

# Ad-Hoc Environmental Planning and Permitting Work Group

January 14, 2022



# Agenda

- Action Items from the Previous Meeting
- Permitting
  - Draft Water Right Application Status Update
  - Biological Assessment/ Operations ITP Application Update
  - Eagle Surveys and Access
- Revised Draft EIR/Supplemental Draft EIS
  - Update on RDEIR/SDEIS Public Review and Comments
- 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

- Draft Water Right Application
  - Update on status
- Biological Assessment/ Operations ITP Application
  - Update on status
- Eagle Surveys and Access
  - Review approach

# Draft Water Right Application Status Update

John Spranza

# Water Right Status

- Reviewed Chapters 1-10 of Application
  - Revisions underway
- Continue one-on-one meetings with Members on POU/PORDs
- Meetings with other water right holders underway
  - Contra Costa, State Water Contractors, American River Water Forum
- Water Availability Analysis underway with modified diversion criteria
- Meeting with Division staff
  - Discussing exchanges: water accounting and volumes
  - Water Availability Analysis discussions
- Submit Application to SWRCB in March/April 2022
  - Targeting March approval to submit



# Biological Assessment/ Operations ITP Update

John Spranza

# BA and ITP Application Update

- Proceeding with development of the revised BA, Operations ITP and water right application with the following criteria:
  - Wilkins Slough Bypass Flows = 10,700 cfs Oct-June; 5,000 cfs September
  - Fremont Weir Notch Protection = None, criteria removed
  - Pulse Protection = Yes, same as described in RDEIR/SDEIS
- Criteria likely to provide a higher degree of certainty and expediency in Project permitting and water right process
- Criteria have not yet been “approved or endorsed” by Board
  - Board will consider the diversion criteria when permit applications are brought before them in March

# BA and ITP Application Update

- Meeting with fisheries agencies late January
  - Review and discuss criteria changes
  - Make clear Board will consider in March
- Working with Reclamation on exchanges
  - Must be worked out prior to start of modeling
- Preparation of BA and Operations ITP
  - Will utilize updated modeling
  - Briefings to tee up approval expected in February and March

# BA and ITP Application Update

- BA
  - Spring 2022 submittal of BA to Reclamation
  - Reclamation expected to submit to USFWS and NMFS shortly thereafter
  - Targeting December 2022 for Biological Opinion(s)
- Operations ITP
  - Spring 2022 submittal to CDFW
  - Focused discussion with CDFW post submittal
  - Targeting late 2022 for issuance of ITP

# Eagle Survey Update

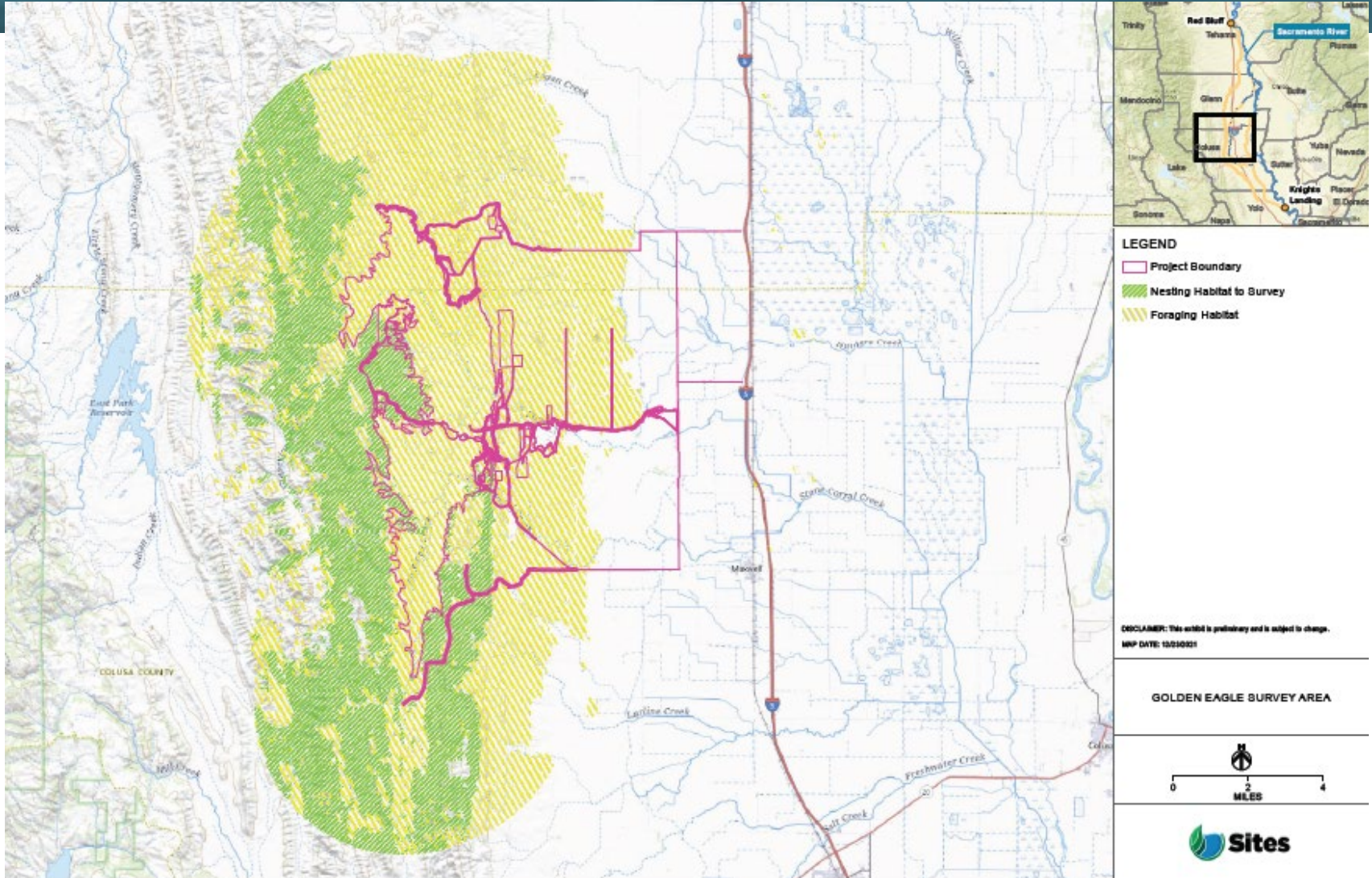
John Spranza / Kayla Nowlin

# Eagle Activities to Date

- Dec 2021
  - Met with Kevin, Conner and Ali for outreach and access
  - Reviewed permitting approach and schedule with USFWS and CDFW
  - Survey and outreach planning
- Jan 2022
  - Continued planning for outreach and access
  - Finalized permitting approach and schedule
  - Outreach mailer sent to landowners
- Surveys to start January 24
  - Helicopter and ground surveys



# Eagle Survey Area



# Next Steps

- Complete January surveys
  - Additional 2 to 3 days of helicopter and ground surveys in both April and July 2022
- Provide results to USFWS and CDFW
- Complete and submit short-term permit application and nest removal permit (if needed)
- Begin preparation of long-term permit





# RDEIR/SDEIS

Ali Forsythe / Laurie Warner Herson



## Sites Reservoir Project

Revised Draft Environmental Impact Report/  
Supplemental Draft Environmental Impact Statement

November 2021



# Public Meetings

- Virtual Public Meetings were held on 12/15 and 12/16
  - Presentation has been posted on the Sites Authority website
  - Q&A session included questions regarding:
    - Trinity River
    - Tribal consultation
    - Operations plan, Wilkins Slough
    - Fisheries
    - Flood
    - Faults and earthquake scenarios
    - Groundwater, seepage
    - Elimination of Delevan
    - Feasibility
    - Ecosystem benefits
    - Changes to the town of Maxwell

# Public Meetings (continued)

- Verbal Comments
  - Numerous tribal members concerned with a lack of tribal engagement – providing comments similar to CWC meeting
  - Impacts to salmon
  - Flooding of cultural resources and sacred sites
  - Sovereignty and rights of CA Indians
  - Benefits to north state questioned
  - Over-draft of Sacramento, Shasta and Trinity, need for guarantees
  - Lack of notice and knowledge of the project
  - Confusion between CWC meeting and Sites meetings
  - Impacts on riparian habitat
  - Water quality due to seepage, adverse impact on water supply
  - Water rights, public vs. private water
  - Loss of benefits of the Delevan pipeline
  - Extension of public review period

# Tribal Coordination

- Authority – Ongoing compliance with AB 52
  - AB 52 consultation initiated with the 2017 Draft EIR
  - Reached out to 7 tribes again in 2020 with updated project description
  - Expanded outreach in 2021 to 7 additional tribes where operations could affect river flows
  - Ongoing consultation with 2 tribes
  - Efforts covered in detail in Chapter 23 of the RDEIR/SDEIS
- Reclamation – Compliance with NHPA Section 106
  - Reached out to 9 tribes in 2021
    - One tribe responded recently
  - Planning additional outreach in 2022

# RDEIR/SDEIS Public Comments to Date

- Comments received to-date:
  - 19 emails/letters received to date
    - 1 request for an extension of the public review period
    - 4 express support
    - 9 express opposition
    - 5 informational
    - 6 include substantive comments that need responses
- Anticipate more substantive comments to be delivered at the end of the review period
- Comments from Reservoir Committee members

# 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, submitted Jan 2022
- State ESA Incidental Take Permit (ITP) – Operations
  - Application complete in March\*
- Revised Biological Assessment
  - Submittal to Reclamation in March\*
- Water Right
  - Application complete in March\*
- Section 106 Consultation
  - PA is being prepared to be circulated

\* 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
<b>Biological Assessment/ Biological Opinion</b>		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	Challenge	Complete	Complete	Complete
		Essential Fish Habitat Analysis	Complete	Complete	Complete	Challenge	Complete	Complete	Complete
		Construction Effects Analysis	Complete	Complete	Complete	Challenge	Complete	Complete	Complete
		Aquatic Effects Analysis	Complete	Complete	Complete	Challenge	Complete	Complete	Complete
Mitigation and Adaptive Mgmt Plan	Complete	Complete	Complete	Challenge	Complete	Complete	Complete		
<b>Reclamation USFWS NMFS</b>		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
<b>Incidental Take Permit – Construction</b>		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		
<b>Incidental Take Permit – Operations</b>		Project Description	Complete	Complete	Complete	Complete	Complete	Complete	Complete
		Diversion Criteria	Complete	Complete	Complete	Complete	Complete	Complete	Complete
		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		
<b>Water Right Permit</b>		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
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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 – February/March

- 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
  - Coordinate with Reclamation on appropriate format

# Upcoming Permitting Work and Priorities – February/March

- BA/ITP:
  - Complete revisions to diversion criteria and exchanges
  - Revise modeling reflecting revisions
- Eagle Surveys – Assess January survey results and begin permit development
- 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 – Doodle poll sent, please complete
- 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 Review
    - ITP Operations Application Review
  - Review/update Work Group Charter

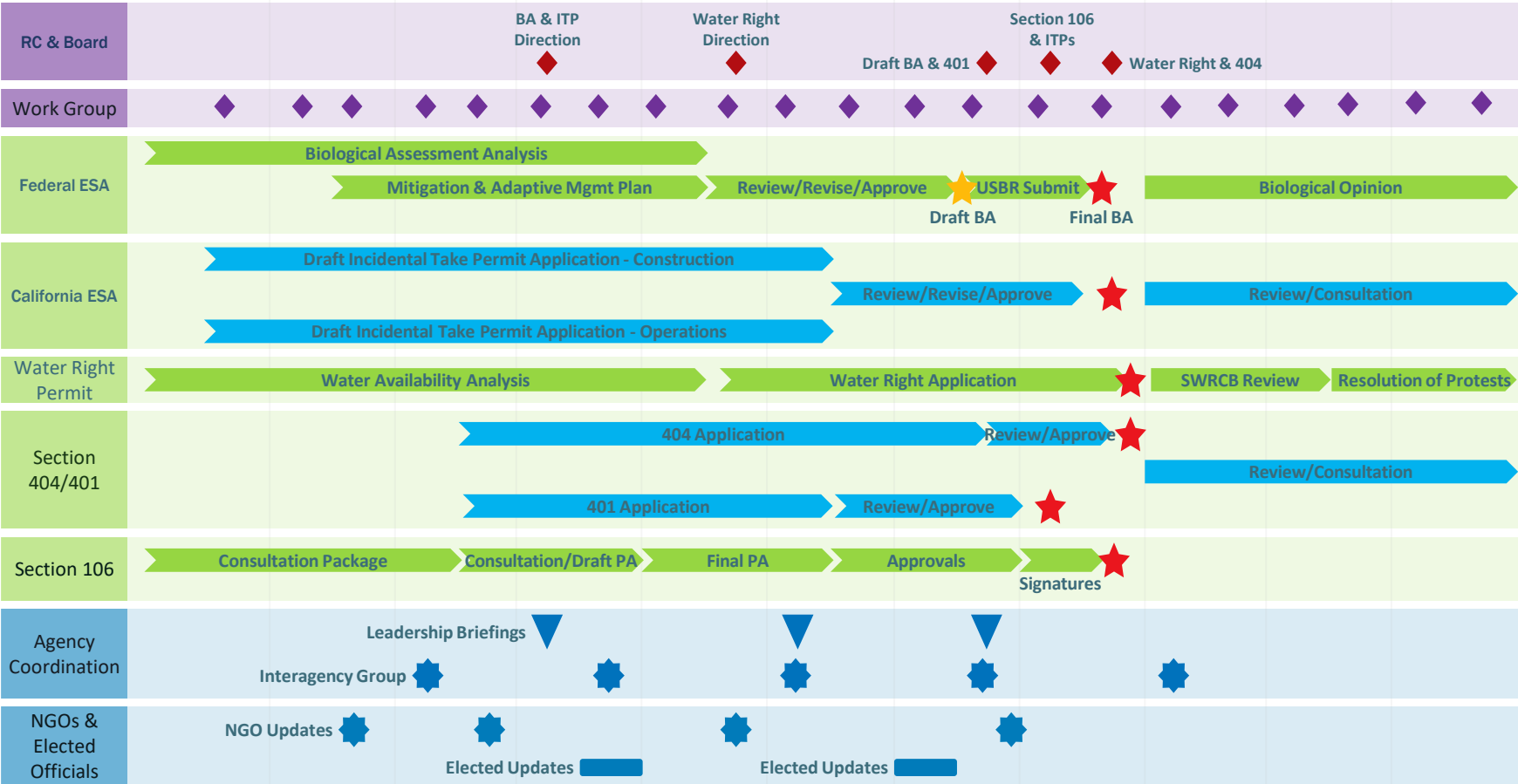
**Thank you!**



# Schedule Update

2020

2022



# 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