

Chapter 11 Recommendations and Considerations

Results to date indicate that Alternative C (the NED Plan) and Alternative D (the Locally Preferred Alternative) are likely to be technically, environmentally, and economically feasible; however, additional work is needed to verify the evaluation of feasibility. Reclamation recommends:

- Receiving public input via the release of the Draft Feasibility Report and Draft EIR/EIS in 2017
- Continuing the analysis to determine feasibility
- Refining the alternatives based on public input and analysis
- Identifying the recommended plan in the Final Feasibility Report
- Assessing and securing the needed commitments for obtaining authorization and possible implementation

Approvals and Funding

After the Final Feasibility Report is prepared, the following approvals would be required for project implementation.

Feasibility Report Approval

The Commissioner of Reclamation would submit the Final Feasibility Report to the Secretary of the Interior. The Secretary may accept or revise the Final Feasibility Report. After review by the Office of Management and Budget, the Secretary would transmit the following documents to Congress for approval: Final Feasibility Report, Final EIR/EIS, report of financial capability, letter from the State Governor, the ROD, and a written Notice of Determination.

Funding

The WIIN Act (P.L. 114-322) allows the Secretary of the Interior to participate in a State-led storage project in an amount equal to not more than 25 percent of the total cost of the project. The WIIN Act appropriation is limited to \$335 million.

No alternative is designated as the preferred alternative in this Draft Feasibility Report. The Authority is presenting Alternative D (the Locally Preferred Alternative) to the CWC for funding. A waiver would be required for the Secretary of the Interior to approve the Locally Preferred Alternative rather than the NED Plan. The Federal contribution may be capped based on the Federal cost assignment for the NED Plan.

If authorized, a separate appropriation authorization would be required. No construction funding has been identified or requested in Reclamation's Fiscal Year 2018 budget. Consistent with the WIIN Act (Subtitle J, Section 4007(c)), the determination of the most appropriate level of Federal participation in the project would be informed by future decisions on public benefits by

the CWC. For the purposes of this investigation, it is assumed that the State's priorities for public benefits include incremental Level 4 refuge supply, anadromous fish, Delta environmental water quality, recreation, and flood control. Under State Proposition 1, there is an opportunity for the State to participate in the project development cost at a level of up to 50 percent (a 40 percent level of WSIP participation was considered in the cost assignment for Alternative C). The State expects to make a final determination by the end of 2018, at which point the Federal cost-share will be revisited. Securing a funding commitment from the WSIP would clarify the extent to which additional financial support is required.

The Final Feasibility Report will incorporate the WSIP decisions and inform the recommendation by the Secretary of the Interior.

Cost-Share Partners

The non-Federal cost-share partners (the Authority and/or the State) would be responsible for all costs that are not allocated to the Federal government. The Authority has identified potential non-Federal cost-share partners, but further work is needed to finalize the allocation of water and determine the cost-share split. The extent of WSIP funding awarded for the project will inform the cost-share split for public benefits.

Post-Authorization Activities

If the project is approved by the Federal and/or State government and the Authority continues to pursue the project, then it is anticipated that the Sites Project Authority would serve as the lead local agency for implementation of the project. However, should a State agency (e.g., the California Natural Resources Agency) emerge as the future lead agency, such a change would not necessitate any update to the findings of this Feasibility Report.

Environmental Compliance and Regulatory Requirements

The Final EIR/EIS for the NODOS/Sites Reservoir Project (Reclamation and Authority 2017) would satisfy NEPA by providing a meaningful analysis of all issues relevant to the human environment. However, implementation of the NED or Locally Preferred Alternative would be subject to additional Federal, State, and local laws, policies, and environmental regulations. All Federal, State, and local agencies with permitting or approval authority over any aspect of project implementation are expected to use the information contained in the Final EIR/EIS to make decisions and/or issue permits if a project is authorized. The Record of Decision will not be completed until the pre-construction permits and approvals have been acquired.

Permits and Approvals

The lead agencies would need to obtain various permits and regulatory authorizations before beginning project construction. The lead agencies would also have to comply with a number of environmental regulatory requirements as part of the NEPA/CEQA process. Table 11-1 summarizes the potential major permits and approvals for project implementation, and Table 11-2 summarizes the applicable laws, policies, plans, and permits potentially required to implement the project.

Table 11-1. Summary of Potential Major Permits and Approvals for Project Implementation

Agency Permit/Approval	Recommended Prerequisites for Submittal	Estimated Processing Time	Anticipated Fees
Federal			
USACE Clean Water Act Section 404	<ul style="list-style-type: none"> • Application • ESA compliance document for submittal to USFWS/NMFS/CDFW • Section 401 Water Quality Certification permit or application • NEPA documentation (environmental compliance documents) • NHPA Section 106 compliance documentation • Wetland delineation • CWA Section 404(b)(1) evaluation and identification of the Least Environmentally Damaging Practicable Alternative • Mitigation and Monitoring Plan 	24 months	\$100 per individual permit
USACE Rivers and Harbors Act of 1899 Section 14 (33 U.S.C. 408) (Section 408 Application)	<ul style="list-style-type: none"> • Compliance with EC 1165-2-216, <i>Policy and Procedural Guidance for Processing Requests to Alter U.S. Army Corps of Engineers Civil Works Projects Pursuant to 33 U.S.C. 408</i> • Engineering studies and justification documentation 	24 months	None
USFWS/NMFS Endangered Species Act Section 7 Consultation	<ul style="list-style-type: none"> • Regular informal technical consultation • ESA compliance documentation • Draft Biological Assessment • Draft environmental compliance documents 	12 months	None
NMFS Essential Fish Habitat Assessment	<ul style="list-style-type: none"> • Regular formal and informal technical consultation • Biological Assessment • Draft environmental compliance documents 	18 months	None
USFWS Fish and Wildlife Coordination Act	<ul style="list-style-type: none"> • Service agreements among USFWS, NMFS, and CDFW • Regular informal technical consultation • ESA compliance documentation • Draft environmental compliance documents 	12 months	None
USFWS Bald and Golden Eagle Protection Act	<ul style="list-style-type: none"> • Application • EIR/EIS compliance document • Pre-construction survey report(s) • Eagle Management Plan 	TBD	TBD
ACHP/SHPO National Historic Preservation Act, Section 106	<ul style="list-style-type: none"> • Historic Property identification and effects assessment • Consultation with native tribes and interested parties • Programmatic agreement • 	36 months	None
State			
Central Valley RWQCB Clean Water Act Section 401	<ul style="list-style-type: none"> • Application • Fish and Wildlife Code Section 1602 application • CWA Section 404 permit or application • Draft environmental compliance documents • Mitigation and Monitoring Plan (if needed) 	6 months	\$500+

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Agency Permit/Approval	Recommended Prerequisites for Submittal	Estimated Processing Time	Anticipated Fees
CDFW California ESA Section 2081 – Incidental Take Permit or Section 2080.1 Consistency Determination	<ul style="list-style-type: none"> • Informal technical consultation • Application, if requesting a Section 2081 Incidental Take Permit • Biological Opinion and incidental take statement, if requesting a consistency determination 	9 months	None
CDFW Fish and Game Code Section 1600 Streambed Alteration Agreement	<ul style="list-style-type: none"> • Application • CWA Section 401 Water Quality Certification permit or application • CWA Section 404 permit or application • Draft environmental compliance documents • Mitigation Plan 	9 months	\$4,000
Central Valley Flood Protection Board Title 23 California Code of Regulations Waters: Encroachment Permit	<ul style="list-style-type: none"> • Application 	9 months	None
SWRCB Water Rights	<ul style="list-style-type: none"> • Application • Probable petition for assignment of State-filed applications • Draft (possibly final) environmental compliance documents 	12 months	TBD
State of California Department of Transportation (Caltrans) Encroachment Permit	<ul style="list-style-type: none"> • Application • Environmental compliance documents • Permit Engineering Evaluation Report 	60 days	None
California Department of Conservation Williamson Act	<ul style="list-style-type: none"> • Application 	TBD	TBD
Glenn and Colusa Counties Construction-Related Permits	<ul style="list-style-type: none"> • Demolition, grading, building, mechanical, utility construction and encroachment permits, and easements 	TBD	TBD
Glenn County Air Pollution Control District Fugitive Dust Control Plan Authority to Construct Permit to Operate	<ul style="list-style-type: none"> • Dust Control Plan • Dust Control Training Course • Pre-application meeting (encouraged) • Authority to Construct Permit Application • Required conformity and inclusion in the State Implementation Plan • Annual Operating Permit 	6 months	TBD
Colusa County Air Pollution Control District Fugitive Dust Control Plan Authority to Construct Permit to Operate	<ul style="list-style-type: none"> • Dust Control Plan • Dust Control Training Course • Pre-application meeting (encouraged) • Authority to Construct Permit Application • Required conformity and inclusion in the State Implementation Plan • Annual Operating Permit 	6 months	TBD

Notes for Table 11-1

- ACHP = Advisory Council on Historic Preservation
- Caltrans = California Department of Transportation
- CDFW = California Department of Fish and Wildlife
- CWA = Clean Water Act
- EC = Engineer Circular
- EIR = Environmental Impact Report
- EIS = Environmental Impact Statement
- ESA = Endangered Species Act
- NEPA = National Environmental Policy Act
- NHPA = National Historic Preservation Act
- NMFS = National Marine Fisheries Service
- RWQCB= Regional Water Quality Control Board
- SHPO = State Historic Preservation Officer
- SWRCB= State Water Resources Control Board
- TBD = to be determined
- U.S.C. = United States Code
- USACE = United States Army Corps of Engineers
- USFWS = United States Fish and Wildlife Service

Table 11-2. Summary of Applicable Laws, Policies, Plans, and Permits Potentially Required

Level	Laws, Policies, Plans, and Permits
Federal	Americans with Disabilities Act
	Architectural Barriers Act
	Bald and Golden Eagle Protection Act
	Clean Water Act (Sections 401, 402, 404)
	Clean Air Act
	Essential Fish Habitat
	Executive Orders 13112 (Safeguarding the Nation from the Impacts of Invasive Species), 11990 (Protection of Wetlands), 11988 (Floodplain Management), and 12898 (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations)
	Farmland Protection Policy
	Federal Endangered Species Act
	Federal Energy Regulatory Commission permitting requirements
	Federal land use policies
	Federal Water Project Recreation Act
	Fish and Wildlife Coordination Act
	Indian Trust Assets
	Magnuson-Stevens Fishery Conservation and Management Act
	Migratory Bird Treaty Act
	National Historic Preservation Act, Section 106
	Rehabilitation Act
	Rivers and Harbors Act Sections 10 and 14
	Uniform Relocations Assistance and Real Properties Acquisition Act of 1970, as amended (P.L. 91-646)
Surface Transportation and Uniform Relocation Assistance Act of 1987 (P.L. 100-17)	
U.S. Army Corps of Engineers Reservoir Regulation Requirements	
State	California Endangered Species Act
	California Fish and Wildlife Code Section 1600 – Streambed Alteration
	California Fish and Wildlife Code Section 5937 – Minimum Flow Requirements
	Porter-Cologne Water Quality Control Act
	California water rights law
	California Flood Protection Board Encroachment Permit (Title 23 California Code of Regulations)
	California Department of Transportation encroachment permit and activities

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Table 11-2. Summary of Applicable Laws, Policies, Plans, and Permits Potentially Required

Level	Laws, Policies, Plans, and Permits
	California State Lands Commission lands lease
	California Land Conservation Act (Williamson Act)
	California Native Plant Protection Act
	California Wild and Scenic Rivers Act
	California Department of Boating and Waterways activities and programs
	California Department of Water Resources, Division of Safety of Dams
	California Scenic Highway Program
	California Public Resources Code
	State of California General Plan Guidelines
	California Environmental Quality Act
	Clean Water Act Section 401
	California Fish and Game Code – Fully Protected Species
	California Native Plant Society - California Rare Plant Ranking System
	California Government Code
	California Water Code
Local	Tehama, Glenn, and Colusa County Air Quality Management Districts
	Tehama, Glenn, and Colusa County Department of Public Works encroachment permit
	Tehama, Glenn, and Colusa County General Plans
	Tehama, Glenn, and Colusa County Zoning Plans
	Other local permits and requirements
	Glenn County Air Pollution Control District Dust Control Plan
	Colusa County Air Pollution Control District Authority to Construct and Permit to Operate
	California Government Code General Plan Requirements (municipal general plans)
	Glenn County General Plan
	Colusa County General Plan
	Any county public works grading or encroachment permits

P.L. = Public Law

Coordination and Outreach

Efforts to engage the public, Federally recognized Indian tribes, Native American groups, NGOs, public agencies, and other stakeholders in decisions affecting the implementation of the NODOS project would continue to play an important role in the investigation.

Consistent with NEPA and CEQA and the Federal planning principles, Reclamation and the Authority are required to conduct specific public outreach activities for the NODOS project. The Public Outreach Plan in use during the NODOS Investigation has relied on activities with a primary focus on the following objectives to support stakeholder engagement:

- Raising awareness of project progress and status, including information on the development of alternatives throughout the NODOS Investigation and those currently under consideration in the Feasibility Report and EIR/EIS process
- Clarifying and communicating the complex issues associated with the NODOS Investigation, including how the project relates to other ongoing water programs
- Providing opportunities for public participation at appropriate investigation milestones

Consistent with NEPA, CEQA, and the P&Gs, Reclamation and the Sites Project Authority have been actively engaging with impacted landowners, project stakeholders, Federally recognized tribes, and the general public throughout the NODOS Investigation.

Outreach activities have included formal public meetings, focused workshops with specific stakeholder groups, and stakeholder briefings with community, civic, business, and environmental organizations. Tours of the project footprint have been conducted with elected officials and impacted stakeholders.

The Authority has launched an interactive project website that provides project information, current news items, and links to project documents and Authority meeting agendas and meeting minutes. The Authority has also developed social media platforms that are used to disseminate project information; these platforms include Facebook, Twitter, Instagram, and YouTube.

The purposes of these outreach activities has been (and continues to be):

- Identifying and engaging the broadest number of stakeholders possible
- Creating and maintaining project transparency by providing project information that is timely, accurate, and complete
- Giving impacted stakeholders a meaningful opportunity to participate in the project decision-making process
- Resolving issues and concerns within the parameters of the NEPA/CEQA process

Future public outreach activities to support the NODOS Investigation would include additional formal public meetings, focused stakeholder workshops, and increased outreach activities to landowners in the project footprint. Outreach to regional and statewide communities, civic and business organizations, NGOs, and public agencies would be continued as summarized in Table 11-3.

Table 11-3. Outreach

Outreach	Date	Purpose
Sites Project Authority Board meetings	Held monthly	Project progress and issues
California Water Commission meetings	Held monthly	(State) WSIP funding
Tribal coordination meeting with Colusa Indian Community Council	October 2016	Project awareness and progress; tribal feedback/concerns
Landowner meetings (formal and informal)	Held monthly	Project awareness and progress; solicit feedback and address concerns
Stakeholder meetings (community, civic, business, NGO meetings)	Held monthly or as needed	Project awareness and progress; solicit feedback and address concerns
Study Area tours	As needed	Project awareness and progress

NGO = non-governmental organization
 WSIP = Water Storage Investment Program

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The outreach activities would continue to support the goals of expanding awareness of the project, obtaining community support for the project, maintaining transparency and accountability to the public, reducing legal risk, and providing opportunities for public input at appropriate investigation milestones.

Indian Tribe Consultation and Coordination

Since the initiation of the NODOS Investigation, agency representatives have provided Indian tribes with status updates and opportunities to comment on issues or resources of concern through meetings, telephone calls, and correspondence. Communication regarding the proposed Sites Reservoir area in particular has been ongoing with the Colusa Indian Community Council, the Cortina Rancheria, the Grindstone Indian Rancheria, and the Paskenta Band of Nomlaki Indians. The Colusa Indian Community Council and the Cortina Rancheria are NEPA cooperating agencies. The Draft EIR/EIS describes supporting analyses, studies, coordination, impacts, and mitigation, as necessary, of resources and topics of concern to Indian tribes. Numerous cultural resources would be affected by the implementation of any of the action alternatives. Tribal participation will continue through the NHPA Section 106 and NEPA processes, in accordance with Executive Orders 13175 and 12898, and through other Federal requirements.

Agency Coordination

Agency consultation and involvement has occurred throughout the NODOS Investigation to date, both informally and formally. The NODOS Investigation study management structure encompasses the active participation of numerous cooperating agencies pursuant to NEPA/CEQA, representatives from resources agencies, and other stakeholders.

Key elements of agency coordination activities are the Draft and Final EIR/EIS, the Planning Aid Memorandum and Coordination Act Report, and documents to be issued by USACE under CWA Section 404.

USACE

USACE has responsibilities relative to issuing permits for wetland impacts, construction of facilities in navigable waters, and flood management. Early coordination with USACE would support obtaining permits for the project, should it move forward to implementation.

TCCA

The TCCA performs OM&R of the Corning and T-C Canals and the associated pumping plant facilities at Red Bluff. The Authority will need to contract for alternative power for pumping water out of the Sacramento River at Red Bluff for the diversions of non-CVP water, as only CVP water pumping is eligible to utilize CVP Project power. Further, the Authority will need to contract with TCCA to cover the conveyance costs for moving water to Holthouse Reservoir.

GCID

Similar to the TCCA, the GCID Canal is under consideration for diversion and conveyance of the Sacramento River supplies to Sites Reservoir in all of the alternatives.

Local Property Owners' Land and Water Rights

Lands in the proposed area of the Sites Reservoir would be inundated. Consequently, assessments have been made to determine the extent of impacts to lands and structures and potential mitigations. The Authority provides opportunities for regular landowner involvement, including weekday access to staff at the Maxwell project office.

Pre-Construction Activities

Pre-construction activities include acquisition of real estate interests, site investigation, preliminary engineering, and design.

Federal Role

The following activities would be Federal responsibilities with or without Federal funding.

- Expedite and coordinate Federal regulatory compliance and permitting for the project (including ecosystem and water quality benefits identified by the Authority and the State), as authorized, through a sequenced process.
- Participate in the development of cooperative operations with mutually acceptable Principles of Agreement with the Authority and DWR to maximize the benefits of Sites Reservoir throughout the water system.
- Develop contracts and other agreements to facilitate cooperative operations.
- Authorize the use of the Lease of Power Privilege (LOPP) program for electric power generation consistent with Reclamation project purposes and the ownership of Holthouse Reservoir and Dam and consistent with Cost Assignment Scenario 3. The use of LOPP facilitates licensing for hydropower generation. Reclamation and the Western Area Power Administration would also coordinate the grid interconnection for power supply and electrical generation.

Implementation

In the event that the project is implemented, the following additional activities would occur.

- The Authority would lead the construction effort, including the environmental commitments and mitigation measures identified in the accompanying Final EIR/EIS. Reclamation could have a role in reviews during the construction phase.
- It is recommended that Reclamation increase the construction cost to allow for escalation from stated price levels (October 2015) to the NOP, based on Reclamation's Construction Cost Trends publication or similar source.
- It is recommended that the Federal government allow for increased total construction cost, but not by more than 15 percent, if needed for modifications that do not materially alter the scope or functions of the project as authorized.

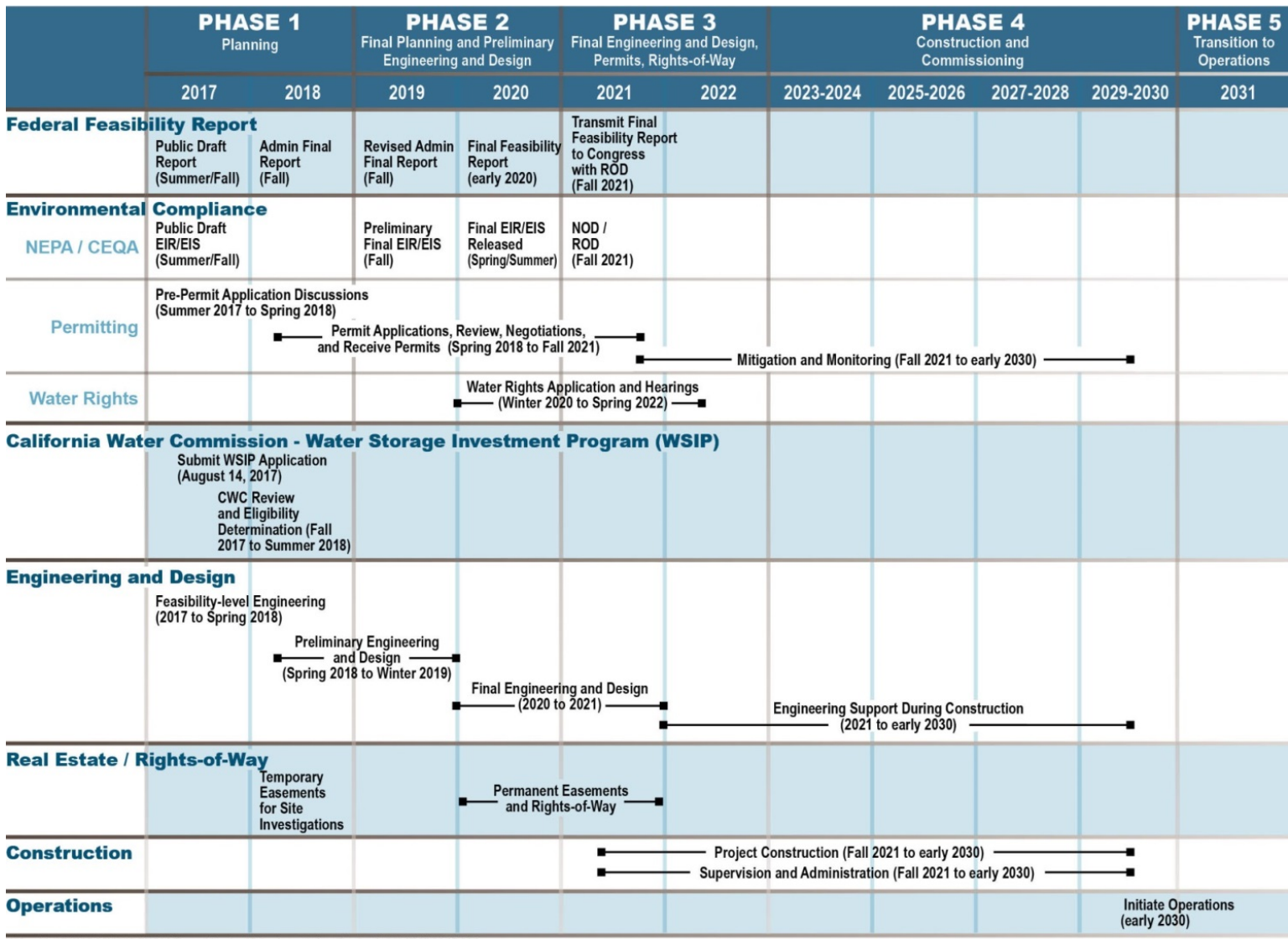
In addition, the Secretaries of the Interior, Army, and/or Commerce should give consideration to implementing the following, as appropriate, to maintain schedule, cost, and benefits:

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- Limit the direct Federal contribution to no more than 25 percent of the total project costs, per the WIIN Act, with the balance to be provided by the State, the Sites Project Authority, and/or other non-Federal sources through up-front cost share and/or reimbursement.
- Request, in coordination with non-Federal cost-share partners, appropriations annually to the extent that pre-construction activities are completed within 5 years of construction authorization and reservoir area project construction is completed within 8 years of construction authorization.

Timeline

A timeline of major actions to complete the NODOS Investigation and future milestones leading to project implementation is shown on Figure 11-1.



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Figure 11-1. NODOS/Sites Reservoir Project Timeline

Notes for Figure 11-1

- CEQA = California Environmental Quality Act
- CWC = California Water Commission
- EIR = Environmental Impact Report
- EIS = Environmental Impact Statement
- NEPA = National Environmental Policy Act
- NOD = Notice of Determination
- ROD = Record of Decision
- WSIP = Water Storage Investment Program