

Ad-Hoc Environmental Planning and Permitting Work Group

September 15, 2021



Agenda

- Action Items from the Previous Meeting
- Permitting
 - Water Rights – Unimpaired Flow Analysis Update
 - Status of BA and Operations ITP
- Revised Draft EIR/Supplemental Draft EIS
 - Update on Public Release
- Schedule and Dashboard Update
- Upcoming Priorities and Timing of Next Meeting

Action Items

Ali Forsythe

Action Items from Previous Meeting

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.
 - Email on Oroville and Folsom elevation changes sent 9/13
3. Unimpaired Flows Analysis – provide an overview of assumptions and results once completed
4. Materials on previous mitigation cost estimate

Permitting

Erin Heydinger/ John Spranza/ Ali Forsythe

Discussion Goals

- Water Rights – Unimpaired Flow Analysis Update
 - Feedback and approach and messaging
- Status of BA and Operations ITP
 - Update on status

Unimpaired Flow Analysis

Erin Heydinger

Background

- The State Water Board is responsible for adopting and updating the Water Quality Control Plan for the Delta (Bay-Delta Plan)
 - Water quality
 - Flow requirements
- Proceeding in two phases:
 - Phase 1: State Board adopted lower San Joaquin flow objectives and revised Delta salinity objectives in December 2018
 - Phase 2: State Board also considering Plan amendments focused on the Sacramento River and tributaries

Background (cont.)

- The Bay-Delta Plan uses an “unimpaired flow” requirement
 - Unimpaired flow: natural water production of a river basin, unaltered by upstream diversions, storage, or by export or import of water to or from other watersheds
- Sets a percent or a range of percent unimpaired flows that must be met
- Lower San Joaquin: 40 percent unimpaired flows required from February to June from major tributaries, with an “adaptive range” of 30 to 50 percent
- 55 percent year-round starting point recommended for Sacramento River tributaries, Delta inflow, and Delta outflow

How it Would Affect Sites

- Question: what would an unimpaired flow standard on the Sites diversions mean for the Sites Project?
- Modeling team evaluated implementing this standard on Sites diversions using two methods:
 - 55 percent unimpaired required in the Sacramento Valley
 - 55 percent unimpaired required in local tributaries
- Difference in methodology is due to uncertainty in how the requirement would be implemented by the SWRCB

Limitations of Analysis

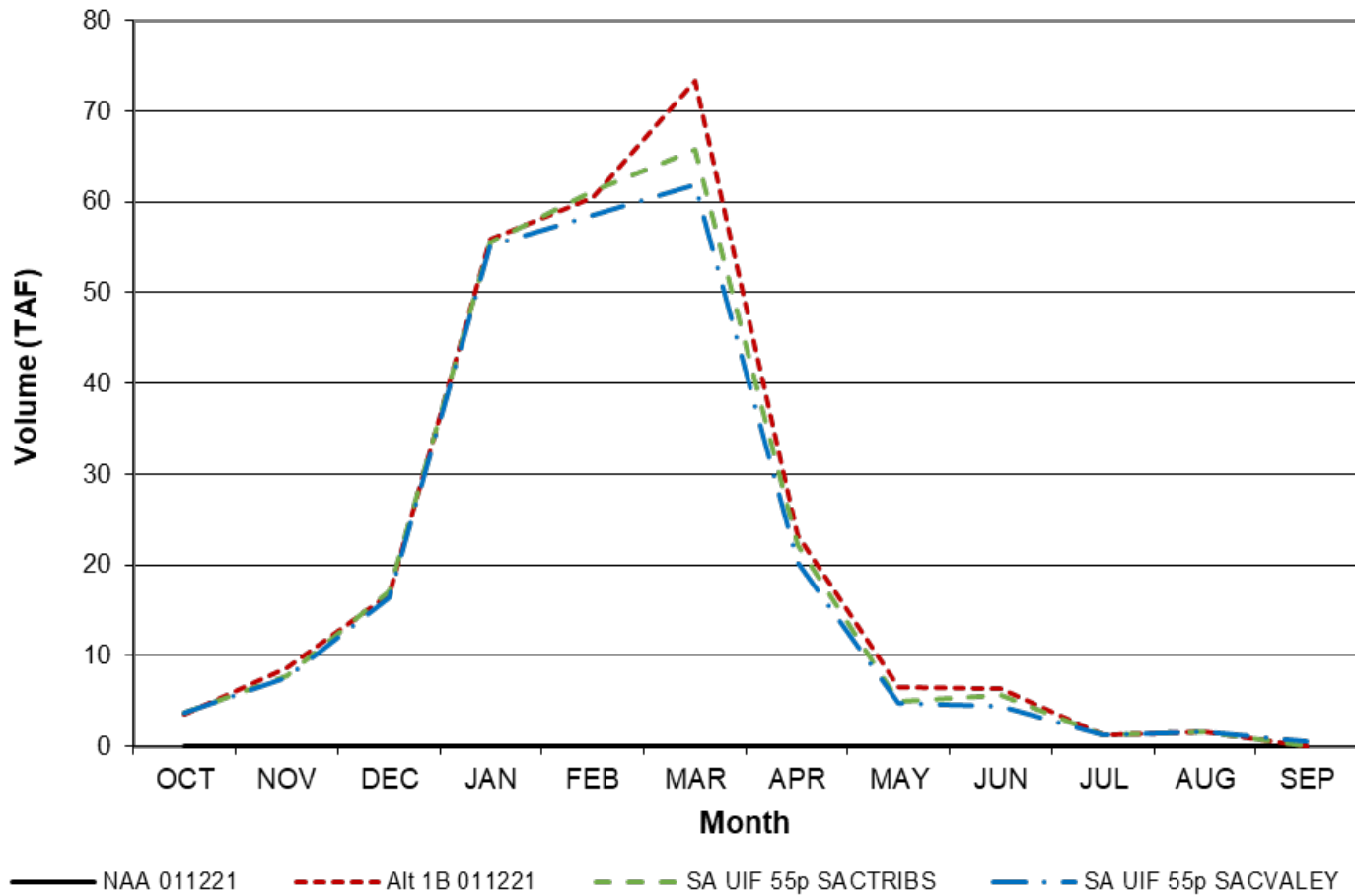
- Limitations and Caveats:
 - Analysis assumes other operations stay consistent (i.e. not meeting unimpaired flow standard)
 - State Water Project
 - Central Valley Project
 - Assumes Sites is not responsible to “meet” requirement (i.e., release water)
 - Assumes Delta conditions do not change significantly
 - Sites can only divert when the Delta is in excess
- Analysis applies State Board proposal to Sites diversions only
- Because of the limits of the analysis, we do not propose to use the unimpaired flow standard in lieu of existing diversion criteria

Results

Parameter	Water Year Type	ALT1B	ALT1B Local UIF	ALT1B Sac Valley UIF
Diversion (TAF)	Long-term	255	244 (-4%)	234 (-8%)
	Dry and Critically Dry	104	90 (-13%)	85 (-18%)
Release (TAF)	Long-term	234	224 (-4%)	214 (-8%)
	Dry and Critically Dry	404	382 (-5%)	370 (-8%)

Results

Total Sites Diversion to Fill Averages



Next Steps

- Share results with State Board staff and discuss any follow-on analysis
 - May become part of the Project's Water Availability Analysis
 - Requires input from SWRCB on how standard would be implemented
 - Potential revisions based on discussions with State Board staff
- Prepare memo describing analysis assumptions and results
 - Distribute as requested
 - NGOs have specifically asked how an unimpaired flow criteria would affect the Project

BA and ITP Update

Ali Forsythe and John Spranza

BA and ITP Status Update

- What is the status of the ITP and BA?
- What are the key changes being made?
- How are they being incorporated?
- How does that effect the Project and schedule?



Status and Key Changes

- Discussions with CDFW resulted in the following changes
 - Wilkins Slough flow bypass levels
 - Water quality concerns with Prop 1 releases into Yolo Bypass
 - Addressed via mitigation in Revised Draft EIR
- Discussion with Reclamation on ESA coverage for operations also resulted in operational changes
 - Greater coordination of operations and mutual benefits to CVP operations and/or the environment justifies Section 7 coverage
- Specifics to be discussed in Closed Session but will likely result in:
 1. Aquatic modeling being updated/revised
 2. Revision of the BA and Operations ITP permit application
 3. An approximate 3-month delay in submittal of BA and Operations ITP application

Why Make These Changes Now?

- Benefits of revising ITP and BA analysis
 - Section 7 coverage for Operations, a 5+ year timesaver
 - Greater certainty of diversion criteria, diversion/release volume and mitigation requirements
 - Reduced mitigation costs vs. current operations
- Reclamation receives greater anadromous fish benefits
 - Cold water pool management
 - Spring pulse
 - Fall stability flow
- CDFW receives a more easily permittable/defendable ITP application with reduced environmental effects

Revised Schedule

- Updated operations and diversion criteria
 - Post Oct 17 Authority/CDFW Mgt meeting
- Approximately 2 months to complete modeling
 - Initial CalSim will be available in early November
- Revision of the BA and ITP aquatic analysis using revised model output
 - Ready for review early January 2022
 - Some BA and ITP revision will run concurrently with modeling
- Mid February 2022 review by Authority/Reclamation
- Late February 2022 submittal date to CDFW and Reclamation

Next Steps and Upcoming Activities

- Finalize diversion criteria with CDFW
- Finalize revised exchange criteria with Reclamation
- Revise modeling, re-analyze effects and draft to Reclamation (BA) and CDFW (ITP)
- Review agency and legal comments on ITP and BA
- Reconcile and revise ITP and BA comments as warranted
- Authority approval to formally submit BA and Operations ITP application to Agencies (Feb 2022)

RDEIR/SDEIS

Ali Forsythe / Laurie Warner Herson

Discussion Goals

- RDEIR/SDEIS Public Release Update

RDEIR/SDEIS Status Update

- Development of RDEIR/SDEIS largely complete
- Outstanding Items
 - Ongoing coordination and review of Chapter 11 (Aquatic Biological Resources) with Reclamation
 - Changes to Chapter 2 (Project Description) to expand discussion of exchanges
- Expect to wrap these up this week or early next week
- Reclamation Regional Management review will start when changes are complete
- Target release date – mid October

Changes to CEQA Findings for Aquatic Biological Resources

- Discussions with CDFW have resulted in changes in some impact determinations in aquatic biological resources (Chapter 11)

Effect Area	Impacts Requiring Mitigation	Significant and Unavoidable Impacts
Operations Effects on Winter-Run, Spring-Run, Fall-Run/Late Fall-Run Chinook Salmon and Central Valley Steelhead	All Alts – Implement Wilkins Slough Flow Protection Criteria whereby Project diversions would not occur from March through May of all water year types if flows in the Sacramento River at Wilkins Slough are below or would be reduced below 10,700 cubic feet per second	None
Operations Effects on Delta Smelt	All Alts – Evaluate and prevent potential detrimental water temperature and dissolved oxygen effects to Delta Smelt associated with moving Colusa Basin Drain water through the Yolo Bypass by monitoring and ceasing flows through the Yolo Bypass if detrimental effects are projected to occur	None







Schedule and Dashboard Update

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

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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							

Upcoming RDEIR/SDEIS Work and Priorities – September/October

- Ongoing AB52 Consultation with Tribes
- Complete revisions to Chapter 2 and 11 along with related chapters
- Complete RDEIR/SDEIS and initiate Reclamation internal review process
- Release RDEIR/SDEIS for public review

Upcoming Permitting Work and Priorities – September/October

- BA/ITP:
 - Complete revisions to diversion criteria and begin revised fisheries analysis
- 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 – Tentatively Scheduled for October 14, 2021 (10 AM to 12 PM)
- Topics –
 - EIR/EIS
 - Status update
 - Permitting
 - Revised schedule
 - Status of activities

Thank you!

