

# Environmental Planning and Permitting Work Group

August 10, 2022



# Agenda

- Status of the Development of the Project's Final EIR/EIS
- Status of the Authority's Water Right Application to the State Water Resources Control Board
- Environmental Permitting and Planning Manager Report
  - Key Planning Activities Report
- Upcoming Meetings

# Final EIR/EIS Status

Ali Forsythe and Laurie Warner Herson

# Roles

- Authority Lead Agency under CEQA
  - Takes first CEQA action
  - Members making decision in the context of the Authority's decision (not their own agency's decision)
- Each Reservoir Committee Member is a Responsible Agency under CEQA
  - Takes follow on CEQA action prior to final decision to invest in Project
  - Important that each Member Agency can make this decision based on the Authority's Final EIR/EIS

# CEQA Lead and Responsible Agency Roles

- Authority Lead Agency under CEQA
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  - Members making decision in the context of the Authority's decision (not their own agency's decision)
- Each Reservoir Committee Member is a Responsible Agency under CEQA
  - Takes follow on CEQA action prior to final decision to invest in Project
  - Important that each Member Agency can make this decision based on the Authority's Final EIR/EIS
- State Agencies
  - Will rely on the Authority's Final EIR/EIS in supporting decisions

# Final EIR/EIS Development

- RDEIR/SDEIS released November 12, 2021
- Close of public review January 28, 2022
- Ongoing efforts since January:
  - Coordination with Reclamation and legal counsel on approach to Final EIR/EIS, including format, key comments and additional technical analysis
  - Identification of any changes to the Project, both facilities and operations
  - Incorporating revised modeling results
  - Continuing AB 52 consultation and other public outreach
  - Developing master and individual responses to comments

# Final EIR/EIS Format

- Volume 1 – Chapters
  - Include all chapters from RDEIR/SDEIS that need to be revised
- Volume 2 – Appendices
  - Include all appendices from RDEIR/SDEIS that need to be revised
- Volume 3 – Responses to Comments on RDEIR/SDEIS
  - Chapter 1 – Introduction and Approach
  - Chapter 2 – Commenter Indices and Form Letter Introduction
  - Chapter 3 – Master Responses Introduction and Master Responses
  - Chapter 4 – Responses to Comments Tables

# Key Changes To Date

- Changes between RDEIR/SDEIS and Final EIR/EIS to date:
  - Minor changes in facilities due to design refinements
  - Revisions to Diversion Criteria
  - Corrections or clarifications needed in response to comments
- No new or substantial greater impacts identified that would require recirculation



# Admin Final EIR/EIS Process

- Review of draft responses to comments has been initiated
- Updates to Volumes 1 and 2 are being made as modeling results available and responses to comments are finalized
- Concurrent Reclamation and legal counsel review of early drafts and during batch review process
- Administrative Final EIR/EIS to be completed in October and relevant sections will be made available to responsible and cooperating agencies for review

# CEQA Decision Process (In Order)

1. Certification of the Final EIR completed in compliance with CEQA and reflects agency's independent judgment
2. Make CEQA Findings and Statement of Overriding Considerations
  - Significant Impact – Written findings accompanied by a brief explanation of the rationale
  - Significant and Unavoidable Impact – Statement of Overriding Considerations
    - Balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks
    - Water Quality, Vegetation and Wildlife, Agriculture, Air Quality, Cultural Resources, Tribal Cultural Resources
  - Adoption of Mitigation Monitoring and Reporting Plan
3. Decide whether to approve the Project

# Next Steps

- Completion of Administrative Final EIR/EIS in October and concurrent review by Reclamation, legal counsel and responsible and cooperating agencies
- Preparation of the complete Final EIR/EIS in early 2023
- Federal review and approval for publication
- Preparation of CEQA Findings, MMRP and Statement of Overriding Considerations
- Authority Board public meeting to decide to adopt CEQA document, make findings and approve project

# Water Right Application Update

John Spranza and Angela Bezzone

# Water Right: Ongoing Activities

- Submitted application May 11
  - Awaiting response from State Board on acceptance and noticing or needing additional information
- Reaching out to others to proactively address any concerns
  - Water rights holders along flow paths
  - Water rights holders with overlapping season of diversion
  - DWR and Reclamation (ongoing)
  - Non-governmental organizations through our previous small groups

# Additional Analysis Underway

- Water availability with the Sacramento / Delta Update to the Bay-Delta Plan (Phase II) in place
  - No modeling platform to directly evaluate this
    - SWRCB has not released SacWAM model
  - ROC on LTO Alternative 4 evaluated Phase II in CalSim II
    - 55% unimpaired flow requirement year-round
    - Post-processing this in the same way completed other analyses in Water Availability Report
  - Early results show average of over 600,000 AF for Sites Project
    - Water available in all water year types, in all months except June
  - Analysis has limitations and results approximate but continues to show a reasonable likelihood of water available
  - Expect to complete analysis is coming weeks

# Water Right Schedule




- Sept 2022 – Board deems application complete and issues public notice of application
- Nov 2022 – Deadline to submit protests
- May 2023 – End of protest resolution period
- June – Sept 2023 – Hearing preparation
- Oct 2023 – Hearings begin
  - Oct/Nov: Presentation of cases-in-chief
  - Mid-Nov 2023: Rebuttal testimony due
  - Mid-Dec 2023: Rebuttal hearing starts
  - Mid-Feb 2023: Final briefs due
- April 2024 – Board issues decision on permit
- Schedule has little float, hearing process and timelines are estimates

# Environmental Planning and Permitting Manager Report

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	
<b>Water Right Application</b>				
• Submit to State Board	Sep-20	May-22		Application Submitted April
• Complete Protest Resolution Period	Nov-22	May-23	N/S	Starting to meet with potential protestants
• Receive Water Right Permit		Apr-24	N/S	
<b>Federal ESA</b>				
• Submit BA to Reclamation	Oct-20	Nov-22		Reclamation review on hold
• Receive BiOps		May-23	N/S	
<b>State ITPs</b>				
• Receive Construction ITP		Jun-23		
• Submit Operations ITP to CDFW	Sep-20	Nov-22		Dates adjusted to reflect current status
• Receive Operations ITP		Jun-23	N/S	Date adjusted to reflect current status

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

# Dashboard Update

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

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
<b>Final EIR/EIS</b>				
• 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 Scheduled Meeting – October 12
- Topics
  - Permitting
    - Adaptive Management Plan Overview
    - Water Rights - Protests Status Update Briefing
    - Dead Pool Environmental Considerations

**Thank you!**

