

Environmental Planning and Permitting Work Group

July 14, 2022



Agenda

- Biological Assessment and Operations ITP Application
- 2022-2024 Geologic, Geophysical, and Geotechnical Investigations Final Environmental Assessment/Initial Study, Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program
- Environmental Permitting and Planning Manager Report
 - Key Planning Activities Report
- Upcoming Meetings

Biological Assessment and Operations ITP Application

John Spranza



BA and Operations ITP Application Key Items

- BA – Effects to aquatic and terrestrial species
 - Terrestrial effects and mitigation discussed in March 2022
 - Focus today is aquatic species and effects from Project operations
- Operations ITP Application – Effects to aquatic species only

BA and Operations ITP Aquatic Species

Species Addressed in the BA	Species Addressed in the Operations ITP Application
Winter run Chinook salmon	Winter run Chinook salmon
Spring run Chinook salmon	Spring run Chinook salmon
Central Valley Steelhead	N/A
Green sturgeon	N/A
Delta Smelt	Delta Smelt
Longfin smelt ¹	Longfin smelt

1. Longfin smelt is a candidate for federal listing and will undergo an ESA conference opinion with USFWS

Primary Effects to Aquatic Species

- Salmonid and green sturgeon
 - Juvenile stranding, effects to spawning and rearing habitat, flow effects to migration survival, increased probability of entrainment and impingement at screens
- Longfin smelt
 - Reduced sediment load and increased potential for predation
- Delta smelt
 - Reduced water quality (temperature, dissolved oxygen, metals)
- Exact take numbers for aquatic species will be developed during ITP and BA consultation process

BA and ITP Mitigation Approach

- Approach is to avoid, reduce, then mitigate effects
- ITP “fully mitigate” standard will be the highest bar
 - Greater standard than Federal ESA requirements
- Types of mitigation for permanent impacts
 - Off-site habitat acquisition, creation or restoration
 - Conservation banks / mitigation banks
 - Similar-in-kind mechanisms (e.g., increase fish survival)
- Financial assurances for mitigation required by CESA

Mitigation Cost

- \$56 million estimate for aquatic mitigation in 2021
 - Current estimates consistent with previous
- Updating mitigation needs and cost estimates
 - Mitigation for aquatic species tends to have more negotiation
 - Generally, no established or precedential ratios like terrestrial
 - Meeting with CDFW, USFWS and NMFS on financial assurances and timing of required mitigation

Adaptive Management Program

- Framework and process for addressing uncertainty with current scientific understanding of listed species and the effects of Project operations
- Would generate and incorporate new information, improved analytical tools and effects understanding into refining operations
 - Pulse Protection
 - Wilkins Slough Bypass Criteria
 - Fremont Weir Notch
- Ongoing coordination with fisheries agencies
- Refined over operational lifetime

Requested Action

- Request Work Group recommend to the Reservoir Committee to:
 - Authorize the Executive Director to submit the Biological Assessment to Reclamation and Operations ITP Application once they are ready to go
 - Should any substantive changes in the analyses or effects outlined today change, staff will bring this item back to the Workgroup for review and discussion

Geologic, Geophysical, and Geotechnical Investigations Final EA/IS, MND and Mitigation Monitoring and Reporting Program

Laurie Warner-Herson

Action Item for RC / AB This Month

- Adopt:
 1. CEQA Initial Study/Mitigated Negative Declaration
 2. Mitigation Monitoring and Reporting Program

- Consider:
 1. Approval of the Project

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
- 2022 through 2024



Draft EA/IS

- Authority
 - Undertake all field activities
 - Obtain all land access
 - Obtain State permits
 - CEQA Lead Agency
- Reclamation
 - Funding partner, no field activities anticipated
 - Federal permits
 - NEPA Lead Agency
- Joint EA/IS
 - Supports NEPA FONSI and CEQA MND

Resource Specific Mitigation Measures

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

Final EA/IS

- Draft EA/IS Circulated for Public Review May 23 - June 21, 2022
 - 4 agency comments received
 - Comments mostly advisory
 - Minor revisions requested to mitigation
- Final EA/IS
 - Responses to Comments
 - Minor revisions
- Mitigation Monitoring and Reporting Program
 - Monitor implementation of mitigation measures

Permitting and Schedule

- Permits
 - Amended Biological Opinion received
 - SHPO Concurrence received
 - Applications submitted to CDFW, RWQCB, Central Valley Flood Protection Board for a limited number of locations
 - Anticipate permits by end of 2022
- Work scheduled to begin September 1, 2022 and end by December 2024

Environmental Planning and Permitting Manager Report

John Spranza for Ali Forsythe



Dashboard Update

Deliverable	Start	Finish	Status	Notes, New or Potential Issues
Negotiate and Execute Benefits Contracts with DWR & CDFW	Jun-22	Jun-23	N/S	
Water Right Application				
• Submit to State Board	Sep-20	Apr-22	●	Application Submitted April
• Complete Protest Resolution Period	May-22	Dec-22	N/S	Starting to meet with potential protestants
• Receive Water Right Permit		Mar-24	N/S	
Federal ESA				
• Submit BA to Reclamation	Oct-20	Aug-22	●	Assessing schedule, dates likely to change
• Receive BiOps	Aug-22	Dec-22	N/S	Assessing schedule, dates likely to change
State ITPs				
• Receive Construction ITP	Sep-20	Dec-22	●	
• Submit Operations ITP to CDFW	Sep-20	Aug-22	●	Assessing schedule, dates likely to change
• Receive Operations ITP	Aug-22	Mar-23	N/S	Assessing schedule, dates likely to change

N/S = Not Started; = On track; = Area of Potential Concern; = Delayed; = Completed

Dashboard Update

Deliverable	Start	Finish	Status	Notes, New or Potential Issues
Section 106 – Cultural Resources				
• Final Programmatic Agreement	Sep-20	Oct-22	●	
• Programmatic Historic Properties Management Plan	Dec-21	Dec-22	●	Ongoing meetings and coordination
Clean Water Act 404/401				
• Submit Final Permit Applications	Sep-20	Nov-22	●	Preliminary drafts submitted to agencies
• Receive 404 and 401 Permits	Oct-22	Jun-23	●	Will come shortly after Final EIR/EIS
Streambed Alteration Agreement				
• Prepare and Submit Application	Jan-22	Dec-22	●	Will be submitted ahead of schedule
• Receive Master Agreement	Jan-23	Jun-23	●	Will come shortly after Final EIR/EIS
Eagle Permit				
• Short-Term and Nest Take Permits Issued	Oct-20	Mar-23	●	Short-term permit submitted July 2022 anticipated Jan 2023 issuance
• Long-Term Permit Issued	Oct-20	Dec-24	●	Under Development

N/S = Not Started; Green = On track; Yellow = Area of Potential Concern; Red = Delayed; Blue = Completed

Dashboard Update

Deliverable	Start	Finish	Status	Notes, New or Potential Issues
Final EIR/EIS				
• Complete Final EIR/EIS	Dec-21	Jan-23	●	
• Certify Final EIR/EIS and approve preferred project and MMRP		Jan-23	●	

N/S = Not Started; **Green** = On track; **Yellow** = Area of Potential Concern; **Red** = Delayed; **Blue** = Completed

Next Meeting

- Next Meeting – August 10
- Topics –
 - Permitting
 - Water Right status briefing
 - Planning
 - Final EIR/EIS status briefing

Thank you!

