

MP-150  
2.1.4.17

**Request for Waiver of Time Limit Under S.O. 3355**

To: Office of the Deputy Secretary  
Through: Brenda Burman, Commissioner  
From: Michael J. Ryan, Acting Regional Director  
Date: December 18, 2018

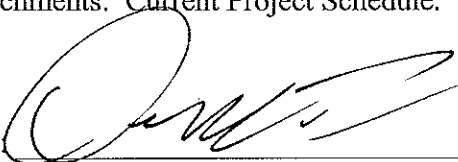
1. Bureau Name: Bureau of Reclamation, Mid-Pacific Region
2. Title of Document: North of Delta Offstream Storage (NODOS) Final Environmental Impact Statement (EIS)
3. Description of Action: The NODOS Project is one of the five surface water storage studies recommended in the July 2000 CALFED Bay-Delta Program Programmatic Environmental Impact Statement/Report and August 2000 Programmatic Record of Decision (ROD). The NODOS project, also known as the Sites Reservoir project, is a proposed 1.8 million-acre-foot off-stream reservoir in Northern California. The reservoir would provide water supply for agricultural use and municipal and industrial purposes. The proposed project facilities would be located primarily in Glenn and Colusa counties, approximately 10 miles west of the town of Maxwell, California. The Bureau of Reclamation, Mid-Pacific Region (Reclamation) has partnered with the Sites Project Authority (Authority) to pursue the development of the project. The Authority is the lead agency under the California Environmental Quality Act (in lieu of the California Department of Water Resources) and will be responsible for constructing, operating, and maintaining the NODOS project.
4. Time waiver: 150 Page waiver:
5. Description of Reason for Request: Consistent with the Waiver Guidelines outlined in Secretarial Memorandum on Additional Direction for Implementing S.O. 3355 (April 27, 2018), the NODOS project is an unusually complex and controversial project involving a water system. It is large in scope with a lengthy construction timeline; multi-jurisdictional, involving multiple agencies and stakeholders; and has the potential to affect many Federal and state endangered and special status species in the expansive project area.

Reclamation accelerated the schedule to comply with S.O. 3355 to the extent practicable. Resources to commence Endangered Species Act compliance have recently been secured and are underway; a Biological Opinion is expected to be issued February 2020. Reclamation also needs to complete consultation required by Section 106 of the National Historic

Preservation Act (NHPA). Additionally, water right permits need to be obtained from the State Water Resources Control Board before issuing a Record of Decision (ROD). To accommodate required permitting processes prior to issuance of a ROD, Reclamation requests a time limit waiver in order to complete ESA and NHPA compliance, obtain necessary water right permits, and then issue a ROD by December 2021.

6. **Need and Deadline for Issuance of Waiver Decision:** Reclamation requests a decision on the time waiver by January 15, 2019. Reclamation needs the waiver to meet statutory and/or regulatory requirements (Section 106 of the NHPA, Section 7 of the ESA, and obtaining water right permits from the State Water Resources Control Board) in advance of signing a ROD. This compliance was not previously contracted as part of the feasibility study and EIS preparation because these actions were planned to be completed after delivery of the Final EIS and subsequent Congressional action for Federal participation in the NODOS project. However, with the new authorities provided in the Water Infrastructure Improvements for the Nation (WIIN) Act, Reclamation is now seeking additional funds and time to pursue ESA and Section 106 compliance along with obtaining the necessary water right permits as the Secretary of the Interior now has the ability to determine the project feasible and move forward with a cost share agreement.
7. **Positions of Affected Stakeholders:** There is widespread support for the NODOS project among stakeholders. The Authority recently received a conditional loan from the U.S. Department of Agriculture to construct an intertie between two canals in the project area, which would "jump start" the NODOS project. The Authority is actively engaged and motivated to complete necessary environmental compliance processes as expeditiously as possible.
8. **Other Relevant Considerations:** The Project Team has been able to accelerate the schedule for publication of the Final EIS to December 2019 instead of March 2020, saving time and expenses by working diligently to anticipate and streamline issues that may arise during consultation. By working ahead of schedule on preparatory work for consultation with the agencies, the Project Team has saved significant time and money.
9. **Attachments:** Current Project Schedule.

Granted:



Date:

1/27/19

Denied:

Date:

### Current Project Schedule

<b>Milestone</b>	<b>Date</b>
Notice of Intent	11/9/2001
Draft EIS	8/25/2017
Final EIS	12/27/2019
Biological Assessment	9/1/2019
Biological Opinion	2/5/2020
Water Right Approval	TBD
Record of Decision	11/30/2021