

# Chapter 1 Introduction

This Revised Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement (RDEIR/SDEIS) evaluates the potential environmental impacts of the construction and operation of the Sites Reservoir Project (Project), an offstream surface water reservoir, by the Sites Project Authority (Authority) to provide water supply for environment, municipal, industrial, and agricultural needs throughout the State of California. The Authority is the lead agency under the California Environmental Quality Act (CEQA), and the U.S. Department of the Interior, Bureau of Reclamation (Reclamation) is the lead agency under the National Environmental Policy Act (NEPA). This RDEIR/SDEIS evaluates potential direct, indirect, and cumulative impacts on the environment that could result from implementing the Project. In addition, this RDEIR/SDEIS includes feasible mitigation measures to avoid, minimize, rectify, reduce, or compensate for significant adverse impacts.

In August 2017, the Sites Authority and Reclamation jointly issued a Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the Project pursuant to their respective lead agency obligations under CEQA and NEPA. This RDEIR/SDEIS includes a complete revision of the EIR/EIS (2017 Draft EIR/EIS; Authority and Reclamation 2017) to reflect changes to the Project that have occurred since the issuance of the 2017 Draft EIR/EIS.

The Project is located in rural unincorporated Tehama, Glenn, Colusa, and Yolo Counties, California. Figure 1-1, Regional Map, shows the proposed reservoir footprint in relation to county boundaries, cities and towns and general hydrologic characteristics, including reservoirs, rivers, and canals. Figure 1-2, Vicinity Map, shows the proposed reservoir footprint in Antelope Valley, towns, and smaller creeks. Figure 1-3, Local Vicinity Map, shows a more detailed view of the proposed reservoir footprint and surrounding area.

This chapter provides background on the Project, describes the CEQA objectives and NEPA purpose and need, explains the intended uses of the RDEIR/SDEIS, and describes the organization of the RDEIR/SDEIS. A detailed description of the Authority's proposed Project and the alternatives under evaluation are detailed in Chapter 2.

## 1.1 Sites Project Authority

The Sites Project Authority, previously known as the Sites Joint Powers Authority, was formed as a joint powers authority pursuant to state law on August 26, 2010. The mission of the Authority is to build and operate a climate-resilient, 21<sup>st</sup> Century water storage system to responsibly manage and deliver water, provide environmental benefits, and provide flood control and recreation benefits. **The Authority would be responsible for all aspects of ownership and operations of the Project and Project facilities that are not currently owned by another entity (such as Reclamation or the Glenn Colusa Irrigation District).**

The Authority currently is composed of the following public entities located and operating in the Sacramento Valley—City of Sacramento/Sacramento County Water Agency (share a seat), Colusa County Water District, County of Colusa, County of Glenn, Glenn-Colusa Irrigation District, Placer County Water Agency/City of Roseville (share a seat), Reclamation District 108, Tehama-Colusa Canal Authority, and Westside Water District. Reclamation and the California Department of Water Resources are ex-officio, non-voting members. Western Canal Water District and TC 4 Districts are associate, non-voting members.

Twenty-three public water agencies currently comprise the Authority’s Reservoir Committee. Reservoir Committee members would provide funding for the Project’s construction and operations and would receive water supply benefits from the Project. Reclamation is a non-voting member of the Reservoir Committee and may provide funding for the project and receive water supply benefits **dedicated to specific purposes such as environmental enhancement and wildlife refuges (see below)**. The California Department of Water Resources, on behalf of the State of California, is also a non-voting member of the Reservoir Committee and would provide funding (through the California Water Commission) for the project and receive water supply (ecosystem), recreation, and flood control benefits from the Project.

## 1.2 Project Background

California is a diverse and dynamic state. It was home to over 39.5 million people in 2019 – the most populated state in the United States and one of the most ethnically diverse states in the Union. The state has a diverse and rich natural environment, from the dense forests of the north coast to the dry deserts of southern portion of the State. The economy of California is equally diverse and robust, with major sectors of sales, manufacturing and technology along the coastal regions and in southern California to predominately agricultural sectors in the Sacramento and San Joaquin valleys. The State’s population, natural, and economic diversity is what many Californians have come to value, but also what makes water and natural resource management in California challenging. California is home to the largest federal and state water projects, the Central Valley Project (CVP) and State Water Project (SWP), along with a number of substantial local water projects – that all move water tens if not hundreds of miles from its source to its end use to sustain the State’s population, natural, and economic diversity. This diversity is increasingly at risk as the climate variability common in the State is further magnified by climate change.

The Project has long been envisioned as one tool in a toolbox of actions to assist the State in achieving the goals of water reliability for all users (including the environment) and adaptation to a changing climate. The key planning and funding efforts that form the foundation of the Project are described below.

### 1.2.1 CALFED Record of Decision

Throughout the CALFED process between 1995 and 2000, the social and environmental effects of water shortages and reliability within California were thoroughly analyzed and documented, along with a diverse suite of potential solutions to be implemented at the local, state, and federal levels. The CALFED review entailed an extensive multi-stakeholder and public process that

culminated with the issuance of the CALFED Record of Decision (ROD) in August 2000 (CALFED 2000). The Preferred Program Alternative in the CALFED ROD identified 8 program components to build a framework for managing California's water resources into the future. The storage component identified the potential for groundwater and surface water storage as a method of improving water supply reliability, providing water for the environment at times when it is needed most, providing flows for water quality maintenance, and as a way to protect levees through coordination with existing flood control reservoirs. Preliminary studies in support of the CALFED ROD considered over 50 surface water storage sites throughout California, and recommended more detailed study of five locations, one of which was the Project which was known at that time as the North-of-Delta Offstream Storage (NODOS) investigation. Consistent with the CALFED ROD, Reclamation and the California Department of Water Resources began further investigation of the viability of the Project in 2001.

### **1.2.2 Proposition 1 of 2014 – Water Storage Investment Program**

The Water Quality, Supply, and Infrastructure Improvement Act of 2014 (Proposition 1) authorized \$7.545 billion in general obligation bonds to fund ecosystems and watershed protection and restoration, water supply infrastructure projects, including surface and groundwater storage, and drinking water protection. Of the funds authorized in Proposition 1, \$2.7 billion were allocated to water supply infrastructure projects to fund the public benefits associated with these projects. The California Water Commission (CWC) administers the water supply infrastructure project funding through the Water Storage Investment Program (WSIP). The CWC conducted an extensive and rigorous selection process, open to the public, from 2015 to 2018 to select water supply infrastructure projects that met the eligibility criteria and provided public benefits, such as flood control, ecosystem improvement, water quality improvement, emergency response and recreation benefits. The selection process culminated in the CWC issuing maximum eligibility determinations for eight projects that would boost California water storage capacity by 4.3 million acre-feet in July 2018.

The Project was conditionally awarded approximately \$816 million of Proposition 1 funds for the Project's flood control, ecosystem improvement, and recreation public benefits. The CWC approved a request by the Authority to provide a portion of the Project's funding early to help complete environmental planning and permitting documents. Through remaining WSIP process steps, the CWC will have the opportunity to consider whether all required feasibility studies, permits and environmental documentation have been completed prior to determining each project's final funding award. All applicable laws and regulations must also be met to receive and maintain WSIP funding.

### **1.2.3 Water Infrastructure Improvements for the Nation Act of 2016**

The Federal Government has also recognized the challenges of existing water infrastructure and in 2016 passed the Water Infrastructure Improvements for the Nation Act (WIIN Act) (Public Law 114-322). Under the WIIN Act, Reclamation can participate in surface water storage projects that are constructed, operated, and maintained by a State agency or agency organized pursuant to State law and that provide a benefit in meeting any obligation under federal law (including regulations). Under the WIIN Act, the Secretary of the Interior can participate in up to 25 percent of the total cost of a State-led project. Pursuant to Section 4007(c)(2)(C) of the WIIN Act, the Secretary must find that a proportionate share of the project benefits are federal benefits,

including water supplies dedicated to specific purposes such as environmental enhancement and wildlife refuges. As of January 2021, \$24.05 million has been appropriated to Reclamation under the WIIN Act to advance the Project.

Consistent with the requirements of the WIIN Act, in December 2020, Reclamation completed and transmitted to Congress a Final Feasibility Report for the North-of-Delta Offstream Storage Investigation, which is essentially the same as the Project. This Final Feasibility Report notified Congress of the Secretary of the Interior’s determination of feasibility of the Project. Additionally, the Project has met the WIIN Act requirement of “under construction” by December 16, 2022 pursuant to WIIN Section 4013(2). WIIN Section 4011 defines the term construction: “The term ‘construction’ means the designing, materials engineering and testing, surveying...of water storage, exclusive of any Federal statutory or regulatory obligations relating to any permit, review, approval, or other such requirement.” **Reclamation conducted geotechnical field investigations and testing in 2019, 2020 and 2021.**

#### **1.2.4 Governor’s Executive Order N-10-19 and the Water Resiliency Portfolio**

Since the issuance of the CALFED ROD more than 20 years ago, the pressures on surface and groundwater resources in the State, as well as on the existing water supply infrastructure, have only intensified (Executive Order N-10-19). In April 2019, the Governor signed Executive Order N-10-19, which identified the State’s current water challenges and emphasized that the “future prosperity of our communities and the health of our environment depend on tackling pressing current water challenges while positioning California to meet broad water needs through the 21st century”. To that end, the order required the preparation of a water resilience portfolio by the California Natural Resources Agency, the California Environmental Protection Agency, and the California Department of Food and Agriculture, in consultation with the Department of Finance, to meet the needs of California’s communities, economy, and environment through the 21st century. The 2020 Water Resilience Portfolio – Governor’s Executive Order N-10-19 (Portfolio) was completed in July 2020 (State of California 2020).

The Portfolio identifies the need for tools and leadership to advance projects of statewide scale and importance and to help address challenges that are beyond the scope of any region (State of California 2020). The Portfolio embraces a broad, diversified approach and is organized into four categories of goals and actions: (1) maintain and diversify water supplies, (2) protect and enhance natural ecosystems, (3) build connections, and (4) be prepared. The Portfolio emphasizes that advanced planning, thoughtful investments, integrated management, and unprecedented collaboration are required to meet the substantial water challenges facing the State, and it acknowledges that no quick or singular fix will safeguard communities in the coming decades and preserve access to water for all Californians. To this end, the Portfolio identifies the need to expand smart surface water storage where it can benefit water supply and the environment. To achieve this important goal, the Portfolio proposes the acceleration of State permitting for projects selected under the WISP, described above) that protect and enhance both fish and wildlife and water supply reliability. The Portfolio specifically identifies the Sites Project as one of the smart water storage projects that should be subject to this expedited permitting.

### **1.2.5 Value Planning Process**

In October 2019, the Authority undertook a value planning process—an effort to identify and evaluate additional alternatives that could make the Project more affordable for the Project’s participants while also addressing comments received on the 2017 Draft EIR/EIS. This decision was based on ongoing discussions with permitting agencies, expected Project costs and the cost per acre-foot (AF) of reservoir releases, and existing participation levels. The value planning process focused on the following objectives: (1) improve water supply and water supply reliability, (2) provide Incremental Level 4 water supply for refuges, (3) improve the survival of anadromous fish, (4) enhance the Delta ecosystem, (5) provide opportunities for recreation, and (6) provide flood damage reduction. Through the value planning process, the Authority considered a number of different options to reduce project costs while continuing to meet the project objectives. Though the value planning process, the Authority considered a number of different options to reduce project costs while continuing to meet the project objectives.

A key driver for the value planning process was the rising cost of the Project. The Project must be cost-effective for all Reservoir Committee member participants, including those that are the most cost sensitive due to size, operating budget, and capital improvement plan. The facilities, the size of the reservoir, and release volumes primarily drive Project costs (Authority 2020).

In April 2020, the Authority accepted the Value Planning Report and its findings. The Report focused on three options, termed VP5, VP6, and VP7. All three options included reservoir sizes from 1.3 to 1.5 million AF, eliminated the pump-back hydroelectrical facilities, and focused on using existing facilities to the extent practical for the diversion and release from the reservoir. The three options ranged in cost from \$2.8 billion to \$3.0 billion in 2019 dollars with a per AF costs range from \$592 AF to \$611 AF, assuming the use of a low interest Federal loan through the Water Infrastructure Finance and Innovation Act. At the same time as acceptance of the Value Planning Report, the Authority also directed staff to analyze the environmental effects of the new alternatives in the Report.

## **1.3 Scoping and Public Comments**

### **1.3.1 Scoping**

California’s Department of Water Resources (DWR) originally published a Notice of Preparation (NOP) for the Sites Reservoir Project EIR/EIS on November 5, 2001. The Authority assumed the role of CEQA lead agency in 2016 and issued a supplemental NOP on February 2, 2017. Reclamation issued a Notice of Intent (NOI) to prepare an EIS under NEPA on November 9, 2001. In addition to the scoping process in January 2002, the Authority conducted two scoping meetings in February 2017 following publication of the supplemental NOP. During both scoping periods, the public was invited to submit written comments, by mail, fax, or email, regarding the scope, content, and format of the environmental document . The Authority and Reclamation prepared an original Scoping Report, as well as a Supplemental Scoping Report, following the scoping meetings conducted in 2017. This information is included as Appendix 1A of this EIR/EIS.

### 1.3.2 Comments Received on the 2017 Draft EIR/EIS

The Authority and Reclamation released the Draft EIR/EIS in August 2017. The Authority, as the CEQA lead agency, issued a Notice of Availability (NOA) on August 14, 2017. A Notice of Availability of the 2017 Draft EIR/EIS and notice of public meetings was also published in the Federal Register on August 18, 2017. The 2017 Draft EIR/EIS was initially made available for public review from August 14, 2017 to November 13, 2017. This review period was ultimately extended to January 15, 2018, to accommodate additional public review and comments. A total of 137 comments letters and emails were received on the 2017 Draft EIR/EIS along with comments received at two public hearings held during the public review period. Comments and/or issued raised in these letters include:

- Project description and range of alternatives
- Modeling approach, modeling baseline, and modeling analysis
- Operational impacts to fisheries
- Impacts to Trinity River resources
- Indian Trust Assets (ITAs) and impacts to Tribal Cultural Resources
- Impacts to terrestrial species
- Water quality
- Water rights
- Geotechnical and geological data and seismicity
- Additional cumulative impacts

Additional comments were received after the close of the public review period that generally raised similar issues and concerns to those received during the public comment period. All letters with comments on the 2017 Draft EIR/EIS, including those received after the public comment period ended, have been reviewed. The Authority and Reclamation have taken into consideration all comments in developing the approach to revised alternatives and the analysis included in this RDEIR/SDEIS.

## 1.4 CEQA Objectives and NEPA Purpose and Need

Section 15124 of the State CEQA Guidelines requires that a lead agency identify a statement of objectives to assist the lead agency in developing a reasonable range of alternatives for evaluation in the EIR and to aid decision makers in preparing findings or a statement of overriding considerations, if necessary. The U.S. Council on Environmental Quality's (CEQ) NEPA regulations (40 Code of Federal Regulations [C.F.R.] § 1502.13)<sup>1</sup> require a statement of

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<sup>1</sup> The Notice of Intent (NOI) for which this Final Supplemental Environmental Impact Statement is issued was published before September 14, 2020. Therefore, all references to CEQ regulations are to those regulations at 40 CFR parts 1500-1508 in existence as of the date the NOI was published in the Federal Register on November 9, 2001.

the purpose and need to which the agency is responding. The statement of objectives/purpose and need should include the purpose of the project and may discuss the project benefits.

The Project objectives are as follows:

- OBJ-1: Improve water supply reliability and resiliency to meet member participants' agricultural and municipal long-term average annual water demand in a cost-effective manner for all member participants, including those that are the most cost-sensitive.
- OBJ-2: Provide public benefits consistent with Proposition 1 of 2014 and use WSIP funds to improve statewide surface water supply reliability and flexibility to enhance opportunities for habitat and fisheries management for the public benefit through a designated long-term average annual water supply.
- OBJ-3: Provide public benefits consistent with the WIIN Act by using federal funds, if available, provided by Reclamation to improve Central Valley Project (CVP) operational flexibility in meeting CVP environmental and contractual water supply needs and improving cold water pool management in Shasta Reservoir to benefit anadromous fish.
- OBJ-4: Provide surface water to convey biomass from the floodplain to the Delta to enhance the Delta ecosystem for the benefit of pelagic fishes<sup>2</sup> in the north Delta (e.g., Cache Slough).
- OBJ-5: Provide local and regional amenities, such as developing recreational facilities, reducing local flood damage, and maintaining transportation connectivity through roadway modifications.

Reclamation has identified the Project need as providing offstream surface water storage north of the Delta in a manner that is consistent with WIIN Act requirements and Reclamation law. The purpose of the Project is to provide:

- Increased water supply and improved reliability of water deliveries
- Increased CVP operational flexibility
- Benefits to anadromous fish by improving water temperature
- Incremental Level 4 water supply for CVP Improvement Act (CVPIA) refuges
- Delta ecosystem enhancement by providing water to convey food resources

## **1.5 Type and Intended Use of This RDEIR/SDEIS**

### **1.5.1 Type of Document**

The Sites Reservoir Project previously was evaluated under CEQA and NEPA in a Draft Environmental Impact Report/Environmental Impact Statement published in August 2017; the

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<sup>2</sup> Pelagic fish are species that spend most of their life swimming in the water column, having little contact or dependency with the bottom.

prior environmental document will be referred to as the 2017 Draft EIR/EIS (Authority and Reclamation 2017). Through the publication of this RDEIR/SDEIS, the 2017 Draft EIR/EIS is being revised to reflect changes to the Project and the revised environmental document (namely, this RDEIR/SDEIS) is being recirculated for public review and comment in accordance with Section 15088.5 of the CEQA Guidelines. Accordingly, reviewers must limit their comments only to this RDEIR/SDEIS and should not present comments on the prior 2017 Draft EIR/EIS. Although the 2017 Draft EIR/EIS is part of the administrative record in this matter, prior comments submitted on the 2017 Draft EIR/EIS do not require a response under CEQA; new comments must be submitted only on this RDEIR/SDEIS; Reclamation and the Authority will only respond to those comments submitted in response to this RDEIR/SDEIS.

This RDEIR/SDEIS is prepared as a Supplemental Draft Environmental Impact Statement in accordance with the CEQ NEPA regulations governing supplemental environmental review. The RDEIR/SDEIS evaluates potential environmental impacts, alternatives and mitigation measures associated with construction and operation of the Project alternatives.

### **1.5.2 Intended Use of This RDEIR/SDEIS**

The purpose of this RDEIR/SDEIS is to disclose the potential direct, indirect, and cumulative impacts of implementing the Project consistent with CEQA/NEPA requirements. This Draft RDEIR/SDEIS serves as an informational document for decision makers, public agencies, nongovernmental organizations, and the general public regarding the potential direct, indirect, and cumulative environmental consequences of implementing any of the alternatives. This RDEIR/SDEIS has been prepared according to CEQA (California Public Resources Code Section 21000 et seq.) and the State CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3), as well as NEPA (42 U.S.C. § 4321 et seq.) and applicable federal regulations.

The Authority will review and consider the RDEIR/SDEIS, including public and agency comments on the revised, recirculated document, to understand the potential environmental impacts, alternatives and mitigation measures before deciding whether and how to approve the Project.

Reclamation will use this RDEIR/SDEIS to inform decisions that are based on understanding of environmental consequences, and take actions that protect, restore, and enhance the environment (40 CFR § 1500.1(c)). Reclamation will consider all of the alternatives, information, analyses, and objections submitted by State, Tribal, and local governments and public commenters.

The CWC will use information in this RDEIR/SDEIS in combination with the Feasibility Report currently being drafted by the Sites Authority for the Project to determine if the Project continues to remain eligible for Proposition 1 funding. In addition, the CWC will use this RDEIR/SDEIS, including public and agency comments on the document, in combination with future project permits and agreements to approve the Project's final funding award.

A number of agencies may also use this RDEIR/SDEIS to issue permits or other regulatory approvals. Table 4-4 in Chapter 4, *Regulatory and Environmental Compliance*, identifies agencies that may use this RDEIR/SDEIS.



## 1.6 Level of Detail and Scope of This RDEIR/SDEIS

This RDEIR/SDEIS provides a project-level analysis that focuses on potential environmental impacts associated with construction, operation, and maintenance of the Project and alternatives and mitigation measures that can minimize or avoid such impacts. The RDEIR/SDEIS will evaluate the components of the alternatives in accordance with the level of detail that is available for these components at the time the environmental analysis is conducted. For those Project components where further engineering detail may be needed to define the component more precisely, the analysis is intended to capture the full range of environmental impacts that may result from construction and operation of such components.

## 1.7 Areas of Known Controversy

Several areas of controversy were identified through stakeholder meetings and during the preparation of the 2017 Draft EIR/EIS. These areas included impacts on property owners in the Project area whose property may be required for Project construction and impacts on tribal resources because Project construction may affect burials and other sensitive tribal resources. Concerns were also raised about potential impacts on golden eagles (*Aquila chrysaetos*) that have been identified in and around the inundation area and the potential for impacts on aquatic biological resources due to changes in flow patterns of the Sacramento River. The areas of known controversy remain the same and are addressed in specific chapters of this RDEIR/SDEIS.

Chapter 2, *Alternatives Description*, describes the relocation of residents and the reservoir management plan that would be used to manage land resources and property once the reservoir was operational. Chapter 10, *Wildlife Resources*, addresses potential impacts on golden eagles. Chapter 11, *Aquatic Biological Resources*, addresses potential impacts on aquatic biological resources; however, the Delevan intake/discharge facility is eliminated from Alternatives 1 and 2. Chapter 22, *Cultural Resources*, discusses potential impacts on cemeteries and archaeological resources that may pertain to tribes. Chapter 23, *Tribal Cultural Resources*, documents tribal cultural resources that have been identified by tribes through the Assembly Bill 52 consultation process in which the Authority has been engaged.

*Note: include another paragraph of any controversy that comes up during the preparation of this REIR/SEIS. Or state in the first sentence that the areas of controversy from the 2017 document remain the same.*

## 1.8 Document Organization

The format of this RDEIR/SDEIS is outlined below to assist the reader's review of the document.

- *Executive Summary* summarizes the contents and findings contained in this RDEIR/SDEIS. It also contains a brief description of the Project and the alternatives, the

public review procedures, the areas of known controversy, the issues to be resolved, and a summary table listing the alternatives' impacts, mitigation measures that have been recommended to reduce significant impacts, and the level of significance of each impact following mitigation.

- Chapter 1, *Introduction*, is the introduction to the RDEIR/SDEIS.
- Chapter 2, *Alternatives Description*, contains the alternatives description and describes the Authority's preferred project.
- Chapter 3, *Environmental Analysis*, documents the terminology used for the impact analysis and information regarding the organization of the impact analysis.
- Chapter 4, *Regulatory and Environmental Compliance*, provides an overview of the regulations that would govern the alternatives, as well as the federal, state, and local approvals needed for the alternatives.
- Chapters 5 through 27 present the introductory context, describe the environmental setting, identify the methods of analysis, and provide the environmental analysis (and mitigation measures, if applicable) for each environmental topic as required by CEQA and NEPA.
- Chapters 28 through 30 address topics that are unique to NEPA.
- Chapter 31, *Cumulative Impacts*, contains the cumulative impact analysis of all resources.
- Chapter 32, *Other Required Analyses*, contains discussions of additional environmental topics that are unique to CEQA: growth-inducing impacts, significant and unavoidable impacts, significant irreversible environmental changes, and mitigation measures with the potential for environmental impacts under CEQA.
- Chapter 33, *Consultation and Coordination and List of Preparers*, provides information about consultations and coordination performed and lists the RDEIR/SDEIS preparers.
- Chapter 34, *EIR/EIS Document Distribution*, identifies the distribution of the document.
- Appendices 1A through 33A contain technical and background information that supports this RDEIR/SDEIS. The appendices include discussion of modeling methodology, assumptions, and interpretation and technical information relevant to the methodology and analysis of resource topics described in Chapters 5 through 31.

## 1.9 References

CALFED. 2000. *CALFED Bay-Delta Program Record of Decision*. August. Available: [https://www.dfg.ca.gov/erp/envcomp\\_rod.asp](https://www.dfg.ca.gov/erp/envcomp_rod.asp). Accessed: November 11, 2020.

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