

Ad-Hoc Environmental Planning and Permitting Work Group

October 14, 2021



Agenda

- Action Items from the Previous Meeting
- Permitting
 - Water Rights Application Update
 - CVFPB Encroachment Permit and Section 408 Update
 - Schedule
- Revised Draft EIR/Supplemental Draft EIS
 - Update on Public Release and Public Meetings
- Amendment 3 Task Order Development
- Schedule and Dashboard Update
- Upcoming Priorities and Timing of Next Meeting

Action Items

Ali Forsythe

Action Items from Previous Meeting

1. Unimpaired Flows Analysis – Apply cost/AF analysis and reflect in tech memo when developed

Permitting

John Spranza / Angela Bezzone / Monique Briard / Ali Forsythe

Discussion Goals

- Water Right Application Update
 - Water Availability Analysis
 - Place of Use, Points of Rediversion
 - Feedback on approach
- Status of CVFPB Encroachment Permit and Section 408
 - Update on status
- Permitting Schedule
 - Update on status

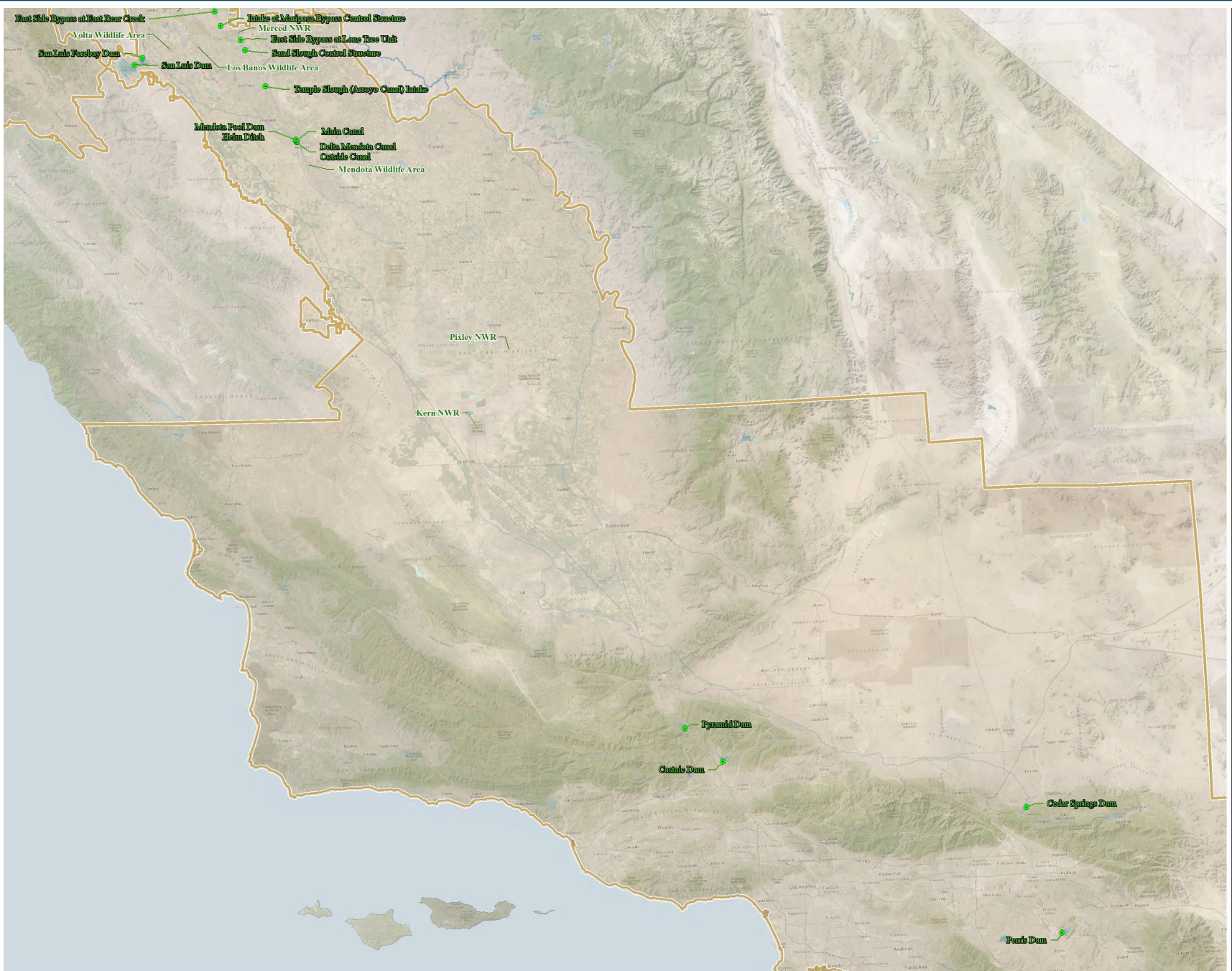
Water Rights Application Update

Angela Bezzone and John Spranza

Water Right Application Update

- Place of Use
 - Changes to North of Delta areas
- Points of Rediversion
 - Addition to include South of Delta facilities





Water Availability Analysis

Purpose

- Demonstrate a “reasonable likelihood” of water available for appropriation

Background

- Sites Project is focused on diverting high winter flows into storage for later use
- Diversion Criteria:
 - Outside the Fully Appropriated Stream season
 - Permit to include Term 91
 - Delta is in Excess Conditions
 - Specific Sites diversion/bypass criteria

Water Availability Analysis

Dual Approach

- CalSim II Modeling
 - Used for CEQA and NEPA; and refinements for the BA, ITP and Final EIR/EIS
- Historical Analytical Approach
 - Historical stream gauge data
 - Existing minimum flow requirements
 - Face value of downstream post-1914 water rights
 - Reported use for pre-1914 and riparians
 - Delta Conditions (Balanced / Excess)
 - Layer in Sites' specific bypass requirements

Water Availability Analysis

- WAA is in progress
- Initial analysis is done for Sacramento River from Red Bluff to Freeport
- Currently incorporating Delta analysis
- Next step is Funks Creek and Stone Corral Creek

CVFPB Encroachment Permit and Section 408 Update

Monique Briard



CVFPB Encroachment Permit and Section 408 Update

- Meetings held this year with the Central Valley Flood Protection Board (CVFPB) on application requirements and to identify project components that will require an encroachment permit and/or 33 USC Section 408 permission.
- Additional meetings will be scheduled in 2022 under Amendment 3 in 2022 under Amendment 3 with CVFPB and USACE once the project design has progressed to:
 - Have plan and profile views of the structures within the CVFPB jurisdiction
 - Include estimated fill materials and volumes
 - Provide the level of detail to support the requirements of a 408 Categorical Permission

Permitting Schedule Update

John Spranza



Permit Schedule Update

- Continuing revisions to diversion criteria
- Once finalized modeling will need to be updated
 - 8-12 weeks from start to finish
- State ESA Incidental Take Permit (ITP) — Operations
 - Application complete in late February/early March
- Revised Biological Assessment
 - Submittal to Reclamation late February/early March
- Water Right
 - Application complete in late January/early February
- Section 106 Consultation
 - Delayed due to Reclamation to 2022

RDEIR/SDEIS

Ali Forsythe / Laurie Warner Herson

Discussion Goals

- RDEIR/SDEIS Public Release Update

RDEIR/SDEIS Status Update

- Development of RDEIR/SDEIS complete
 - Remaining Chapter 11 (Aquatic Resources) and Chapter 2 (Project Description) issues resolved October 1
- RDEIR/SDEIS Submitted to Reclamation to start Regional Management review on October 4
 - 5-week process of review
 - Regional comments due back October 13 for revisions
 - Target for resubmittal to Reclamation on October 15
 - DC Briefings TBD
 - Federal Register Notice Target Date November 12

RDEIR/SDEIS Status Update (cont)

- 60-day Public Review Period
 - Starts November 12, 2021 and ends January 12, 2022
- Public Meetings Revisions
 - 2 virtual public meetings
 - 1 in-person community meeting (no verbal comments received)

Amendment 3 Task Order Development

Ali Forsythe / Monique Briard / John Spranza / Laurie Warner
Herson

Amendment 3 Work Plan Overview

- Approved in September
- Task Order Development in Progress
 - Key Consultants – Review in Oct; Approval in Nov
 - Remaining Consultants – Review in Nov; Approval in Dec
- Key Consultants
 - ICF
 - HDR
- Remaining Consultants
 - Perkins Coie
 - Somach, Simmons and Dunn
 - MBK

ICF Task Order

One contract agreement for both Environmental Planning and Permitting Task Order

- Finalizing the RDEIR/SDEIS in Q4 2022 is the focus for Environmental Planning Tasks
 - Response to Public Comments
 - Includes coding of comments, updating/maintaining the 2018 database, and developing responses
 - Preparation of an Admin Draft, Admin Final, and Final EIR/EIS
 - New operations modeling results updates
 - Changes to the project
 - Addressing public comments
 - Final EIR/EIS will also include the following supporting tasks
 - Distribution of the document
 - Preparation of the Mitigation, Monitoring, and Reporting Program
 - Provide support for the Findings, Statement of Overriding Considerations, and Record of Decision

ICF Task Order (cont)

- Providing Geotechnical Priority 1 Investigation support is a key component of ICF's tasks for 2022
 - Finalize and obtain permits and agreements that were started under Amendment 2 with the Regulatory Agencies
 - Conduct surveys with the Geotechnical team prior to the start of the investigations
 - Provide environmental training to all field staff
 - Provide cultural and biological monitors for field investigations in environmentally sensitive areas as required by permit agreements

ICF Task Order (cont)

- Obtaining permits needed for construction is another key component of ICF's tasks for 2022/2023
 - Finalize and obtain permits and agreements that were started under Amendment 2
 - Section 401 Water Quality Certification
 - Section 404/10 Permit (including, wetland delineation)
 - Encroachment Permit/Section 408 Permission
 - Biological Assessment/Opinion from both NMFS and USFWS
 - CDFW Incidental Take Permits for Construction and Operations
 - Programmatic Agreement finalized and signed, and Section 106 Plans developed
 - Eagle Nest Take Permit and Surveys
 - State Lands Commission permit (if needed)
 - CDFW Lake and Streambed Alteration Agreements
 - Finalize the Mitigation and Adaptive Management Plans and assist the Authority with developing approach and bids for turn-key offsite mitigation

ICF Task Order (cont)

- Additional Key Activities:
 - Develop a Survey Plan that coordinates with the land access schedule and construction priority locations
 - Begin field surveys needed for permit agreements
 - Aquatic resources delineation surveys
 - Special-status plant surveys
 - Wildlife surveys (CRLF, western burrowing owl, vernal pool branchiopods, VELB, tricolored blackbirds and raptors)
 - Stone Corral Creek and Funks Creek Flow Plan
 - Support the Authority to obtain the Water Rights permit
 - Provide technical support for the Reservoir Management Plan
 - Develop environmental training program for field staff

Integration Task Order – Planning

- Supports the preparation of the joint CEQA/NEPA documentation for the Project:
 - Work with ICF, Reclamation and Legal Counsel to develop the approach for responding to comments on the RDEIR/SDEIS
 - Work with the technical team to develop any updates to the description of alternatives to be addressed in the Final EIR/EIS and revise Appendix 2C, Construction Means and Methods, for consistency
 - Coordinate review of the draft Final EIR, Response to Comments and MMRP documents by Authority staff, Reclamation, legal counsel and technical team
 - Prepare consolidated and reconciled comments for all documents to facilitate revisions and finalization
 - Assist legal counsel in the preparation of the CEQA Statement of Overriding Considerations and Findings of Fact
 - Prepare draft and final versions of the Notice of Determination and other notices, as needed
 - Support Reclamation staff in preparing the Record of Decision
- Provide support to the Authority Agents and Executive Director and day to day coordination and management of key activities

Integration Task Order – Permitting

- Support preparation and processing of permits needed for construction and operation
 - Section 401 Water Quality Certification
 - Section 404/10 Permit (including, wetland delineation)
 - Encroachment Permit/Section 408 Permission
 - Biological Assessment/Opinion from both NMFS and USFWS
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 - CDFW Lake and Streambed Alteration Agreements
 - Water Right application and processing
 - Geotech CEQA/NEPA

Integration Task Order – Permitting

- Provide the EPP and Executive Director support for and day to day coordination and management of key activities
 - Reservoir Management Plan
 - Geotechnical biological, cultural and tribal monitoring
 - Landowner and access coordination for surveys
 - Cultural Resources Management Plan
 - Implement cultural compliance program
 - Geotechnical CEQA/NEPA
 - Geotechnical state and federal permitting
 - Mitigation Program and Adaptive Mgt Program
 - Stone Corral and Funks Creek studies
 - Ad hoc Committee, Reservoir Committee and Board meetings

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

In Process

Challenge

Roadblock

 - Activity completed
 - Activity in progress
 - Team and agencies discussing how to resolve issues
 - 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								
		Aquatic Effects Analysis								
Mitigation and Adaptive Mgmt Plan										
Incidental Take Permit – Construction CDFW	●	Project Description								
		Species List								
		Species Modeling Approach								
		Mitigation Approach								
		Species Modeling								
		Effects Analysis								
		Mitigation and Adaptive Mgmt Plan								
Incidental Take Permit – Operations CDFW	●	Project Description								
		Diversion Criteria								
		Modeling Approach								
		Mitigation Approach								
		Species Modeling								
		Effects Analysis								
		Mitigation and Adaptive Mgmt Plan								
Water Right Permit SWRCB	●	Water Availability Analysis								
		Draft Water Right Application								
		Internal Review/Revise								
		Submit Water Right Application								

Dashboard Update

Key

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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
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							
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 – October/November

- Ongoing AB52 Consultation with Tribes
- Complete Reclamation Management review process for RDEIR/SDEIS
- Release RDEIR/SDEIS for public review
- Prepare for public meetings in December

Upcoming Permitting Work and Priorities – October/November

- BA/ITP:
 - Complete revisions to diversion criteria and exchanges
 - Revise modeling reflecting revisions
- 404/401 – Complete and admin draft permit applications; 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 November 17, 2021 (1 PM to 3 PM)
- Topics –
 - EIR/EIS
 - Status Update
 - Geotech
 - Planning and Permitting approaches for:
 - TRR Early Evaluation Investigations
 - 2022-24 Investigations (Priority 1A and 1B Sites)
 - Permitting
 - State ITP Construction Permit application overview
 - 404/401 Draft Permit applications overview
 - Section 106 update

Thank you!

