

Ad-Hoc Environmental Planning and Permitting Work Group

December 15, 2021



Agenda

- Action Items from the Previous Meeting
- Permitting
 - State ITP Construction Permit Application Approval
 - Biological Assessment/ Operations ITP Application Update
 - Eagle Surveys and Access
 - Draft Water Right Application Status Update
- Geotechnical Investigations, Planning and Permitting Approach
 - 2022-2024 Investigations CEQA/NEPA and Permitting Approach and Schedule
- Revised Draft EIR/Supplemental Draft EIS
 - Update on RDEIR/SDEIS Public Review
- 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

Discussion Goals

- State ITP Construction Permit Application Approval
 - Request to authorize Executive Director to submit
- Biological Assessment/ Operations ITP Application
 - Update on status
- Eagle Surveys and Access
 - Review approach
- Draft Water Right Application
 - Update on status

State ITP Construction Permit Application Approval

John Spranza



Reminder on Construction ITP Components

- Covering 3 State-listed species
 - Swainson's hawk
 - Tricolored blackbird
 - Giant garter snake
- Avoid, reduce, then mitigate
 - Fully mitigate requirement
 - Compensatory mitigation necessary for Project (cant avoid and reduce all impacts)
- Types of mitigation for permanent impacts
 - Sites-lead off-site habitat acquisition or restoration
 - Conservation easements
 - Conservation banks / mitigation banks
 - On-site opportunistic habitat preservation / restoration

Financial Assurances Requirement and Purpose

- Financial assurances for mitigation required by CESA
 - applicant “ensure adequate funding to implement the measures required ... and for monitoring compliance with, and effectiveness of, those measures” (Fish & Game Code Section 2081(b)(4))
- Implementation, establishment, and long-term management of all proposed mitigation
- Financial assurances there if applicant doesn't implement mitigation
 - Goes bankrupt, simply refuses, delays and delays
- CDFW uses financial assurances to implement the mitigation themselves

Cost Estimate Developed to Determine Amount of Financial Assurance

- Costs were estimated:
 - For the anticipated 10-year term of the permit
 - Based largely on the detailed cost estimate of relevant conservation measures
 - Includes all mitigation measures for the permanent impacts to the three Covered Species
- Financial assurances and endowment costs are above and beyond these costs
- Costs to implement mitigation measures for resource impacts other than the three Covered Species are excluded from this estimate

Financial Assurance Cost Estimate

- ITP financial assurance cost estimate = \$128,047,000
 - Slightly higher than June 2021 mitigation cost estimate for the three Covered Species
 - Not apples to apples comparison between the 2 estimates
- Difference is due to
 - June 2021 estimate assumed that mitigation can be combined, or “stacked” between species. This accounts for about \$40,761,000 of the difference
 - Stacking mitigation will be completed to the greatest extent possible – not a \$40M increase in costs
 - CDFW does not want stacking assumed in cost estimate in the conservative event that we default and they implement mitigation
 - June 2021 estimate did not include management and monitoring costs of about \$11,641,000 as those were included in the Project O&M costs
 - Increased mitigation credit costs of Swainson’s hawk foraging habitat
- Differences in cost estimates not additive as comparing apples to oranges

Financial Assurances Approach

- Letter of Credit
 - In place no later than 12 months after issuance of Project's water right permit and prior to initiating ground-disturbing activities under the ITP, whichever comes first
 - Phased over the 10-year construction period (to be memorialized in a Memorandum of Agreement with CDFW)
- Long-term Management Financial Assurances
 - Typically called an endowment
 - If needed, Authority will be seeking legislative authority or other means to assure these costs in a manner appropriate for a public agency (other large projects are pursuing also)

Request for Authorization to Submit Construction ITP

- Currently completing the final revisions to the Construction ITP application packet
- Document expected to be ready for release December 20
- Request Work Group recommend to the Reservoir Committee to:
 - Authorize the Executive Director to submit the Construction ITP Application to the CDFW once completed

Biological Assessment/ Operations ITP Application Update

John Spranza

Biological Assessment Application Update

- Admin Draft complete August 2021
- Continuing discussions with Reclamation on fish benefits and exchanges
- Revisions to August Admin Draft pending diversion criteria and exchanges along with revised modeling
- Spring 2022 submittal of BA to Reclamation
 - Submit to USFWS and NMFS expected shortly thereafter

Operations ITP Application Update

- Admin Draft under development
- Continuing discussions with CDFW
- Analysis pending diversion criteria and exchanges along with revised modeling
- Spring 2022 submittal of Operations ITP to CFDW
 - Continued discussion and refinement post submittal

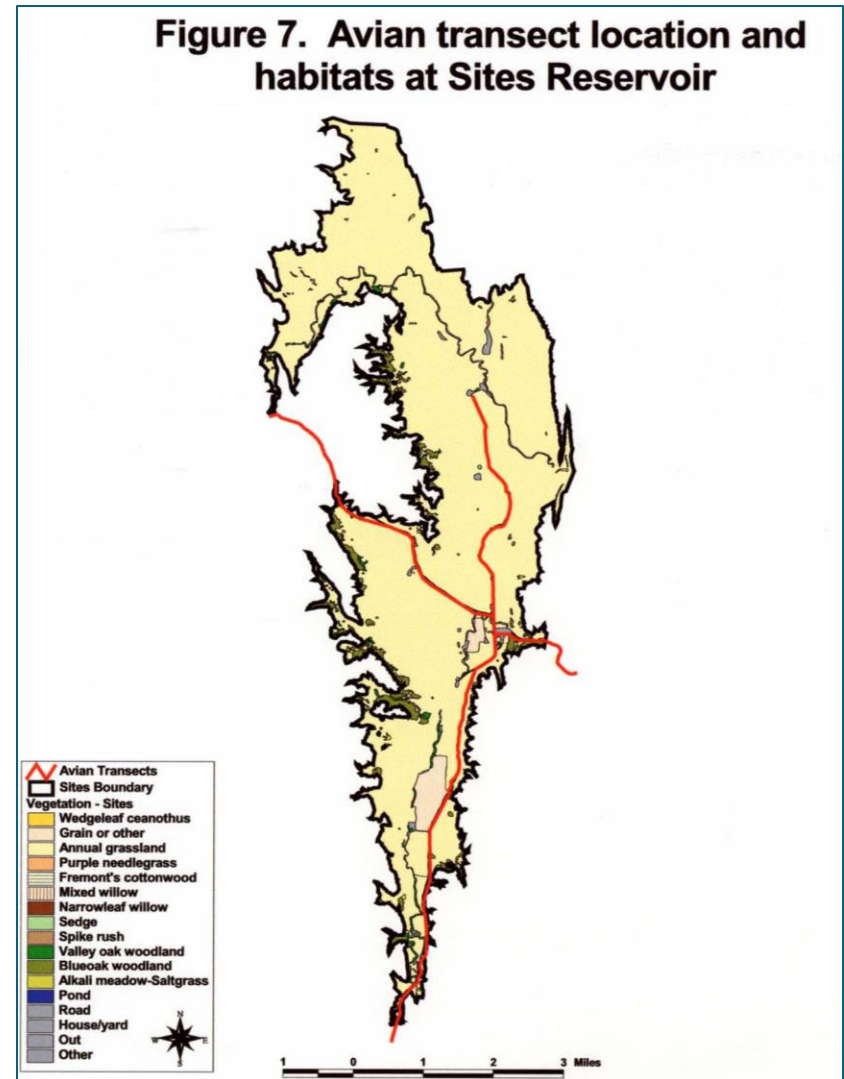
Eagle Surveys and Access

John Spranza/ Brad Norton

Eagle Surveys and Access

- History of nesting bald eagles at Golden Gate dam site
- 2021 RDEIR/SDEIS includes updated analysis of eagles and habitat impacts with new mitigation measures
- Impacts on golden eagles:
 - Loss of up to 1,006 acres of nesting habitat
 - Loss of up to 13,109 acres of foraging habitat
- Impacts on bald eagles:
 - Loss of nest sites and increase in foraging habitat
- Mitigation:
 - 10 measures to reduce, minimize and mitigate impacts

Figure 7. Avian transect location and habitats at Sites Reservoir



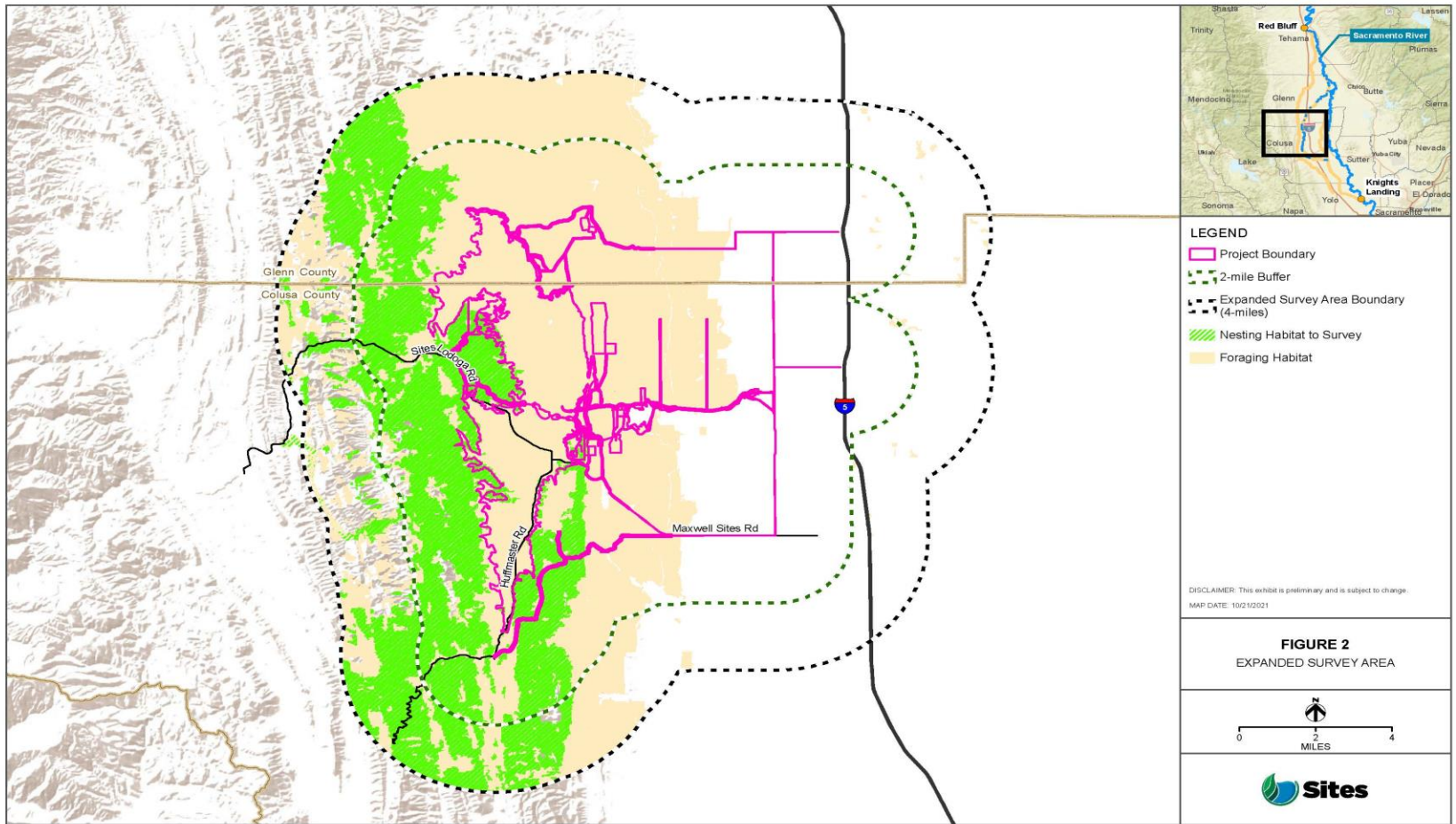
Eagle Activities to Date

- Met with USFWS in fall of 2018
 - Provided project overview
 - Summarized surveys and findings
 - Discussed study plan and permit strategy
- 2019 Delayed surveys based on change of project
- Nov/Dec 2021
 - Met with Kevin, Conner and Ali for outreach and access
 - Reviewed permitting approach and schedule
 - Reinitiating discussions with USFWS and CDFW
 - Survey planning

Eagle Take Permit Strategy and Surveys

- Geotechnical work (P1) 2022/24 – Complete avoidance
- Construction – short-term permit (5 years) and nest removal permit if needed
- Operation – long-term permit
 - Develop Eagle Conservation Plan (ECP)
 - USFWS will conduct NEPA on take permit
- 2022 Surveys
 - Helicopter surveys Jan, April, July
 - Limited ground surveys
 - Public roads
 - Area of approved landowner access
- Additional future surveys for long-term permit

Survey Area



Next Steps

- Meet with USFWS and CDFW
- Authority finalize study plan
- Begin surveys in January 2022
- Develop long-term strategy and costs
- Authority prepare permit applications in mid-2022



Draft Water Right Application Status Update

Angela Bezzone

Water Right Update

- Continuing to wrap up Place of Use
 - Detailed POU, PORD maps available on member portal
 - Please review these
 - Upcoming meetings with members to ensure appropriate facilities are included
- Identifying potential protestants to meet with
- Preparing and reviewing application
 - Chapters 1-5 completed and reviewed
 - Application submitted Q1 2022
- Meeting with Division staff
 - Discussing exchanges: water accounting and volumes
 - Water Availability Analysis discussions

Water Availability Analysis

- Historical analysis portion of WAA is underway
 - Evaluates historical flow data, then layers in face value of water rights and bypass flow criteria
 - Analysis is complete for the Sacramento River from Red Bluff to Freeport
 - In progress for Stone Corral and Funks Creeks
- CalSIM analysis will be incorporated
 - Report sections are being drafted
 - Pending bypass flow criteria
- WAA summary report is being drafted

Water Availability Analysis

- Discussions with Division of Water Rights
 - Suggested unimpaired flow vs. face-value approach
 - Performing high-level analysis
 - Evaluate water right demands compared to unimpaired flow estimates at Freeport
 - Will be on a monthly timestep

Schedule

- Complete Draft Application in December, including:
 - Place of use map with POD/RDs
 - Water availability analysis
- Present Application to JPA in January
- Submit Application to SWRCB in February

** Schedule dependent on “final” diversion criteria

Geotechnical Investigations

Jelica Arsenijevic

Discussion Goals

- Geotechnical Investigations Planning and Permitting Approach
 - 2022-2024 Investigations

2022-2024 Geotechnical Investigations

- 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 – Permitting Approach and Schedule

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



Next Steps

- Recommendation to Reservoir Committee
 - Mid-January 2022
- Authority Board to approve release of the public Draft EA/IS
 - End of January 2022
- Public review of Draft EA/IS – 30 days
 - Mid-February through Mid-March 2022
- Submit permits to agencies
 - Mid-February 2022
- Final EA/IS
 - Mid-April 2022
- Obtain all permits
 - June 2022
- Geotechnical Investigations
 - June 2022 through 2024

RDEIR/SDEIS

Ali Forsythe / Laurie Warner Herson



Sites Reservoir Project

Revised Draft Environmental Impact Report/
Supplemental Draft Environmental Impact Statement

November 2021



Public Meetings

- Community Meeting – held on 12/06/2021
 - Informational meeting, no formal comments received
 - Less than 20 in attendance
 - Questions about construction contracts and materials, traffic
 - Follow up discussions with the Maxwell USD
- 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.

RDEIR/SDEIS Public Comments to Date

- Eight emails received to-date:
 - One informational (need for MMRP)
 - One in support of the project
 - One requesting the comment period to be extended
 - Five in opposition
- Still very early in the review process

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 March*
- Revised Biological Assessment
 - Submittal to Reclamation in March*
- Water Right
 - Application complete in February*
- Section 106 Consultation
 - Delayed due to Reclamation to 2022

* BA, Operations ITP, and Water Right application dependent on final diversion criteria and revisions to exchanges along with revised modeling

Dashboard Update

Sites Project Authority

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

Environmental Permitting Dashboard

- 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	Complete	Complete	Complete	Complete	Complete	Complete	Complete
		Species List	Complete	Complete	Complete	Complete	Complete	Complete	Complete
		Terr. Species Modeling Approach	Complete	Complete	Complete	Complete	In Process	Complete	Complete
		Aquatic Species Modeling Approach	Complete	Complete	Complete	Complete	In Process	Complete	Complete
		Mitigation Approach	Complete	Complete	Complete	Complete	In Process	Complete	Complete
		Species Modeling	Complete	Complete	Complete	Complete	In Process	Complete	Complete
		Effects Analysis	Complete	Complete	Complete	Complete	In Process	Complete	Complete
		Essential Fish Habitat Analysis	Complete	Complete	Complete	Complete	In Process	Complete	Complete
		Construction Effects Analysis	Complete	Complete	Complete	Complete	In Process	Complete	Complete
		Aquatic Effects Analysis	Complete	Complete	Complete	Complete	In Process	Complete	Complete
Mitigation and Adaptive Mgmt Plan	Complete	Complete	Complete	Complete	In Process	Complete	Complete		
Incidental Take Permit – Construction CDFW	●	Project Description	Complete	Complete	Complete	Complete	Complete	Complete	Complete
		Species List	Complete	Complete	Complete	Complete	Complete	Complete	Complete
		Species Modeling Approach	Complete	Complete	Complete	Complete	Complete	Complete	Complete
		Mitigation Approach	Complete	Complete	Complete	Complete	Complete	Complete	Complete
		Species Modeling	Complete	Complete	Complete	Complete	Complete	Complete	Complete
		Effects Analysis	Complete	Complete	Complete	Complete	Complete	Complete	Complete
		Mitigation and Adaptive Mgmt Plan	Complete	Complete	Complete	Complete	Complete	Complete	Complete
Incidental Take Permit – Operations CDFW	●	Project Description	Complete	Complete	Complete	Complete	Complete	Complete	Complete
		Diversion Criteria	Complete	Complete	Complete	Complete	Complete	Complete	Complete
		Modeling Approach	Complete	Complete	Complete	Complete	In Process	Complete	Complete
		Mitigation Approach	Complete	Complete	Complete	Complete	In Process	Complete	Complete
		Species Modeling	Complete	Complete	Complete	Complete	In Process	Complete	Complete
		Effects Analysis	Complete	Complete	Complete	Complete	In Process	Complete	Complete
		Mitigation and Adaptive Mgmt Plan	Complete	Complete	Complete	Complete	In Process	Complete	Complete
Water Right Permit SWRCB	●	Water Availability Analysis	Complete	Complete	Complete	Complete	Complete	Complete	Complete
		Draft Water Right Application	Complete	Complete	Complete	Complete	Complete	Complete	Complete
		Internal Review/Revise	Complete	Complete	Complete	Complete	Complete	Complete	Complete
		Submit Water Right Application	Complete	Complete	Complete	Complete	Complete	Complete	Complete

Dashboard Update

Sites Project Authority

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

Environmental Permitting Dashboard

- 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							
		Final PA for signature							
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 – January/February

- Ongoing AB52 Consultation with Tribes
- 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 – January/February

- BA/ITP:
 - Complete revisions to diversion criteria and exchanges
 - Revise modeling reflecting revisions
- Eagle Surveys – Finalize survey protocols and complete initial survey
- 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

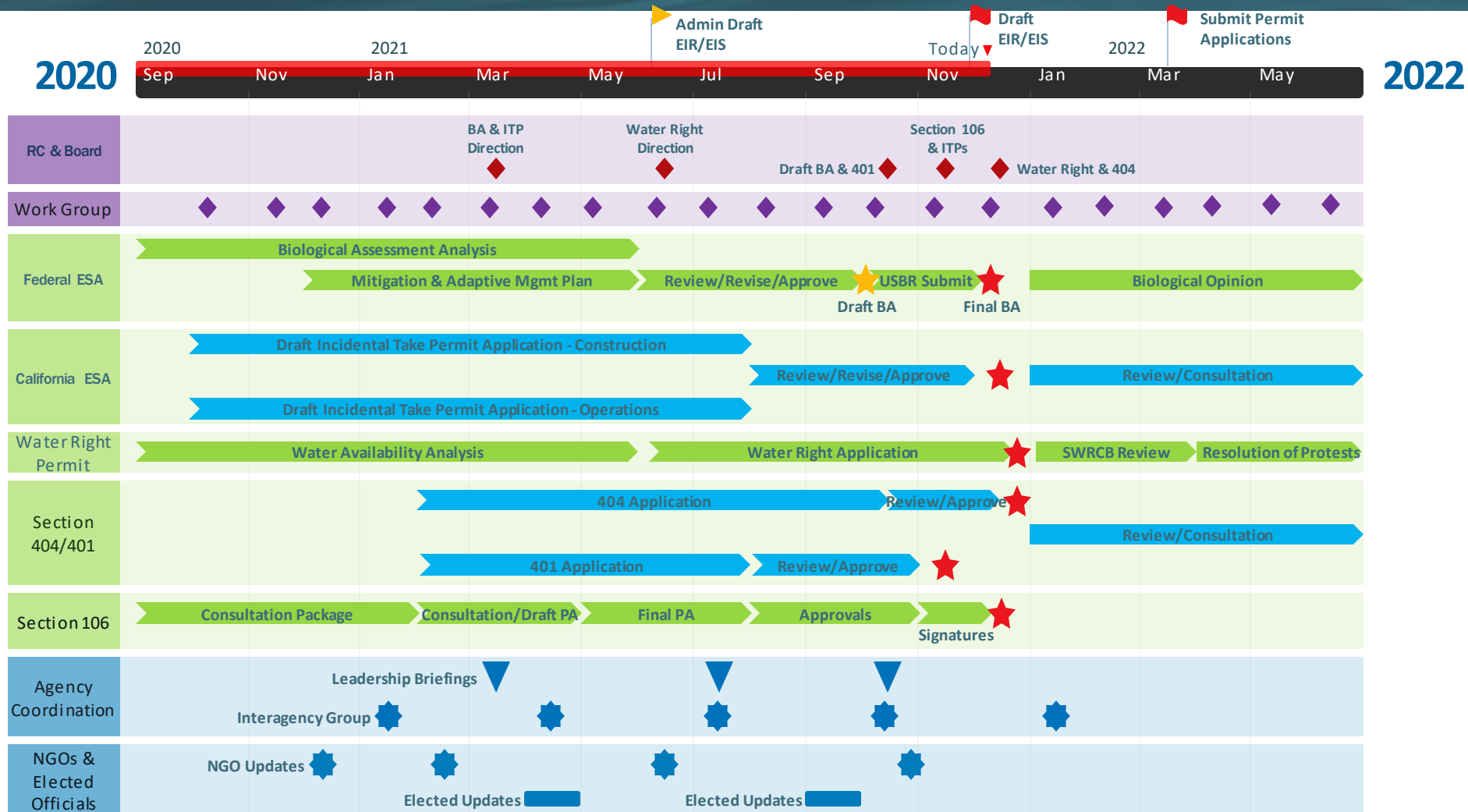
Timing of Next Meeting

- Next Meeting – Tentatively Scheduled for January 14, 2022 (10:30 AM to 12:00 PM)
- Topics –
 - RDEIR/SDEIS
 - Update on RDEIR/SDEIS public review and comments
 - Geotech
 - 2022-24 Investigations CEQA/NEPA – Approval to release the CEQA document and submit permit applications
 - Permitting
 - Draft Water Right Application Review
 - BA and ITP Update

Thank you!



Schedule Update



Construction ITP (Slide Option 2)

- Costs were estimated for the anticipated 10-year term of the permit.
- Largely based on the detailed cost estimate of relevant conservation measures.
- Costs are specific to mitigation for these three species.
- Financial assurances and endowment costs are above and beyond these costs and will be calculated during final permitting.
- Estimated costs do not include mitigation stacking as the cost estimate represents a worst-case (more conservative) scenario per CDFW requirements.
 - ~\$40,700,000 difference from June estimate

Table 1. Estimated Costs to Implement the Mitigation Measures in the Construction ITP Application (Permanent Impacts)

Cost Item	Present Value (2021 dollars) ¹	Cumulative Cost (over 10 years) ²	Avg. Annual Cost ⁶
Swainson's Hawk			
Foraging Habitat ³	\$72,772,920	\$84,891,031	\$8,489,103
Nesting Trees	\$5,900,000	\$6,882,465	\$688,247
Tricolored Blackbird			
Foraging Habitat	\$37,055,329	\$43,225,764	\$4,322,576
Colony	\$187,500	\$218,722	\$21,872
Giant Garter Snake			
Aquatic	\$250,000	\$291,630	\$29,163
Upland	\$240,793	\$280,889	\$28,089
All Species			
Management ⁴	\$5,820,327	\$6,850,847	\$685,085
Monitoring ⁵	\$5,820,327	\$6,850,847	\$685,085
Total	\$128,047,195.	\$149,492,195	\$14,949,219

Construction ITP (Slide Option 3)

- Costs were estimated for the anticipated 10-year term of the permit.
- Largely based on the detailed cost estimate of relevant conservation measures.
- Costs are specific to mitigation for these three species
- Financial assurances and endowment costs are above and beyond these costs and will be calculated during final permitting.
- Estimated costs do not include mitigation stacking as the cost estimate represents a worst-case (more conservative) scenario per CDFW requirements
 - ~\$40,700,000 difference from June estimate

Table 1. Estimated Costs to Implement the Mitigation Measures in the Construction ITP Application (Permanent Impacts)

Cost Item	Present Value (2021 dollars) ¹	Cumulative Cost (over 10 years) ²	Avg. Annual Cost ⁶
Swainson's Hawk			
Foraging Habitat ³	\$72,772,920	\$84,891,031	\$8,489,103
Nesting Trees	\$5,900,000	\$6,882,465	\$688,247
Tricolored Blackbird			
Foraging Habitat	\$37,055,329	\$43,225,764	\$4,322,576
Colony	\$187,500	\$218,722	\$21,872
Giant Garter Snake			
Aquatic	\$250,000	\$291,630	\$29,163
Upland	\$240,793	\$280,889	\$28,089
All Species			
Management ⁴	\$5,820,327	\$6,850,847	\$685,085
Monitoring ⁵	\$5,820,327	\$6,850,847	\$685,085
Total	\$128,047,195.	\$149,492,195	\$14,949,219

Notes

1. Costs reflect total cost per line item, and depending on the specific restoration actions, may overlap with other costs. Since costs may not be additive, a total cost is not provided.
2. Cumulative costs are provided for each species and assume the most conservative scenario in that all modeled habitat is occupied. For this cumulative cost, no stacking of mitigation credits across species with similar suitable habitat is assumed. However, the Authority intends to stack mitigation to the extent possible.
3. Assumes 55% of mitigation required is mitigated via banks and 45% is in the form of habitat protection.
4. Based on an assumed 5% of total mitigation cost.
5. Based on an assumed 5% of total mitigation cost.
6. Costs related to management of the implementation and monitoring of the mitigation associated with CESA listed species do not include costs associated with CDFW's management of the elements of the 2081b permit