

Ad-Hoc Environmental Planning and Permitting Work Group

August 16, 2021



Agenda

- Action Items from the Previous Meeting
- Revised Draft EIR/Supplemental Draft EIS
 - Update on Public Release
 - Public Review Process and Schedule
- Permitting
 - Admin Draft Biological Assessment Update
 - Bald and Golden Eagle Permit Approach
- Schedule and Dashboard Update
- Upcoming Priorities and Timing of Next Meeting

Action Items

Ali Forsythe

Action Items from Previous Meeting

- Carried Forward:

1. Develop a budget for anticipated legal costs.
 - Will discuss as part of Amendment 3 approach
2. Set up meeting to discuss Sites' effects on Oroville and Folsom recreation and discuss feedback from state project non-participants regarding their concerns. Meeting would be Jeff Davis, Rob Kunde and Ali.
 - Not yet scheduled

- New As of July Meeting:

1. Unimpaired Flows Analysis – provide an overview of assumptions and results once completed
2. Ensure Reservoir Committee and Authority Board is aware of the net zero GHG assumption/mitigation in the RDEIR/SDEIS

RDEIR/SDEIS

Ali Forsythe / Laurie Warner Herson

Discussion Goals

- RDEIR/SDEIS Public Release Update
- Public Review Process

RDEIR/SDEIS Status Update

- Development of RDEIR/SDEIS Largely Complete
 - All but Chapter 11, Aquatic Resources and associated appendices uploaded for Reclamation Regional Management review July 23
 - Ongoing coordination and review of Chapter 11 and associated appendices with CDFW and Reclamation is expected to result in some changes
 - Reclamation Regional Management review will start when changes are complete

Public Outreach and Review

- Planning for release and 60-day public review is ongoing in coordination with Reclamation
- A number of notices are in development:
 - Required CEQA and NEPA notices
 - Joint Authority/Reclamation press release
 - Postcard mailers, e-blasts and newspapers ads
- Other written materials include:
 - Fact sheet, community guide and FAQ
 - Executive Summary, press release, and fact sheet will be translated to Spanish
- Public Meetings
 - 2 virtual meetings; 1 during day, 1 in evening
 - 1 in-person meeting in Maxwell

Process for Approval of Release of the Revised Draft EIR

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

Permitting

John Spranza/ Ellen Berryman/ Monique Briard

Discussion Goals

- Working to wrap up the Biological Assessment
- Update on current terrestrial species findings

ESA Quick Reminder and Status

Biological Assessment

- Authority & Reclamation prepare
- Covers both construction and operations (terrestrial and aquatic)

Reclamation Submits BA to USFWS and NMFS

- Reclamation has final review and approval
- Submitted under Reclamation Letterhead

Biological Opinions

- One from USFWS
 - Terrestrial and Delta Smelt
- One from NMFS
 - Anadromous Fish

- Admin Draft BA currently in review by Authority, Reclamation, Legal
- Today will focus on terrestrial species

Federally Listed Plants

- Keck's Checkermallow
- Palmate-bracted Bird's Beak
- Admin Draft BA Findings:
 - Not seen during 1998/99 and 2000/03 surveys
 - Modeled habitat is extensive (10,180 and 217 acres, respectively)
 - Extremely rare, difficult to mitigate if present
 - Not practical to assume all modeled habitat is occupied



Keck's
Calscape –
2010 Chris
Winchell



Palmate
Calscape –
2008 Chris
Winchell

Federally Listed Plants

- Admin Draft BA Approach:
 - “Not likely to adversely affect”
 - Surveys required
 - Re-initiation of consultation if found
- Risks and Risk Management:
 - If species is found, delays could result
 - Minimize risk of delays by surveying early, if possible, and looking for mitigation options early

Vernal Pool Crustaceans

- Conservancy fairy shrimp
- Vernal pool fairy shrimp
- Vernal pool tadpole shrimp
- Admin Draft BA Findings:
 - Estimated direct impacts on 365 acres, indirect impacts on 120 acres



Conservancy FS
FWS

Vernal pool FS
FWS



Vernal pool
tadpole
Shrimp
CalPhotos

Vernal Pool Crustaceans

- Admin Draft BA Approach
 - Prior to construction:
 - Ground truth habitat mapping
 - Protocol surveys in suitable habitat
 - Mitigate only for impacts on occupied vernal pools
- Risks and Risk Management
 - Drought could lead to unsuitable survey conditions
 - Get FWS agreement prior to surveys
 - Dry season surveys (to genus only)
 - Could assume presence as worst-case scenario for areas that can not be surveyed adequately and need to begin construction prior to confirming presence/absence.

Valley Elderberry Longhorn Beetle

- Admin Draft BA Findings
 - 13,535 acres of modeled habitat affected
 - Highly conservative overestimate of suitable habitat in project area
 - Includes grasslands, oak woodland/savanna and riparian
 - Much may not contain any elderberry bushes



Valley Elderberry Longhorn Beetle

- Admin Draft BA Approach
 - Assume no more than 59 acres occupied habitat including up to 250 elderberry shrubs
 - DWR surveys only found 672 stems with only 18 emergence holes in 1998-99
 - Surveys prior to construction to verify presence/absence and refine required mitigation
- Risks and Risk Management
 - Could be project delays if impacts exceed estimates
 - Conservative estimate, so risk of underestimation of effect is fairly low

California Red-Legged Frog

- Admin Draft BA Findings
 - Permanent impact on 287 acres of modeled aquatic and 6,765 acres of modeled upland habitat
 - Funks Reservoir removed
 - Temporary impact on 17 acres modeled aquatic and 367 acres modeled upland habitat
- Highly Conservative Estimate
 - Includes intermittent drainages where suitable habitat may not be present
 - Areas identified as suitable may not be occupied: no effect



California Red-Legged Frog

- Admin Draft BA Approach:
 - Refine suitable habitat with USFWS and Reclamation (complete)
 - Prior to construction:
 - Ground truth habitat mapping
 - Protocol surveys in suitable habitat
 - Mitigate only for occupied aquatic habitat and uplands within 300 feet as determined by surveys
- Risks and Risk Management
 - Only survey area of direct and indirect effects
 - Could be difficult finding sufficient mitigation
 - Survey sites as early as possible to reduce mitigation requirements

Giant Garter Snake

- Admin Draft BA Findings
 - Permanent impact on 2 acres modeled aquatic and 27 acres of modeled upland habitat
 - Temporary impacts on 21 acres of modeled aquatic and 16 acres of modeled upland habitat
 - Reduced from Alt D effects



Giant Garter Snake

- Admin Draft BA Approach:
 - Ground truthing prior to construction to refine habitat mapping
 - Implement avoidance and minimization measures to reduce effects
 - Mitigate at bank or equivalent
- Risks and Risk Management
 - Very standard approach for this species, reduces and manages risks to project

Next Steps and Upcoming Activities

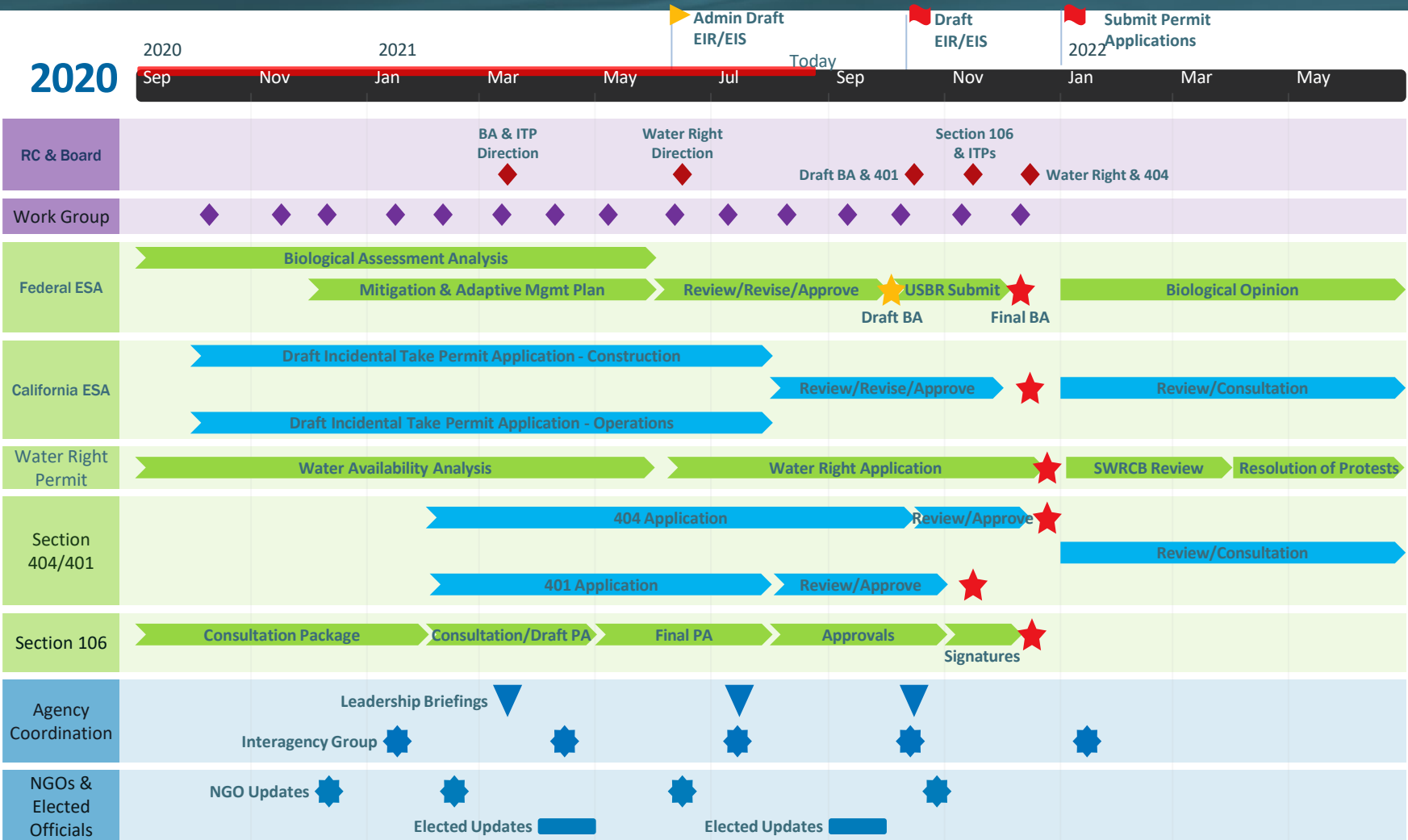
- Resolve Reclamation's role as lead for the operations consultation under Section 7
- Review agency, legal and independent review comments on Admin Draft BA
- Reconcile and revise Admin Draft BA with comments as warranted
 - Include any updates to jointly listed species per CDFW 60-day meetings
- Reclamation and NMFS review Draft BA
- Revise Draft BA per comments received
- Authority approval to formally submit BA to Reclamation (October)

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 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 Reclamation USFWS NMFS		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							
Incidental Take Permit – Construction CDFW		Project Description							
		Species List							
		Species Modeling Approach							
		Mitigation Approach							
		Species Modeling							
		Effects Analysis							
		Mitigation and Adaptive Mgmt Plan							
		Project Description							
		Diversion Criteria							
Modeling Approach									
Incidental Take Permit – Operations CDFW		Mitigation Approach							
		Species Modeling							
		Effects Analysis							
		Mitigation and Adaptive Mgmt Plan							
		Water Availability Analysis							
Water Right Permit SWRCB		Draft Water Right Application							
		Internal Review/Revise							
		Submit Water Right Application							

Dashboard Update

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Clean Water Act - Section 404 USACOE		Desktop Wetland Delineation							
		Pre-Application Meeting							
		LEDPA* Analysis							
		404 Permit Application							
		Compensatory Mitigation Plan							
		Internal Review/Revise							
		Approve/Submit 404 Application							
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							

* LEDPA Least environmentally damaging practicable alternative

Upcoming RDEIR/SDEIS Work and Priorities – August/September

- Ongoing AB52 Consultation with Tribes
- Complete revisions to Chapter 11 and any related chapters
- Complete RDEIR/SDEIS and initiate Reclamation internal review process
- Release RDEIR/SDEIS for public review

Upcoming Permitting Work and Priorities – August/September

- BA/ITP:
 - Resolve operations ESA consultation lead with Reclamation
 - Complete Authority/Reclamation review of complete Admin Draft BA
 - Complete revisions and prepare Draft BA for final Reclamation and initial NMFS review
- 404/401 – Complete admin draft LEDPA analysis; Determine delineation approach for specific facilities
- Section 106 PA – Circulate draft PA to signatory agencies for review and host meetings to discuss
- Water Rights – Complete Water Availability Analysis; prepare admin draft water right application

Timing of Next Meeting

- Next Meeting – Date to be set for September 2021
 - Topics –
 - EIR/EIS
 - Status update
 - Permitting
 - Admin Draft Biological Assessment – Aquatic species
 - Section 106 Programmatic Agreement, Effects and Mitigation Commitments
 - Water Rights – Unimpaired Flows Analysis Overview

Thank you!

