete						
		Mitigation and Adaptive Mgmt Plan	Complete						
Water Right Permit		Water Availability Analysis	Complete						
		Draft Water Right Application	Complete						
		Internal Review/Revise							
		Submit Water Right Application							

Dashboard Update

Key

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

Upcoming Permitting Work and Priorities – April/May

- BA/ITP:
 - Continue construction desktop analysis
 - Continue operations analysis
 - Continue discussions on operations criteria and effects to species with agencies
- 404/401 – Continue discussions with USACE and State Board on delineation, permit approach, and coordination of activities
- Section 106 PA – Reclamation to initiate consultation with SHPO; prepare draft PA with Reclamation
- Water Rights – Continue Water Availability Analysis; continue discussions with State Board staff on approach and key parameters

Upcoming RDEIR/SDEIS Work and Priorities – April/May

- Continue NGO meetings
- Continue operations analysis and drafting operations-related chapters
- Continue development of entire Admin Draft RDEIR/SDEIS

Timing of Next Meeting

- Next meeting – May 17 from 10am-12pm
 - Topics –
 - EIR/EIS – Document Overview Part 2, local and construction-related impacts
 - Permitting –
 - BA/ITP Construction Impacts overview
 - Water right application detailed update
 - Mitigation cost estimate
- June meeting scheduled: June 7th 10am-12pm

Thank you!





CEQA Overview Briefing for Reservoir Committee and Authority Board

Ali Forsythe and Laurie Warner-Herson



CEQA – What is it?

- CEQA is intended to provide decision makers and the public with information about a proposed project's **significant** effects on the environment and to:
 - Prevent significant, avoidable damage to the environment
 - Foster informed public decision making
 - Ensure transparency in governmental decision-making process
 - Encourage public participation
- CEQA Statutes (PRC § 21000) and Guidelines (CCR § 15000)
 - Periodically modified by Legislature
 - Interpreted by the Courts
- CEQA is a Process - Not a Permit

When Does CEQA Apply?

- California governmental agencies
- Discretionary approvals by an agency
 - Discretionary: “exercise of judgment or deliberation when the public agency or body decides to approve or disapprove a particular activity, as distinguished from situations where the public agency or body merely has to determine whether there has been conformity with applicable statutes, ordinances or regulations.”
- Applies to “projects”
 - An activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment
 - The activity approved by the public agency, not each individual permit or approval

Agency Roles under CEQA

- Lead Agency
 - Principle responsibility for carrying out or approving a project
 - Prepares CEQA document: Notice of Exemption, Negative Declaration, Environmental Impact Report (EIR)
- Responsible Agency
 - Discretionary approval authority over project
 - Typically relies on the CEQA document prepared by the Lead Agency
- Trustee Agency
 - State Agency with jurisdiction by law over natural resources held in trust for the people of California

Determination of Impacts

- Agency must consider direct and indirect effects
- Impacts determined by comparison to baseline physical conditions
- Impact determinations:
 - No impact – No change
 - Less-than-significant impact – No substantial adverse change
 - Less than significant with mitigation – Implementation of one or more mitigation measures would reduce the impact to a less-than-significant level
 - Significant and unavoidable impact – A potentially substantial adverse change in the physical conditions of the environment would result AND mitigation is not feasible or would not reduce impact to less than significant

Types of CEQA Documents

- Exemption
 - Statutory and Categorical Exemptions identified in CEQA Guidelines
 - Generally common activities that typically have no significant impacts associated with them
- Negative Declaration / Mitigated Negative Declaration
 - Projects with no significant impacts or all impacts can be mitigated to less than significant
- EIR
 - Prepared for projects that may or will have significant impacts that cannot be mitigated to less than significant

Environmental Impact Report Process

Typical EIR Process

Issue Notice of Preparation

Conduct Scoping

Prepare Draft EIR

Public and Agency Review

Prepare Final EIR

Review by Commenting Agencies

Authority Decision

Prepare Findings, Statement of
Overriding Considerations, and
Mitigation Monitoring Plan

File Notice of Determination

Sites Reservoir Project EIR Process

Issue Notice of Preparation

Conduct Scoping

Prepare Draft EIR

Public and Agency Review

Prepare and Recirculate Revised Draft EIR

Public and Agency Review

Prepare Final EIR

Review by Commenting Agencies

Authority Decision

Prepare Findings, Statement of Overriding
Considerations, and Mitigation Monitoring Plan

File Notice of Determination

CEQA Process Leading to Decision

- Ongoing - Administrative RDEIR/SDEIS chapters and appendices currently being prepared
- May 2021 - All Administrative RDEIR/SDEIS chapters to be submitted to Authority in May
- June 2021 - Review by Authority and Reclamation
 - Select Chapters to CEQA Responsible and NEPA Cooperating Agencies for review
- July 2021 - Request approval from the Reservoir Committee and Authority Board for release of the public RDEIR in August
- August 2021 - Release of RDEIR
 - Schedule assumes parallel review and release of SDEIS as joint document
- June/July 2022 – Final EIR and NOD