

Ad-Hoc Environmental Planning and Permitting Work Group

November 17, 2021



Agenda

- Action Items from the Previous Meeting
- Permitting
 - State ITP Construction Permit Application Review
 - 404/401 Draft Permit Applications Overview
- Geotechnical Investigations, Planning and Permitting Approach
 - TRR Early Evaluation Investigations
 - 2022-2024 Investigations
- Water Right Application Update
 - Review of POU, PORs, and groundwater banking
 - Authorize ED to Sign MOU with Colusa County
- Revised Draft EIR/Supplemental Draft EIS
 - Update on Public Release and Public Meetings
- 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

Ali Forsythe / John Spranza

State ITP Construction Permit Application Review

John Spranza



CESA and Incidental Take Permits

- California Endangered Species Act (CESA) prohibits the import, export, take, possession, purchase or sale of state-listed species
- CDFW may authorize “take” of a state listed species
- In issuing an Incidental Take Permit (ITP)
 - CDFW must find, among other things, that
 - Applicant is implementing avoidance and minimization measures
 - Applicant fully mitigates their take
 - Applicant ensures adequate funding to implement measures required in the take permit
 - CDFW must also comply with CEQA
 - For Sites Project, we expected CDFW to use our environmental documents to do this
 - CDFW cannot issue a take permit for the Project until the Authority completes CEQA
- Project pursuing a Construction ITP and Operations ITP
 - Construction ITP application target submittal in December 2021

ITP Terrestrial Analysis

- Species list
 - Reviewed prior surveys (2000 timeframe), species occurrence data and scientific literature
- Potential habitat areas (termed “modeled” habitat)
 - Compared landcover mapping to species key habitat requirements
- Impacts to listed species
 - Assumed all potential modeled habitat was occupied
 - Conservative approach and likely overestimate
- Post permit issuance, will need to
 - Conduct surveys of all “modeled” habitat and verify land cover and presence/absence of species (protocol level surveys)
 - Amend ITP to decrease/increase take based on field surveys

Species Covered

- Requesting take for:
 - Swainson’s hawk
 - Tricolored blackbird
 - Giant garter snake
- Not requesting take for palmate-bracted bird’s beak
 - Must avoid if found OR reconsult

Palmate
Calscape –
2008 Chris
Winchell



Requested CESA Take

Species	Habitat Type	Detail	Estimated Impact / Take Request (Acres)
Swainson's hawk	Foraging Habitat	Acres within 1 mile of nest	74
		Acres 1-5 miles from nest	4,177
		Acres 5-10 miles from nest	9,906
		Total Acres	14,157
	Nest Trees	Active nests within last 5 years	3 nests
Tricolored Blackbird	Foraging Habitat	--	4,155
	Nesting colonies	Active nesting colonies within the last 5 years	0.5
		Total Acres	4,155.5
Giant Garter Snake	Upland Habitat	Permanent loss	27
	Aquatic Habitat	Permanent loss	2
		Total Acres	29

Take Minimization Measures

- Measures to reduce amount of take include:
 - Construction windows and buffer areas
 - Construction best management practices
 - Restoration on temporarily affected habitat
 - Preconstruction surveys
 - Habitat mapping and flagging
 - Avoidance of habitat
 - Biological monitoring



Proposed Mitigation Approach

- Compensatory mitigation for take is required
- Diverse approach
 - Sites-lead off-site habitat acquisition or restoration
 - Conservation easements
 - Conservation banks / mitigation banks
 - On-site opportunistic habitat preservation / restoration
- Each has different risks
- Prepare detailed mitigation strategy in 2022/2023

Next Steps

- December meeting
 - Financial assurances discussion
 - Mitigation ratios and costs
 - Approval for Executive Director to submit the Construction ITP Application

404/401 Update Draft Permit Applications Overview

Ali Forsythe

404/401 Permit Application Updates

- Status
 - 401 Draft Pre-Application
 - Drafted, reviewed by Authority/Integration, undergoing revisions
 - 404 Draft Pre-Application
 - Drafted, under review by Authority/Integration/Reclamation
 - Clean Water Act 404(b)(1) Guidelines Compliance Memorandum
 - Drafted, reviewed, ongoing coordination with Authority/Integration/Reclamation
 - Ongoing monthly coordination with Corps and SWRCB
- Outstanding key items
 - Working with Reclamation, TCCA, and GCID on how to approach existing facilities (expected to be resolved in Dec/January)
 - Need more resolution on discharge to the CBD or Sacramento River (expected to be resolved in Dec/January)
- Anticipate submitting draft applications in Feb/March 2022 timeframe

Geotechnical Investigations

Ali Forsythe/ Jelica Arsenijevic

Discussion Goals

- Geotechnical Investigations, Planning and Permitting Approach
 - TRR Early Evaluation Investigations
 - Authorize ED to approve and file NOE for CEQA
 - 2022-2024 Investigations

TRR Early Evaluation Investigations - Activity

- Additional geotechnical investigations in the area of TRR West
 - Determine the preferred location of the TRR facilities
 - Inform comparative engineering analysis
 - Inform TRR West costs
- Anticipated to include
 - 6 borings
 - 7 cone penetration test probes
 - 2 seismic cone penetration test probes
 - Installation of up to 4 piezometers
- The proposed investigations are scheduled to take place in the first quarter of 2022

TRR Early Evaluation Investigations – Approach

- Authority lead activity
 - Authority will be doing the drilling using Fugro
- Avoiding all effects on resources
 - Locations selected to avoid effects
 - Implementing same biological and cultural resource avoidance measures as previous efforts
 - Limited to areas previously disturbed or developed
 - Limited by access granted by landowner

TRR Early Evaluation Investigations – CEQA and Permitting

- CEQA required, but no permits needed
- Staff propose that geotechnical investigations are categorically exempt under CEQA State Guidelines
 - Section 15304, Class 4 (Minor Alterations to Land)
 - Section 15306, Class 6 (Information Collection)
- Notice of Exemption
 - Colusa County Clerk
 - State Clearinghouse according to the latest Executive Order for filing procedures
- Feedback needed
 - Review and approve/reject recommendation to authorize the Executive Director to sign and file the NOE

2022-24 Geotechnical Investigations - Activity

- Support engineering and design of project facilities
- Primary activities:
 - Surface geologic investigations
 - Surface geophysical investigations
 - Subsurface geotechnical investigations
- 2022 through 2024
- Over 500 locations with some locations triggering permits, others full avoidance



2022-24 Geotechnical Investigations – Approach and Schedule

- CEQA/NEPA – Jan/Feb 2022
 - CEQA – IS/MND (Authority Lead)
 - NEPA – EA/FONSI (Reclamation Lead)
- Submit permit applications early 2022
- Permits/authorizations include:
 - Clean Water Act 404/401
 - Central Valley Flood Encroachment
 - USFWS Biological Assessment addendum
 - SHPO Concurrence
 - Other local permits
- Ongoing coordination with real-estate for access



Water Right Application Update

Ali Forsythe / Angela Bezzone

Review of POU, PORD, and Groundwater Banking

Ali Forsythe / Angela Bezzone

Place of Use and Facilities Wrap-up

- Need to finalize these
- Maps eventually printed on mylar and stamped/signed by an engineer for the application
 - Last minute changes will be challenging
- Upcoming meetings with members to ensure appropriate facilities are included
- Detailed POU, PORD maps available on member portal
- Contact Ali, John, Marc, or Angela ASAP if you have any thoughts or questions on POU or PORD!

Place of Use (POU) and Points of Rediversion (PORD)

- Place of Use
 - Area where water diverted to storage in Sites Reservoir could subsequently be used
 - Focus has been on SWP and CVP place of use
 - Where water from Sites Reservoir can physically be delivered
- Points of Rediversion
 - *Waterways* where water previously diverted and stored in Sites Reservoir could be re-diverted
 - Examples
 - Turnout off California Aqueduct directly into a members distribution system = NOT A PORD
 - No natural waterway involved
 - Banks Pumping Plant = IS A PORD
 - Banks diverts from Delta, which is a natural waterway
 - Surface storage reservoirs can be PORDs if on a creek/stream
 - PORDs at San Luis Reservoir, Castaic, Silverwood, etc

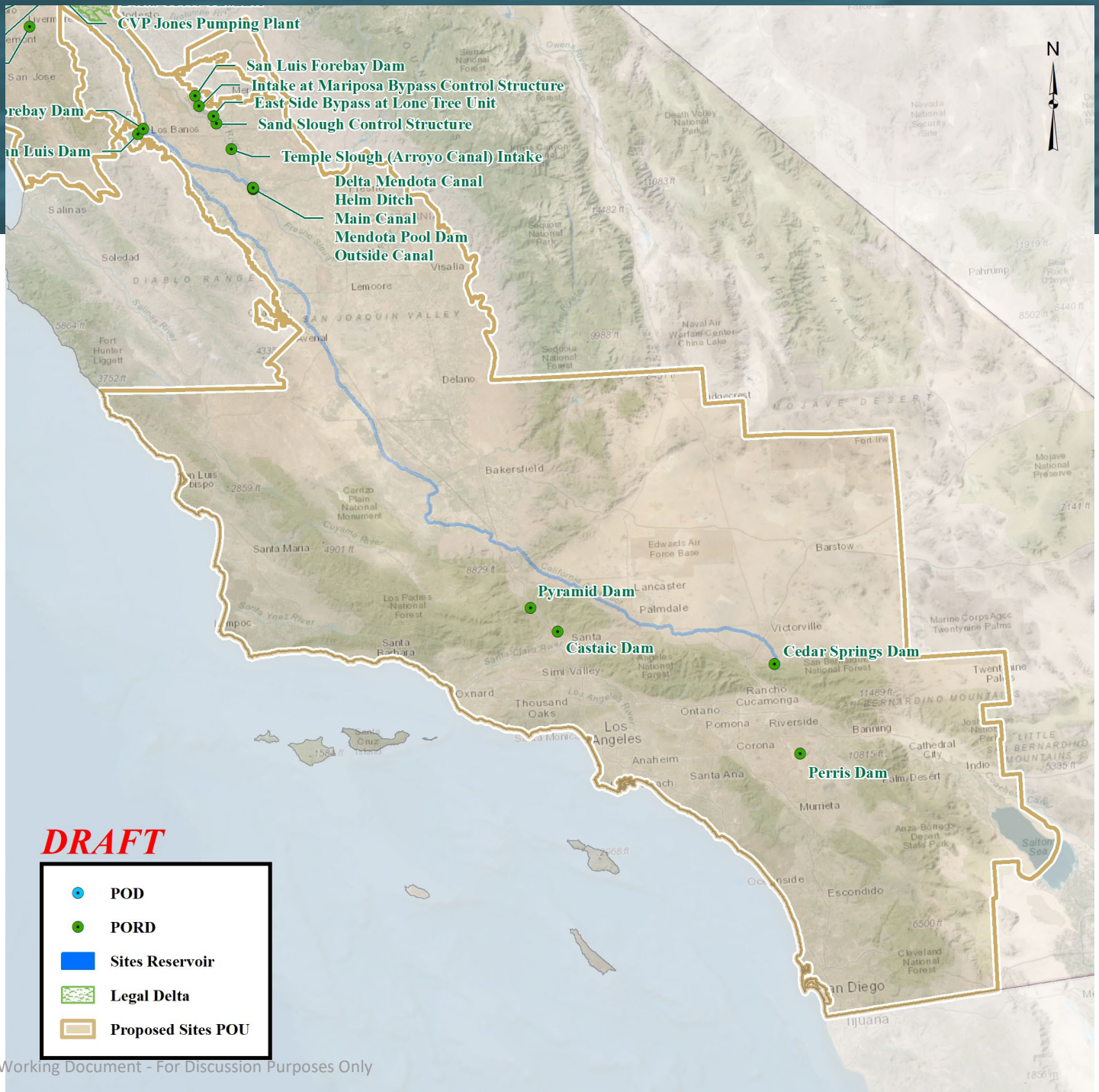
Groundwater Banks/Recharge Basins

- Groundwater Banks/Recharge Basins
 - Identifying those associated with a Point of Rediversion from a natural waterway
 - Currently not identifying those that receive water from canals or other conveyances



DRAFT

- POD
- PORD
- Sites Reservoir
- Legal Delta
- Proposed Sites POU



DRAFT

Because No One is Perfect

- What Happens if Something Gets Missed?
 - Minor changes may be able to be made in the process
 - More substantial changes would need to wait until after the permit is issued and then amend the permit
- What happens if we expand our POU or add new facilities such that we need a PORD in the future?
 - Would need to amend the permit PRIOR to Sites water being used in the expanded POU or rediverted at a new PORD
 - Can amend on a temporary or long-term basis
 - Temporary Urgency Change Petition – authorization for 1 year or less
 - Long-term – authorization for more than 1 year to permanent
 - TUCP does not require CEQA by State Board; Long-term change does require CEQA
 - Both are noticed for protests
 - Timeline for amendment depends greatly on the controversy and protests

Next Steps

- Upcoming meetings with members to ensure appropriate facilities are included
- Detailed POU, PORD maps available on member portal
 - Please review these
- Contact Ali, John, Marc, or Angela ASAP if you have any thoughts or questions on POU or PORD!

MOU with Colusa County

Ali Forsythe

Topics

- State Assignment and County of Origin Considerations
- Proposed MOU Terms with Colusa County
- Requested Action

- For the purposes of this discussion –
 - Creeks = Funks and Stone Corral creeks
 - Inflows = Inflows from Funks and Stone Corral creeks
 - Releases = Releases into Funks and Stone Corral creeks

State Assignment and County of Origin Considerations

- Project water right application is anticipated to
 - Request assignment of previously filed State application
 - Request releases from priority of two previously filed State applications
- State Water Board may not release from priority, or assign, a state-filed application, when, in its judgment, it would deprive the county in which the water covered by the application originates of water necessary for development of the county (Wat. Code, 10505.)
- Colusa County's desire is to not move creek water outside of the region
- Staff proposing the Authority enter into a MOU with Colusa County to address concerns and county of origin finding

MOU Terms

- Sites Authority will:
 - Identify creeks as sources of supply in the Projects water right application
 - Measure/quantify inflows from the creeks
 - Allocate net flows from creeks to the County's Storage Allocation
 - Net flows = Inflows from creeks minus any releases into the creeks downstream of the Project that are required to meet applicable laws
 - Allocate evaporation and seepage losses to County's Storage Allocation (including creek water) in a manner consistent with all other water stored in the Project

MOU Terms (cont.)

- County:
 - Must have available Storage Allocation, including leased storage to store net creek flows
 - When no available Storage Allocation, net inflows allocated to all other Storage Partners consistent with Storage Principles
 - Pays variable costs and receives power generation revenue, if any, associated with creek water consistent with all other water stored in the Project
 - Will use creek water consistent with Authority's water right and environmental approvals
 - Will report to the Authority on water use as needed for the Authority to comply with its water right terms

MOU Terms (cont.)

- With these terms –
 - County agrees to not pursue area of origin water rights to Funks and Stone Corral creeks for as long as the Project is in development and operation
 - County will provide a letter to SWRCB supporting Sites water right application
 - County will make reasonable efforts to secure Glenn County's concurrence and support letter AND enter into any agreement with Glenn County to address any area of origin concerns
 - County will make reasonable efforts to work with any other party to address county of origin concerns on the creeks

Action Requested

- Authorize the Executive Director to execute a MOU with Colusa County regarding area of origin water right claims to Funks and Stone Corral Creeks consistent with the proposed terms

RDEIR/SDEIS

Ali Forsythe / Laurie Warner Herson



RDEIR/SDEIS Status Update

- RDEIR/SDEIS Released
 - RDEIR/SDEIS posted to Authority website 11/9
 - Notice of Availability and Federal Register publication 11/12
 - Uploaded to EPA and Reclamation websites
 - Hard copies at Authority and Reclamation offices
 - Distributed to local libraries
- 60-day public review 11/12/2021 to 01/11/2022
- Additional materials posted:
 - Community Guide
 - Fact Sheet
 - Frequently Asked Questions (FAQs)

Public Meetings

- Two virtual public meetings - will include a presentation, Q&A, and opportunity to provide verbal comments on the RDEIR/SDEIS
 - 12/15/2021, 6:00 p.m. to 8:00 p.m.
 - 12/16/2021, 9:00 a.m. to 11:00 a.m.
- Community Meeting – informational meeting, no formal comments received during this meeting
 - 12/06/2021, 6:00 p.m.
 - American Legion Hall
 - 230 Oak Street, Maxwell

Schedule and Dashboard Update

Permitting Schedule Update






- 404/401
 - Draft Applications Complete in March
- State ESA Incidental Take Permit (ITP) – Construction
 - Application complete in December
- State ESA Incidental Take Permit (ITP) – Operations
 - Application complete in February/ early March
- Revised Biological Assessment
 - Submittal to Reclamation late February/ early March
- Water Right
 - Application complete in February/ early March
- Section 106 Consultation
 - Delayed due to Reclamation to 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		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							
		Mitigation and Adaptive Mgmt Plan							
Incidental Take Permit – Construction		Project Description							
		Species List							
		Species 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							

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Permit	Summary Status	Permit Topics/Considerations	Agreement Status with Agencies						
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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 – December/January

- Ongoing AB52 Consultation with Tribes
- Prepare for public meetings in December
- Begin to develop approach for Final EIR/EIS:
 - Comment database development
 - Outline topics for master responses to comments
 - Identify any minor changes in design and refinements to operations, including updates to modeling

Upcoming Permitting Work and Priorities – December/January

- BA/ITP:
 - Complete revisions to diversion criteria and exchanges
 - Revise modeling reflecting revisions
- 404/401 – Continue to develop applications and work on outstanding items
- Section 106 PA – Circulate draft PA to signatory agencies for review and host meetings to discuss
- Water Rights – Complete Water Availability Analysis; prepare/revise admin draft water right application

Timing of Next Meeting

- Next Meeting – Tentatively Scheduled for December 15, 2021 (1 PM to 2:30 PM)
- Topics –
 - RDEIR/SDEIS
 - Update on RDEIR/SDEIS public review and response
 - Geotech
 - 2022-24 Investigations CEQA/NEPA and Permitting Review
 - Permitting
 - State ITP Construction Permit application overview
 - Draft Water Right Application Review

Thank you!



Schedule Update

2020

2022

