

Ad-Hoc Environmental Planning and Permitting Work Group

February 16, 2022



Agenda

- Action Items from the Previous Meeting
- Permitting
 - Biological Assessment
 - Operations ITP Application Update
 - Eagle Survey Update
 - Draft Water Right Application Review
- 2022-2024 Geotechnical Investigations
 - Draft EA/IS
 - Permits
- Revised Draft EIR/Supplemental Draft EIS
 - Update on RDEIR/SDEIS Public Review and Comments
- Work Group Charter
- 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

- Update on status for:
 - Biological Assessment
 - Operations ITP Application
 - Eagle Surveys
 - Draft Water Right Application

Biological Assessment Process

John Spranza

ESA Quick Reminder and Status

Biological Assessment

- Authority & Reclamation prepare
- Covers both construction and operations (terrestrial and aquatics)

Today

Reclamation Submits BA to USFWS and NMFS

- Reclamation has final review and approval
- Submitted under Reclamation Letterhead

May Mtg:
Delegate Authority
For Ex Director to
Submit to
Reclamation

Late May/
Early June

Biological Opinions

- One from USFWS
 - Terrestrial and Delta Smelt
- One from NMFS
 - Anadromous Fish

End of 2022/
Early 2023

Species Addressed in Biological Assessment

USFWS Regulated Species	NMFS Regulated Species
Keck's checker-mallow	North American green sturgeon
Palmate-bracted bird's beak	Sacramento River winter-run Chinook salmon
Listed vernal pool crustaceans	Central Valley spring-run Chinook salmon
Valley elderberry longhorn beetle	California Central Valley steelhead
California red-legged frog	Southern resident killer whale
Giant garter snake	
Western yellow-billed cuckoo	
Delta smelt	

Next Steps Leading up to Approval to Submit the BA to Reclamation

Month	Work Group	Reservoir Committee / Authority Board
February	<ul style="list-style-type: none"> Overview of plan leading up to approval of BA 	--
March	<ul style="list-style-type: none"> Approach to terrestrial species Calsim results review 	<ul style="list-style-type: none"> Process reminder Terrestrial species effects overview Closed session (terrestrial species)
April	<ul style="list-style-type: none"> Aquatic species effects overview 	<ul style="list-style-type: none"> Aquatic species effects overview Closed session (aquatic species)
May	<ul style="list-style-type: none"> Adaptive Management Plan Any last items Request for approval to submit 	<ul style="list-style-type: none"> Adaptive Management Plan Any last items Request for approval to submit

Operations ITP will also be covered in the aquatics discussions and will follow same timeframe.

Near-term BA Next Steps

- Coordinate with Reclamation, USFWS, and NMFS
 - Agree on analysis approach and methodology
 - Weekly meetings with Reclamation
 - More interaction planned with USFWS on terrestrial species
 - Bi-weekly (about) meetings with fisheries agencies
- Confirm programmatic approach for terrestrial species and analyze impacts for current project design
- Modeling team focused on revised operations modeling (more detail in Ops ITP discussion next)

Operations ITP Process Update

John Spranza

State Listed Aquatic Species

Listed Species	CESA Status
Delta smelt	Threatened
Longfin smelt	Threatened
Spring-run Chinook*	Threatened
Winter-run Chinook*	Endangered

*State and Federally listed



Current Status CESA Operations ITP

- Aquatic modeling being updated/revise
- Combined discussion with Reclamation and NMFS on Federal ESA and CDFW for state-listed species
- Review and address CDFW comments on Revised Draft EIR/Supplemental Draft EIS
- Draft Operations ITP once modeling is available
 - Non-analytical sections started
- Finalize Mitigation and Adaptive Management Plans; at 95% complete
- Agency workshops being held/planned

Next Steps and Upcoming Activities

- Continue discussions with CDFW and NMFS
- Finalize revised exchange criteria with Reclamation
- Complete 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 (May 2022)

Eagle Survey Update

Kayla Nowlin / John Spranza

January 2022 Eagle Survey Results

- Surveys started January 24 ended Jan 31
 - Helicopter and ground surveys
- Observed 8 active nests in the area
 - 2 bald eagle
 - 2 golden eagle
 - 4 eagle nests (probably golden eagle)
- Additional eagles noted in survey area, other nesting may occur in the area
- Inactive nests detected, pairing may still occur
- Future surveys to be conducted in April and July

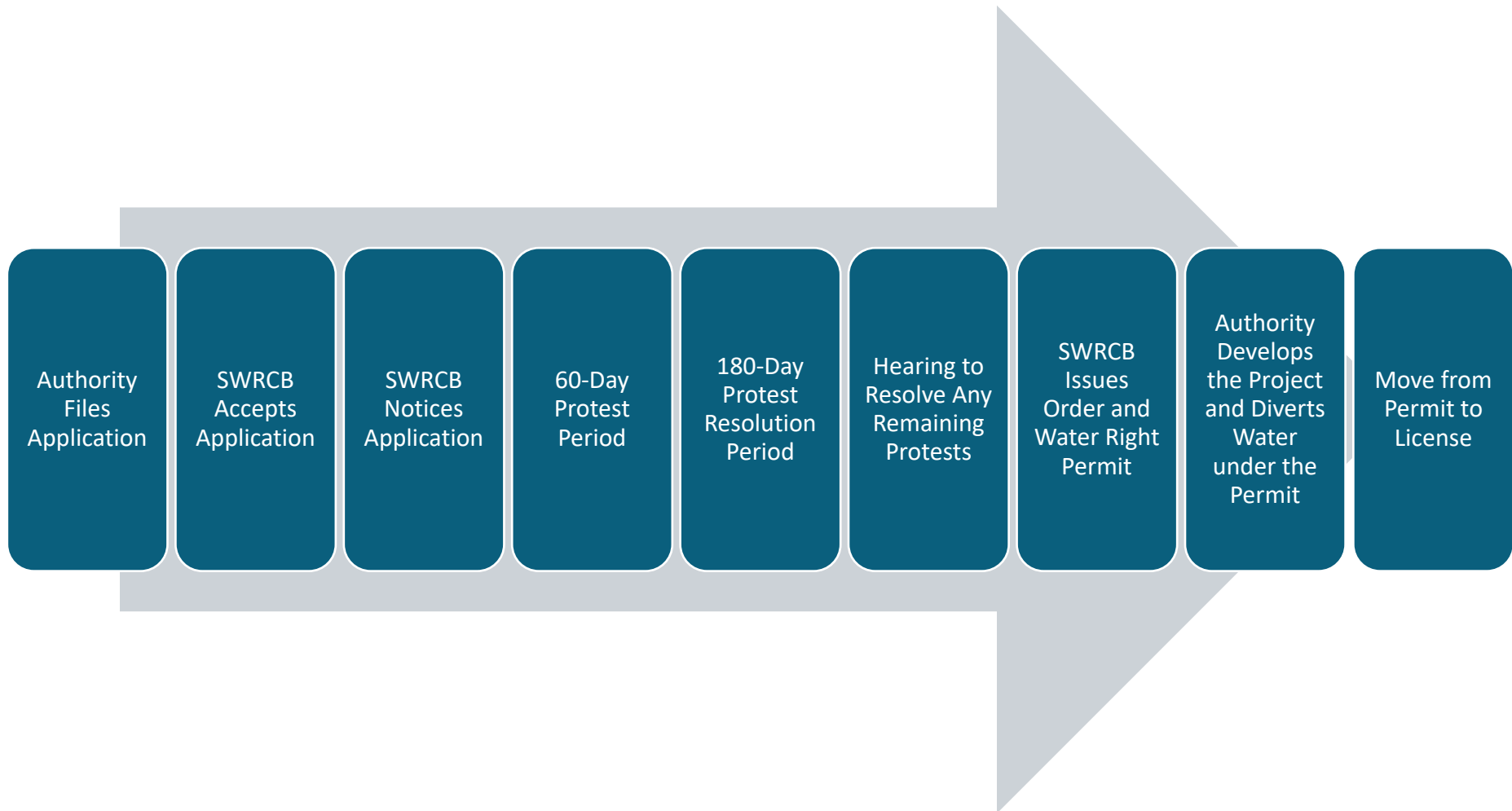
Eagle Survey Result – What Does it Mean?

- Observations fit expectations
 - Species, density and nesting
- Anticipated impacts are consistent with survey findings
 - 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 (benefit)
- Permitting strategy is appropriate
 - Construction – short-term permit (5 years) and nest removal permit if needed
 - Operation – long-term permit
 - Develop Eagle Conservation Plan (ECP)

Water Right Application Process

Angela Bezzone

Water Right Process

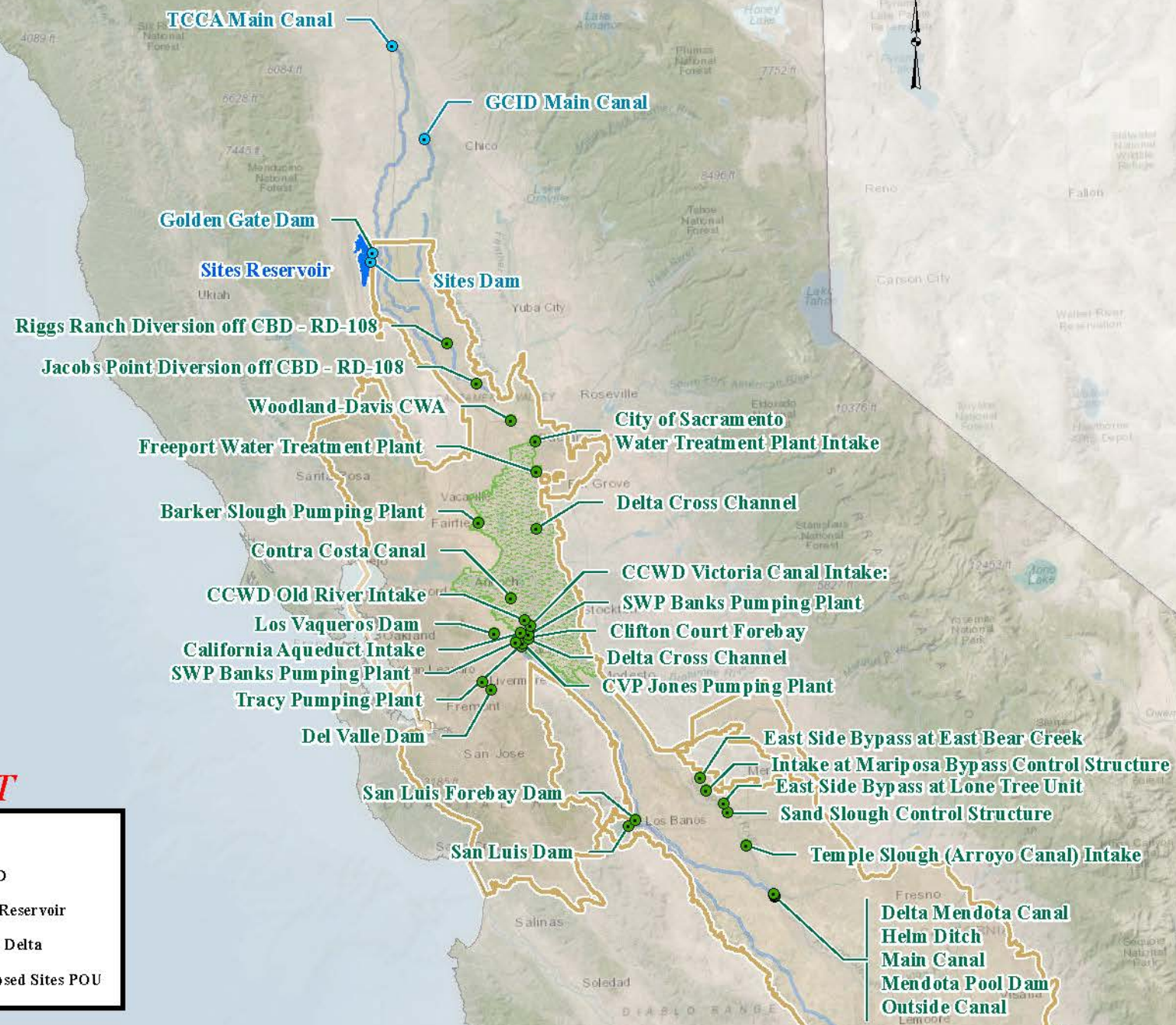


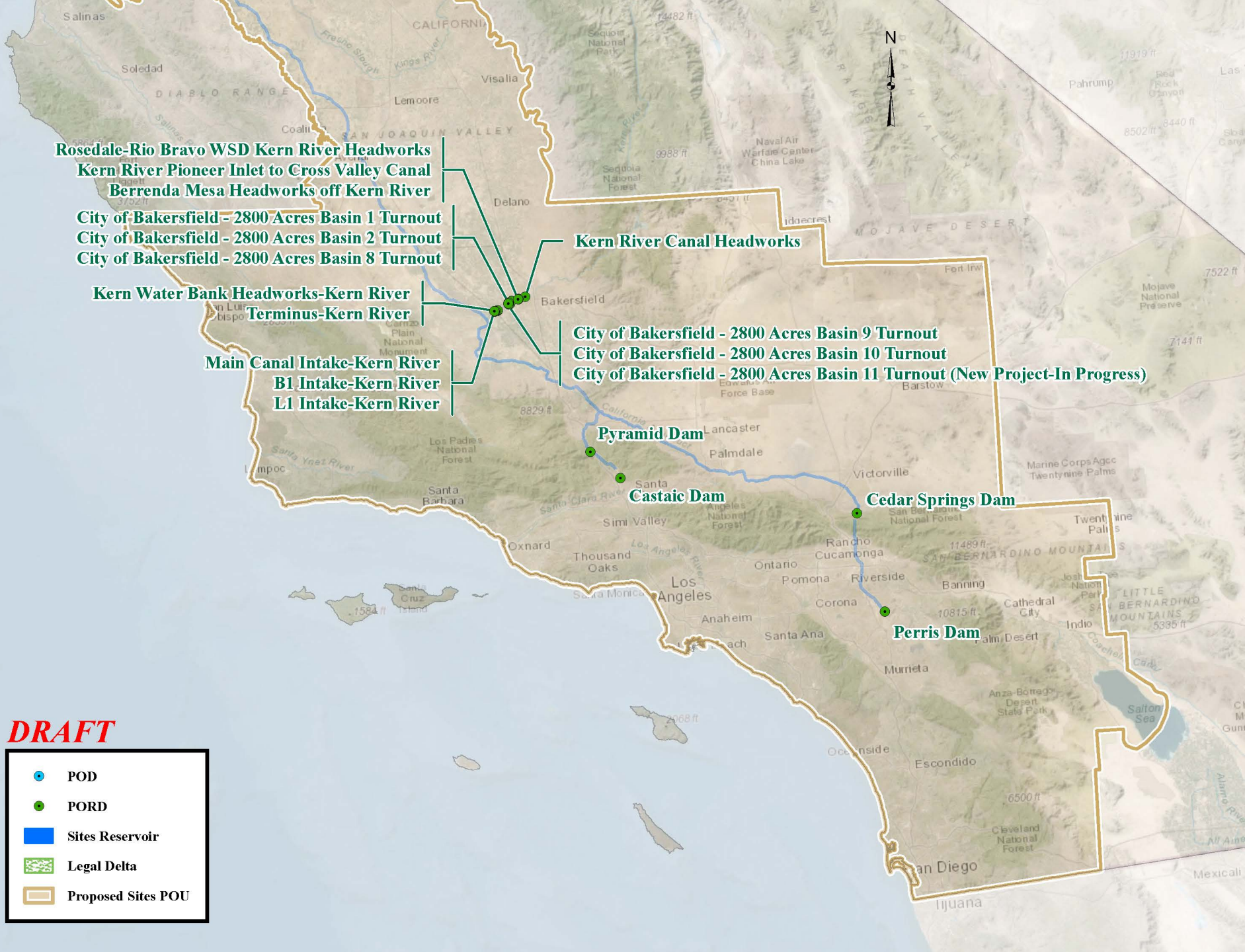
Water Right Status

- Continue to make progress on the water right application
 - Applying for an appropriative water right
 - Will include Request for Assignment of state filing A025517 which has a priority date of 9/30/1977
- Application will be presented in March for approval with submittal to SWRCB in April
- One-on-one meetings were held with members
 - Resulted in small changes to the place of use
 - Resulted in additions/removal of points of rediversion

DRAFT

	POD
	PORD
	Sites Reservoir
	Legal Delta
	Proposed Sites POU





Rosedale-Rio Bravo WSD Kern River Headworks
Kern River Pioneer Inlet to Cross Valley Canal
Berrenda Mesa Headworks off Kern River

City of Bakersfield - 2800 Acres Basin 1 Turnout
City of Bakersfield - 2800 Acres Basin 2 Turnout
City of Bakersfield - 2800 Acres Basin 8 Turnout

Kern Water Bank Headworks-Kern River
Terminus-Kern River

Main Canal Intake-Kern River
B1 Intake-Kern River
L1 Intake-Kern River

Kern River Canal Headworks

City of Bakersfield - 2800 Acres Basin 9 Turnout
City of Bakersfield - 2800 Acres Basin 10 Turnout
City of Bakersfield - 2800 Acres Basin 11 Turnout (New Project-In Progress)

Pyramid Dam

Castaic Dam

Cedar Springs Dam

Perris Dam

DRAFT

	POD
	PORD
	Sites Reservoir
	Legal Delta
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Application Fee

- State required fees to process the Project's water right application:
 - Application Fee: \$579,952.
 - Petition for Assignment of a State Filed Application filed with water right application: \$5,000.
 - Request for Release from Priority of State-filed applications: \$10,000.
 - Total Fee: \$594,952
- Non-refundable
- Eliminates state fees associated with filing and processing the Project's Section 401 Clean Water Act permit (estimated at \$207,000)

Next Steps

- Continue development of the application
- Have Reclamation and DWR review sections relevant to their activities
- NGO Small Group meeting in early March
- Finish up closed session items this month
- Seek approval to submit application next month

2022-2024 Geotechnical Investigations

Linda Fisher/Jelica Arsenijevic

Action Item for RC / AB This Month

- Authorize:
 1. Release of the Draft Environmental Assessment/Initial Study
 - Authorizing the Executive Director to file a Notice of Completion with the State Clearinghouse and complete other noticing requirements to initiate the public review process
 2. Executive Director to sign and submit the necessary permit applications including associated application fees, if any

2022-2024 Geotechnical Investigations

- Support engineering, design and cost estimates
- Activities:
 - Geologic mapping
 - Surface mapping, noninvasive
 - Geotechnical investigations
 - Subsurface drilling, invasive
 - Surface geophysical surveys
 - Surface mapping, non or minimally invasive
- Summer 2022 through 2024



Roles and Responsibilities

- Authority
 - Undertake all field activities
 - Obtain all land access
 - CEQA Lead Agency
 - State permits
- Reclamation
 - Funding partner, no field activities anticipated
 - NEPA Lead Agency
 - Federal permits

Project Development / Impact Avoidance

- Activity locations coordinated with engineering, environmental, and realty teams
 - Avoid and minimize impacts to extent possible (especially biological, cultural and Tribal)
 - Avoid and minimize areas where landowners are less likely to be willing
- Activities only undertaken on willing landowner parcels and in public right of way (with permission)
- Authority will implement its standard geotechnical protocols and procedures to avoid and minimize potential environmental impacts

Impact Avoidance

- To avoid and minimize potential environmental impacts, Authority will implement:
 - Standard geotechnical protocols and procedures
 - Similar to prior geotechnical activities
 - Mitigation measures in Draft EA/IS
 - Permit requirements
- Pre-activity surveys for biological, cultural and Tribal resources
 - Do not drill at any site:
 - With known cultural or Tribal resources based on previous survey information and pre-activity surveys
 - Where we can not adhere to biological mitigation measures or measures in the anticipated permits
- On-site monitoring for biological, cultural and Tribal

Draft EA/IS

Linda Fisher

CEQA/NEPA Compliance Approach

- Initial Study under CEQA
 - Authority Lead Agency
 - Will determine whether Authority adopts a mitigated negative declaration
- Environmental Assessment under NEPA
 - Reclamation Lead Agency
 - Will determine whether Reclamation adopts a Finding of No Significant Impact
- Joint Draft EA/IS
 - 30-day public review period
- Currently reviewing/finalizing the document with Reclamation

Mitigation Measures Anticipated in Draft EA/IS

Resource Area	Summary of Mitigation Measures
Biological Resources	Conduct mandatory biological resources awareness training; general measures to avoid and minimize effects on sensitive biological resources; measures to avoid and minimize effects on waters of the U.S./State; species specific measures for state and federally-listed plant and animal species along with migratory birds and eagles; and decontamination of equipment for aquatic invasive species
Paleontological Resources	Consult with qualified paleontologist if paleontological resources are discovered
Cultural Resources	Avoid impacts on cultural resources; conduct pre-activity pedestrian survey; prepare a post-review Discovery Plan; conduct archaeological sensitivity training; conduct archaeological monitoring; and immediately halt ground-disturbing activities if cultural resources or human remains are found and implement appropriate plans
Tribal Cultural Resources	Avoid or preserve in place; treat resources with culturally appropriate dignity; and implement permanent conservation easements for any resources found

Preliminary mitigation measures. These measures may change as staff, Legal and Reclamation continue review of the EA/IS.

Permits/Authorizations

Jelica Arsenijevic

Federal Permits/Authorizations

- USFWS Supplemental Biological Assessment
 - Amending prior geotechnical Biological Assessment and associated Biological Opinion
 - Reclamation submitted amended BA to USFWS on February 15, 2022
- Section 106
 - Finalized Area of Potential Effect and cultural sensitivity report
 - Tribal consultation by Reclamation will be initiated in a week
 - SHPO consultation will be initiated by Reclamation following tribal consultation

Other Permits/Authorizations

- With the careful selection of locations to avoid impacts, only a few locations trigger the need to obtain additional permits
- Clean Water Act Section 404 – Four locations
 - Non-Notifying Nationwide Permit #6, Survey Activities
 - Memo prepared to document
 - No permit to submit – abide by conditions of NWP #6
- Clean Water Act Section 401 – Same four locations as 404
 - Standard Water Quality Certification
 - Submitting concurrent with public release of Draft EA/IS
- Central Valley Flood Protection Board – Two different locations
 - Standard permit
 - Coordinating with RD 108 for endorsement
 - Submitting concurrent with public release of Draft EA/IS
- Coordinating with CDFW on any permitting needs

Action This Month

- Recommend to the Reservoir Committee and Authority Board that they authorize:
 1. Release of the Draft Environmental Assessment/Initial Study
 - Authorizing the Executive Director to file a Notice of Completion with the State Clearinghouse and complete other noticing requirements to initiate the public review process
 2. Executive Director to sign and submit the necessary permit applications including associated application fees, if any

RDEIR/SDEIS

Ali Forsythe / Laurie Warner Herson



Sites Reservoir Project

Revised Draft Environmental Impact Report/
Supplemental Draft Environmental Impact Statement

November 2021



RDEIR/SDEIS Comments

- Public review period closed January 28, 2022
 - 92 numbered comment emails, letters and transcripts
 - Letters:
 - 16 submitted by public agencies and tribes
 - 7 submitted by NGOs
 - 26 commenters at the public meetings held in December
 - Remaining comments from general public (including form letter)
- Currently numbering, sorting and categorizing individual comments within letters, emails and transcripts
 - Identifying themes for master responses
 - Creating tables to group comments on specific topics

Key Topics in Comments

- Comments address:
 - Trinity River impacts
 - Water rights
 - Level of Tribal consultation
 - Need to disclose operations plan
 - Fisheries impacts
 - Flood impacts
 - Faults and earthquake scenarios
 - Groundwater, seepage
 - Feasibility and project costs
 - Need to better define ecosystem benefits
 - Service needs due to changes to the town of Maxwell

Public Agency Comments

- Tribal:
 - United Auburn Indian Council
 - Winnemem Wintu Tribe (with NGO group)
 - Yocha Dehe Wintun Nation
- Federal:
 - National Marine Fisheries Service
 - US Environmental Protection Agency
- State:
 - California Department of Fish and Wildlife
 - CA Office of Environmental Health and Hazard Assessment
 - Central Valley Regional Water Quality Control Board
 - State Water Resources Control Board, Water Rights Division
- Regional:
 - Contra Costa Water District
 - East Bay Municipal Utility District
 - Local Agencies of the North Delta
- Local:
 - Colusa County Board of Supervisors
 - Maxwell Fire Protection District
 - Maxwell Public Utility District
 - Maxwell Unified School District
- Water NGOs:
 - State Water Contractors
 - Northern California Water Association

Non-Governmental Organizations Comments

- AquAlliance
- Bay Institute
- California Indian Environmental Alliance
- California Sportfishing Protection Alliance
- CalWild
- Center for Biological Diversity
- Defenders of Wildlife
- Friends of the River
- Golden State Salmon Association
- Golden West Women Flyfishers
- Institute for Fisheries Resources
- Natural Resources Defense Council
- Northern California Council Fly Fishers International
- North Coast Rivers Alliance
- Planning and Conservation League
- Pacific Coast Federation of Fishermen's Associations
- Restore the Delta
- San Francisco Baykeeper
- Save California Salmon
- Sierra Club California

Next Steps

- Update in March will include:
 - Matrix of commenters and issues raised by each
 - Identification of major themes for master responses

Work Group Charter

Ali Forsythe

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 May*
- Revised Biological Assessment
 - Submittal to Reclamation in late May/early June*
- Water Right
 - Application complete in late March/early April*
- Section 106 Consultation
 - PA is being prepared to be circulated

* BA and Operations ITP adjusted to reflect timing of 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		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		
Reclamation USFWS NMFS		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
Incidental Take Permit – Construction		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		Project Description	Complete	Complete	Complete	Complete	Complete	Complete	Complete
		Diversion Criteria	Complete	Complete	Complete	Complete	Complete	Complete	Complete
		Modeling Approach	Complete	Complete	Complete	Challenge	Complete	Complete	Complete
		Mitigation Approach	Complete	Complete	Complete	Challenge	Complete	Complete	Complete
		Species Modeling	Complete	Complete	Complete	Challenge	Complete	Complete	Complete
		Effects Analysis	Complete	Complete	Complete	Challenge	Complete	Complete	Complete
Mitigation and Adaptive Mgmt Plan	Complete	Challenge	Complete	Complete	Complete	Complete	Complete		
Water Right Permit		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	Challenge	Complete	Complete	Complete
		Submit Water Right Application	Complete	Complete	Complete	Complete	Complete	Complete	Complete
SWRCB									

Dashboard Update





Sites Project Authority

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Environmental Permitting Dashboard

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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							
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 – March/April

- Ongoing AB52 Consultation with Tribes
- Final EIR/EIS preparation:
 - Identify and outline topics for master responses to comments
 - Begin development of master responses
 - Identify any minor changes in design and refinements to operations, including updates to modeling
 - Develop and review introduction to responses to comments

Upcoming Permitting Work and Priorities – March/April

- BA/ITP:
 - Complete revise modeling and begin assessing effects
 - BA Only -- Revise terrestrial approach to address previous internal comments; determine impacts and mitigation for terrestrial
- Eagle Surveys – On hold for a bit for April surveys
- 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 write-up; 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
 - Master Responses
 - Permitting
 - Water Right Application Review
 - Delegate authority to submit
 - BA Review
 - ITP Operations Application Review
 - Section 404/401 applications – Draft application review

Thank you!

