

Requested Action:

Consider Acceptance of the Strategic Plan Permitting Action Plan defining approach and schedule for the Project's permitting efforts during Amendment 2 (through the end of 2021).

Detailed Description/Background:

The Organizational Assessment identified the need for strategic planning and the Authority Board and Reservoir Committee completed a Strategic Planning Session in August 2020. The Initial Draft Strategic Plan provided at the September 2020 meetings includes four goals. Goal 2 – Secure the Agreements and Permits Necessary to Build and Operate a Multi-Benefit Reservoir, includes an objective to complete environmental review and secure permits for construction and operation of the Project. At the Strategic Planning Session in August 2020, there was a breakout session to discuss in more detail the approach and schedule for completing Goal 2, with a focus on the on-going permitting efforts.

The Permitting Action Plan in Attachment A represents the Authority's strategy for advancing the Project's construction and operations permitting efforts. This action plan focuses on the following five key state and federal permits and authorizations identified in the Amendment 2 Work Plan:

- Consultation under Section 7 of the Endangered Species Act – Preparation and submittal of a Biological Assessment in 2021.
- State Incidental Take Permit(s) – Preparation and submittal of applications in 2021.
- Water right permit – Preparation and submittal of application(s) in 2021.
- Clean Water Act Section 404 and 401 – Preparation and submittal of application(s) in 2021.
- Consultation under Section 106 of the National Historic Preservation Act – Completion of a Programmatic Agreement in 2021.

The Permitting Action Plan:

- Identifies the Project's permitting strategy as a collaborative, multi-level communications / negotiations approach, based on interest-based negotiations, regular process reporting and prompt escalation of issues and challenges.
- Outlines an approach and schedule for each of the five key permits, including ad hoc workgroup, Reservoir Committee and Authority Board input and decisional timeframes. Also addressed is agency management, non-governmental organization and elected official coordination and/or check-ins.

The Permitting Action Plan will guide implementation of the Project's permitting efforts throughout the Amendment 2 Work Plan efforts.

The Permitting Action Plan is being reviewed with the Ad Hoc Environmental Planning and Permitting Workgroup. Their input will be discussed at the Reservoir Committee meeting.

Prior Action:

August 2020: Joint Authority Board and Reservoir Committee Strategic Planning Session.

September 2020: Acceptance of the updated vision, mission and values reflected in the Interim Strategic Plan which is the product of the August 13, 2020 Strategic Planning Session.

Fiscal Impact/Funding Source:

This work was completed within the strategic planning services allotted budget by Catalyst Group.

Staff Contact:

Ali Forsythe

Attachments:

Attachment A: Strategic Plan Permitting Action Plan



Environmental Permitting Action Plan

Draft – November 11, 2020

Permitting Strategy

The Sites permitting team has three primary objectives in advancing permit approvals through 2021:

1. Make consistent progress toward securing permits for a cost-effective, affordable project.
2. Demonstrate progress and assurance that permits will be secured.
3. Maintain the schedule for project approvals, funding, and financing.

To achieve these objectives, the Sites permitting strategy is to implement the following collaborative, multi-level communications/negotiations approach for the five high priority permitting processes.

- A. **Work collaboratively with permitting and resource recovery staff** at the permitting agencies and operations staff at DWR and Reclamation to define project operations, benefits, and acceptable permit requirements.
- B. **Brief state and federal agency leadership** at permitting milestones to maintain commitment and agency alignment for successful permitting and resource recovery benefits.
- C. **Brief state and federal elected officials** as needed to maintain project funding and schedule.

Successfully accomplishing a collaborative, multi-level permitting strategy will depend on the dynamic implementation of the following principles.

- **Interest-based negotiations** within the framework established by the Authority Board and Reservoir Committee (June 2020). Interest-based negotiations are based on seeking and supporting full understanding of the interests and desired outcomes for all parties (the Authority, Reservoir Committee, regulatory agencies, and other partners).
- **Regular progress reporting** on issues, accomplishments, and challenges. The permitting negotiations teams are committed to frequent and transparent communications, with appropriate confidentiality, with all audiences on the topics that inform and support interest-based negotiations.
- **Prompt escalation of issues and challenges** for discussion and resolution. During permit negotiations, some issues may warrant additional clarification and direction from agency and Authority leadership. The permitting negotiation teams will identify and escalate these issues in cooperation with agency staff.

Draft Sites Permitting Action Plan

Key Permits

Five primary permitting processes determine the necessary project approvals by regulatory agencies and influence the cost and operations of the Sites Reservoir Project.

Permit	Law	Agencies	Focus
Biological Assessment/ Biological Opinion	Federal Endangered Species Act	US Fish & Wildlife Service (USFWS) National Marine Fisheries Service (NMFS)	Terrestrial and aquatic impacts and mitigation
Incidental Take Permit – Construction	California Endangered Species Act	CA Dept. of Fish and Wildlife (CDFW)	Construction footprint Construction activities Listed species impacts and mitigation
Incidental Take Permit – Operations	California Endangered Species Act	CA Dept. of Fish and Wildlife (CDFW)	Diversion criteria Operations benefits Listed species impacts and mitigation
Water Right	Water Commission Act of 1914 and others	State Water Resources Control Board	Points of diversion Beneficial uses Place of use
Section 106	National Historic Preservation Act	Reclamation Advisory Council on Historic Preservation (ACHP) State Historic Preservation Office (SHPO)	Construction footprint Historical and cultural resources Tribal lands and resources
Sections 404	Clean Water Act	U.S. Army Corps of Engineers	Dredge and fill of the waters of the U.S.
Section 401 Water Quality Certification	Clean Water Act	State Water Resources Control Board	Discharge of pollutants into waters of the U.S.

Other Permit Processes

The Authority must obtain other permits for construction and operations that will be completed after 2021.

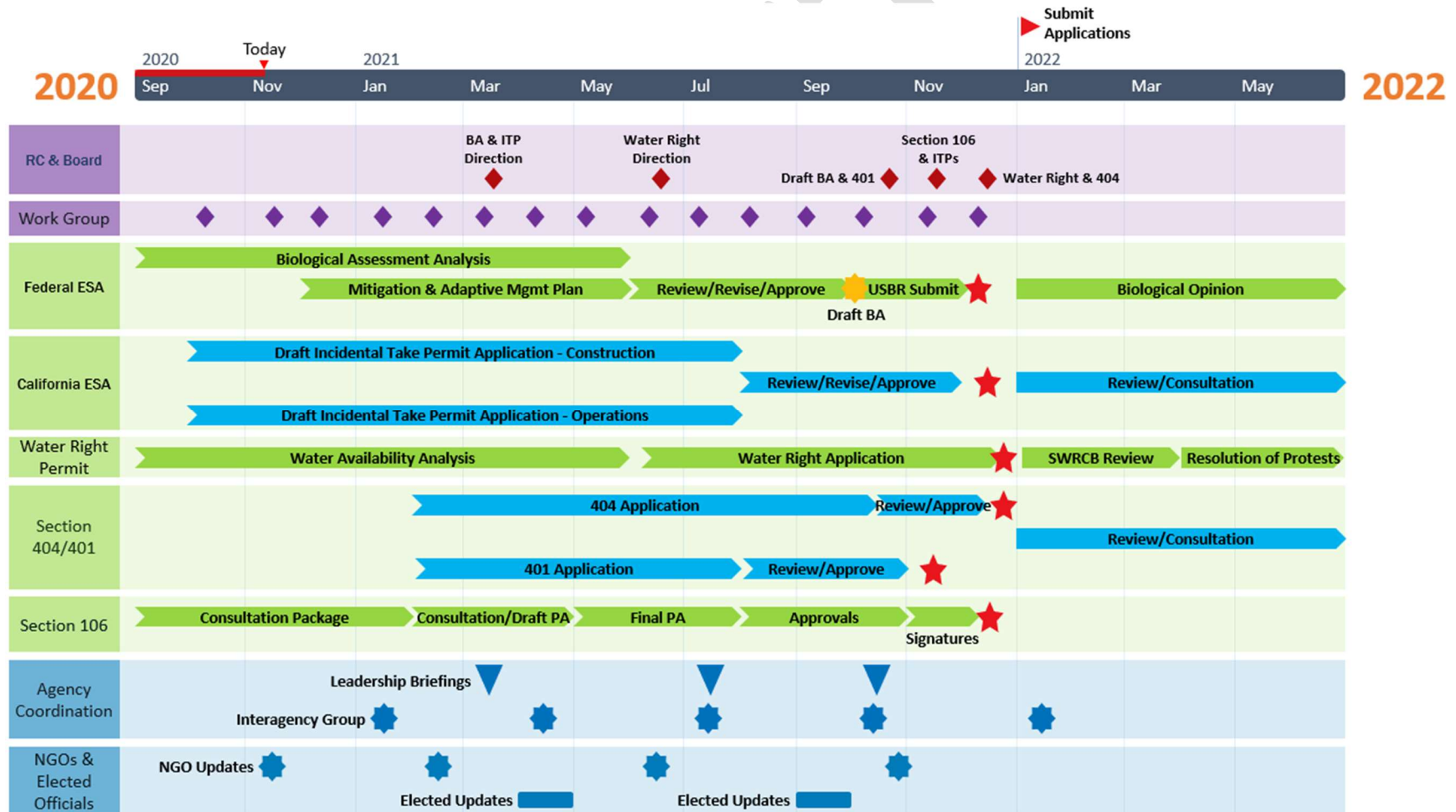
Draft Sites Permitting Action Plan

Schedule

Figure 1 shows the anticipated schedule for the five major permitting processes. All permit applications are expected to be submitted to the responsible agencies by January 15, 2022. Final permits are expected in 2022 with the water right permit expected in 2023.

The detailed roadmaps for each of these permitting processes are included in Attachment A.

Figure 1. Anticipated Schedule for the Sites Project Five Major Permitting Processes



Permitting Communications Approach

The following summarizes the planned communications approach with important leaders, decision-makers, staff, and interested parties. This approach will be implemented consistent with the negotiations approach for permits and operating agreements approved by the Reservoir Committee and Authority Board in June 2020.

Agency Staff

As presented in June 2020, the Authority staff will coordinate communications with two agency technical working groups (see Attachment B for expected participants):

- **Interagency Update and Coordination Meetings.** Quarterly updates to all interested permitting and partnering agencies.
- **Fishery and Operations Technical Meetings.** As needed coordination meetings with fisheries agencies, Reclamation, and other agencies with specific expertise to review modeling and analysis approaches, operational criteria, and species effects.

Additional individual agency coordination meetings are planned to review permit-specific considerations.

Agency Leadership / Management

Provide update briefings every four months or as needed to report on progress and accomplishments, next steps, and timeline.

Escalate issues and challenges to management, if necessary, for discussion and resolution.

- Issues that cannot be resolved at the staff level.
- Issues that could have material impact on cost or schedule as defined in the bylaws.
- Coordination issues across multiple agencies or departments.

Ad Hoc Environmental Planning & Permitting Work Group

The Work Group will be the primary means for conveying progress updates and seeking input. Three types of information/action will be planned with the Work Group:

1. **Briefings and Guidance** on requirements, assumptions, approach, and topics.
2. **Updates** on status and progress.
3. **Review and Recommendations** on permit applications and acceptance.

Reservoir Committee & Authority Board

The Reservoir Committee and Authority Board will review and approve the permitting action plan, negotiation principles and parameters, and permit applications. Staff and the Work Group will keep the boards informed and seek approval as follows:

1. **Updates** on status and progress.
2. **Direction** on negotiation principles and parameters.
3. **Approval** of strategy and action plan, permit applications, and permit acceptance.

Non-Governmental Organizations, Tribes, and Landowners

Staff will schedule update briefings with environmental NGOs to review progress and topics of concern. Up to three rounds of briefings with NGOs are planned through 2021. Meetings will also occur throughout 2021 with Tribes and local landowners.

Responsibilities

Consulting Team

- Conduct modeling and analysis.
- Prepare permit materials and deliverables.
- Support Work Group and technical working group collaboration.

Authority Agents

- Lead negotiation teams as delegated by the Executive Director.
- Coordinate agency communications and technical working groups.
- Direct permit modeling, analysis, and deliverables.
- Report progress and issues for escalation.

Permitting Work Group

- Advise the Reservoir Committee on all environmental planning and permitting aspects of the development and implementation of pre-construction, construction, and mitigation actions for the Sites Reservoir Project.
- Review progress and suggest refinements.

Reservoir Committee and Authority Board

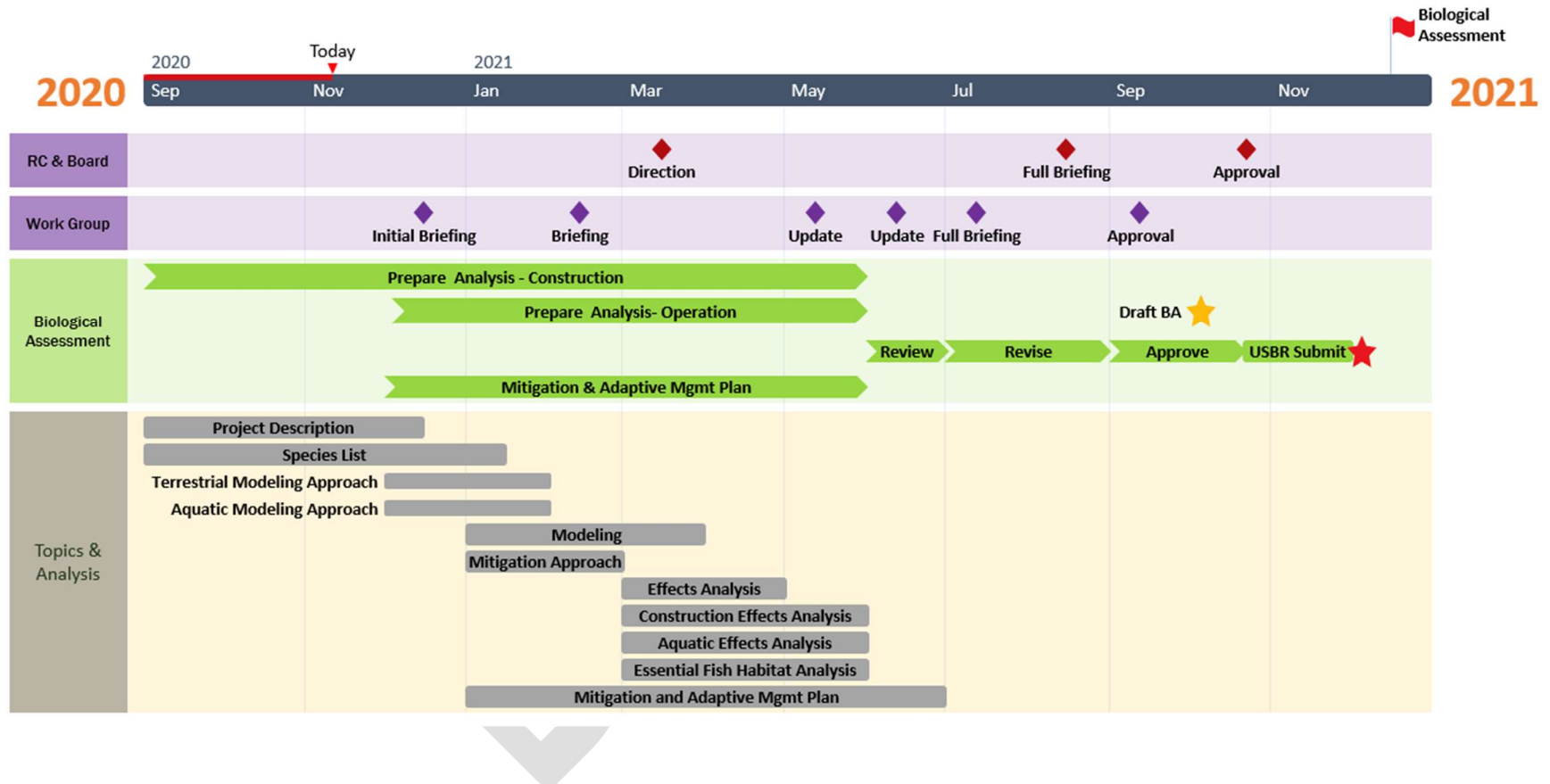
- Provide oversight and guidance on the permitting strategy and action plan.
- Approve permit negotiation principles and parameters.
- Approve permit applications.
- Participate in leadership and elected official briefings, as appropriate.

Progress Reporting

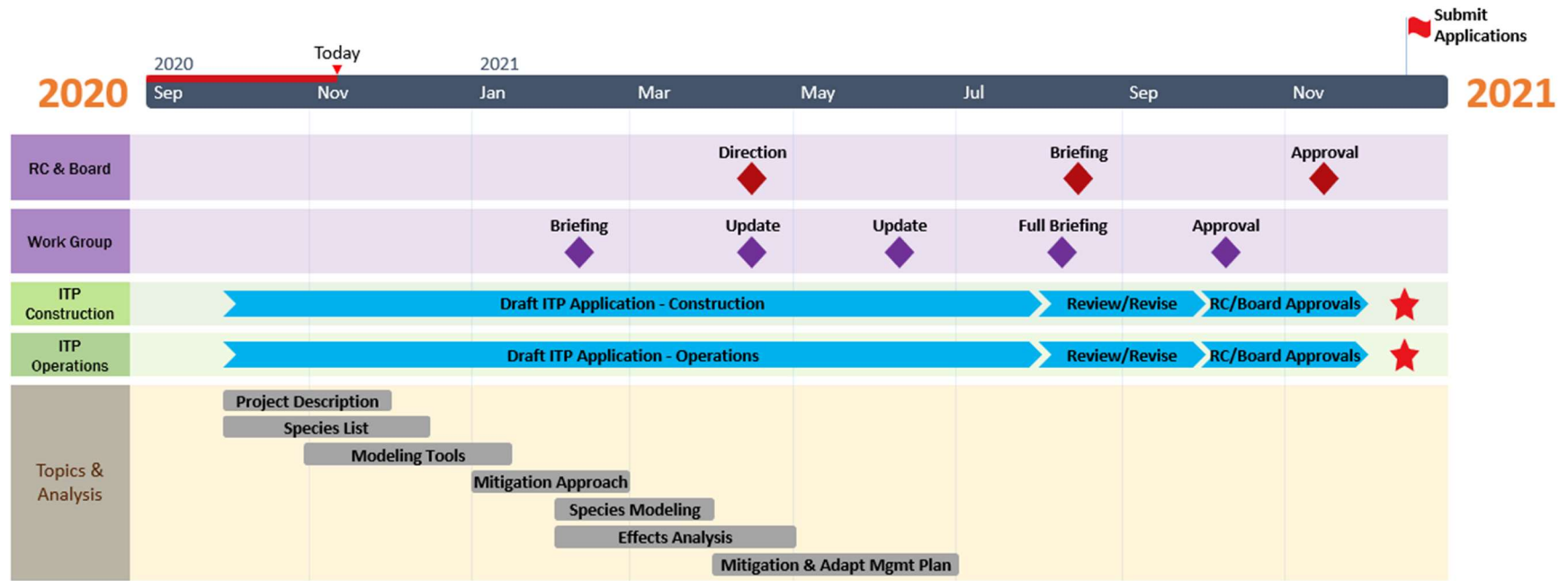
The Authority agents will provide frequent progress reports on the status of coordination and negotiation for each of the major permit processes in the Work Group. Progress reports will include the status of deliverables, major coordination/negotiation topics, and any anticipated challenges. Summaries of the permitting progress reports will be incorporated into regular progress reports for the Reservoir Committee and Board. An example permitting progress dashboard is included as Attachment C.

Attachment A Detailed Roadmaps for Five Key Permits

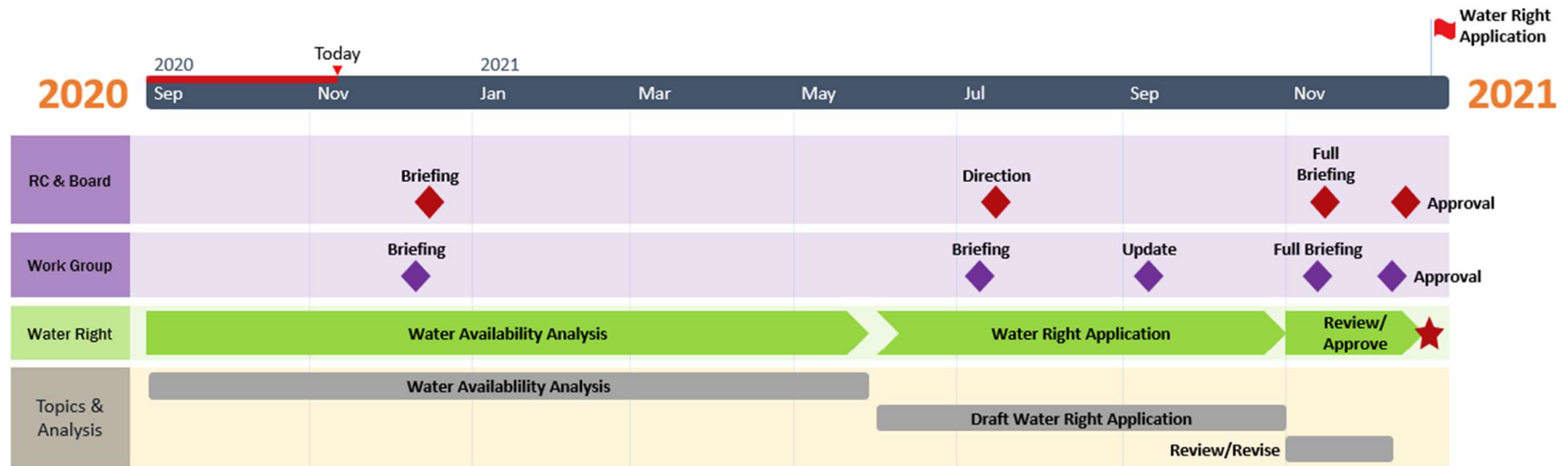
Federal Endangered Species Act (ESA) - Biological Assessment



Incidental Take Permit Applications

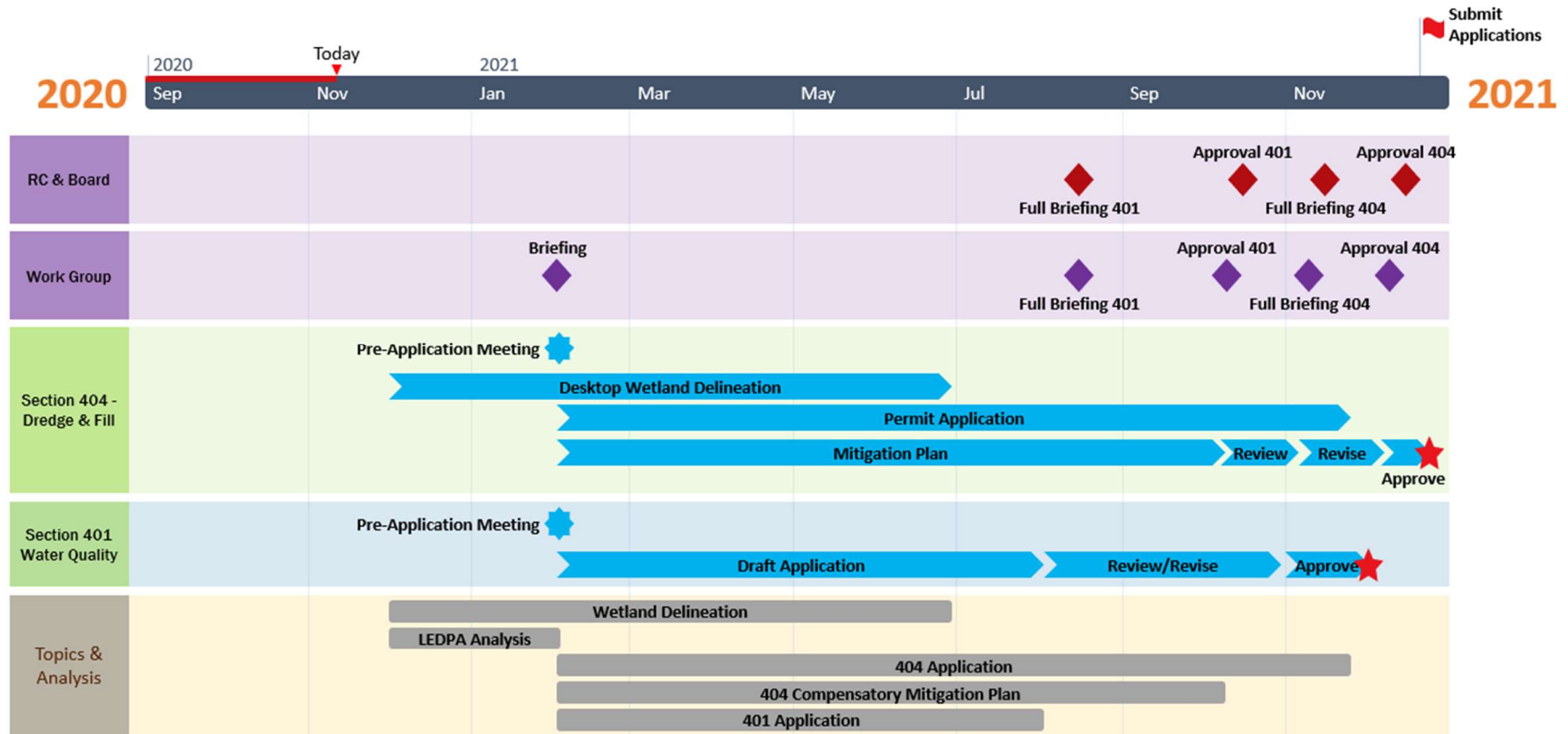


Water Right Permit Applications

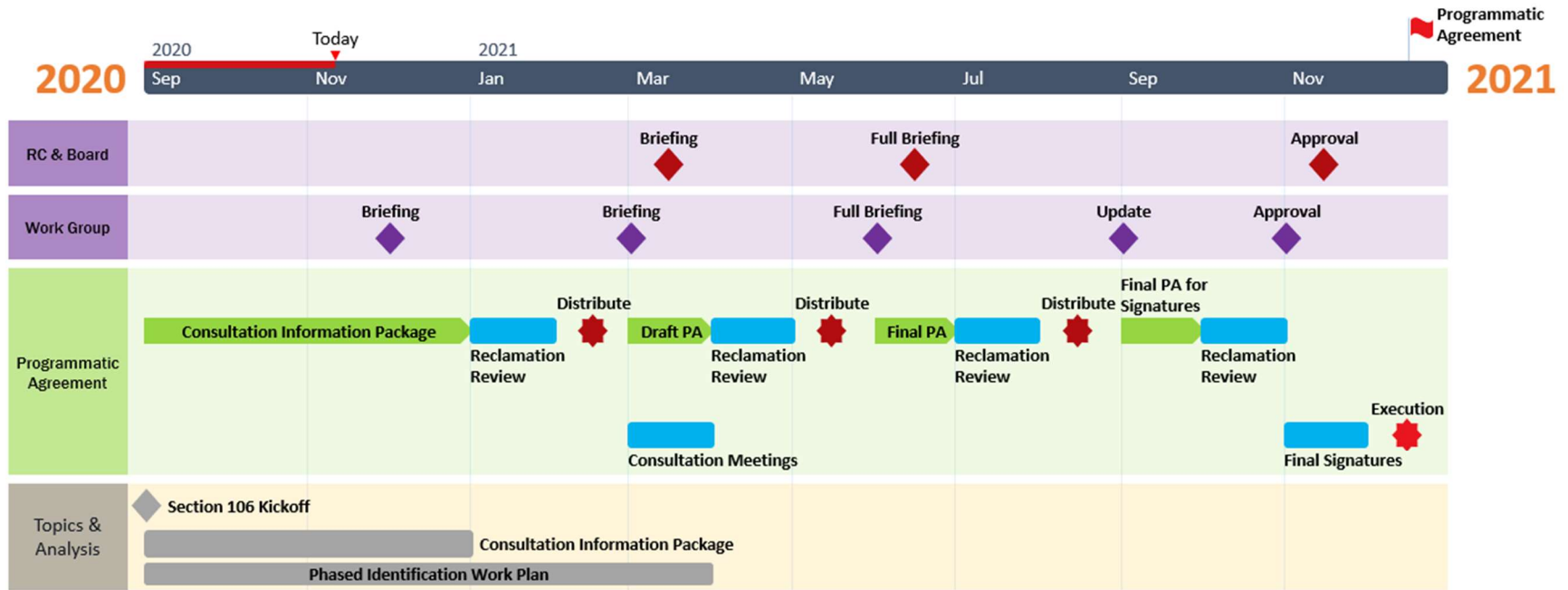


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Clean Water Act Sections 404 and 401 Applications



Section 106 Consultation



Attachment B

Regulatory Agency Technical Working Groups

Interagency General Update and Coordination Meetings

Potential Attendees: This meeting would be open to any agency that had an interest. Potential attendees would be broad and could include the following:

- United States Fish and Wildlife Service (USFWS)
- Bureau of Reclamation (Reclamation)
- Bureau of Indian Affairs (BIA)
- National Marine Fisheries Service (NMFS)
- Natural Resources Conservation Service (NRCS)
- United States Army Corps of Engineers (USACE)
- United States Environmental Protection Agency (USEPA)
- Western Area Power Administration (WAPA)
- California Department of Fish and Wildlife (CDFW)
- California Department of Transportation (Caltrans)
- California Department of Water Resources (DWR)
- California Office of Historic Preservation - State Historic Preservation Officer (SHPO)
- California State Water Resources Control Board
- Central Valley Regional Water Quality Control Board
- Central Valley Flood Protection Board
- County of Colusa
- County of Glenn
- County of Yolo

Fishery and Operations Technical Meetings

Potential attendees could include the following:

- United States Fish and Wildlife Service (USFWS)
- Bureau of Reclamation (Reclamation)
- National Marine Fisheries Service (NMFS)
- California Department of Fish and Wildlife (CDFW)
- Additional agencies, depending on topics and authority






Attachment C
Permitting Progress Dashboard

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Key

- Prepared:** Internal work by team
- Presented:** Provided to agencies for review
- Reviewed:** Reviewed and discussed with agencies
- Revised:** Agency comments considered and addressed
- Resolved:** Agency issues/concerns discussed and resolved
- Deferred:** Deferred to further negotiations after application
- Confirmed:** Agencies have confirmed acceptance/agreement





Complete	Activity completed
In Process	Activity in progress
Challenge	Team and agencies discussing how to resolve issues
Roadblock	Significant issues slowing progress; escalation may be needed

Permit	Summary Status	Permit Topics/Considerations	Agreement Status with Agencies						
			Prepared	Presented	Reviewed	Revised	Resolved	Deferred	Confirmed
Biological Assessment/ Biological Opinion		Project Description							
		Species List							
		Terr. Species Modeling Approach							
		Aquatic Species Modeling Approach							
		Mitigation Approach							
		Species Modeling							
		Effects Analysis							
		Essential Fish Habitat Analysis							
		Construction Effects Analysis							
		Aquatic Effects Analysis							
Mitigation and Adaptive Mgmt Plan									
Reclamation USFWS NMFS		Project Description							
		Species List							
		Species Modeling Approach							
		Mitigation Approach							
		Species Modeling							
		Effects Analysis							
Mitigation and Adaptive Mgmt Plan									
Incidental Take Permit – Construction		Project Description							
		Species List							
		Species Modeling Approach							
		Mitigation Approach							
		Species Modeling							
		Effects Analysis							
Mitigation and Adaptive Mgmt Plan									
Incidental Take Permit – Operations		Project Description							
		Diversion Criteria							
		Modeling Approach							
		Mitigation Approach							
		Species Modeling							
		Effects Analysis							
Mitigation and Adaptive Mgmt Plan									
Incidental Take Permit – Operations		Project Description							
		Diversion Criteria							
		Modeling Approach							
		Mitigation Approach							
		Species Modeling							
		Effects Analysis							
Mitigation and Adaptive Mgmt Plan									

Key

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Permit	Summary Status	Permit Topics/Considerations	Agreement Status with Agencies						
			Prepared	Presented	Reviewed	Revised	Resolved	Deferred	Confirmed
Water Right Permit SWRCB		Water Availability Analysis							
		Draft Water Right Application							
		Internal Review/Revise							
		Submit Water Right Application							
Clean Water Act - Section 404 USACOE		Desktop Wetland Delineation							
		LEDPA* Analysis							
		404 Permit Application							
		Compensatory Mitigation Plan							
		Internal Review/Revise							
Approve/Submit 404 Application									
Clean Water Act - Section 401 SWRCB		Pre-Application Meeting							
		Draft 401 Application							
		Review/Revise							
		Approve/ Submit							
Section 106 Consultation Reclamation SHPO Tribes		Consultation Information Package							
		Phased Identification Work Plan							
		Draft Programmatic Agreement							
		Consultations							
		Final Programmatic Agreement							
		Reviews							
		Final PA for signature							
Execution									

* LEDPA Least environmentally damaging practicable alternative