



Meeting: **Joint Reservoir Committee & Authority Board**  
**Agenda Item 3.1**

**February 17, 2023**

Subject: **Status Briefing on the Final EIR/EIS, Part 1 of 3**

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**Requested Action:**

Review and comment on the Final EIR/EIS, Part 1 of 3 status briefing in preparation for approval of the Project.

**Detailed Description/Background:**

This staff report provides the first of three planned briefings on the Final Environmental Impact Report/Environmental Impact Statement (EIR/EIS) in preparation for approval of the document and the Project which is anticipated to occur at the May 2023 meeting. In this segment, we will provide a review of content and format of the final document, an overview of project refinements to be reflected in the final documents, and an overview of the updates to the modeling.

The Authority and the Bureau of Reclamation (Reclamation) jointly issued the original Draft EIR/EIS in August 2017 and received comments in January 2018. The Revised Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement (RDEIR/SDEIS) was released November 23, 2021 for the Project pursuant to their respective lead agency obligations under the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). The public comment period on the RDEIR/SDEIS closed on January 28, 2021. Since that time, staff and the consultant team have been working on analyzing and preparing responses to the comments received on the RDEIR/SDEIS and preparing the Final EIR/EIS. The Final EIR/EIS is anticipated to be published in May 2023.

**Content and Format**

CEQA requires that a Lead Agency prepare a Final EIR prior to approving a project. The Final EIR must include (CEQA Guidelines 15132):

- The draft EIR or revision of the draft;
- Comments and recommendations received on the draft EIR, either verbatim or in summary;
- A list of persons, organizations, and public agencies commenting on the draft EIR; and
- The responses of the Lead Agency to significant environmental points raised in the review and consultation process.

The Final EIR/EIS will identify refinements to the project, both in facilities and operations; include revised modeling results due to changes in diversion criteria; provide responses to comments received on the RDEIR/SDEIS; and provide any text revisions necessary based on comments and responses or project refinements. The Final EIR/EIS will include three volumes:

- Volume 1 – Chapters from the RDEIR/SDEIS that require revisions.
- Volume 2 – Appendices from the RDEIR/SDEIS that require revisions.
- Volume 3 – Responses to comments on the RDEIR/SDEIS, both master responses to address thematic issues raised in comments as well as individual responses to all comments received.

Changes to text will be denoted with margin lines. Due to federal page limits, comment letters and those chapters and appendices without changes will not be published but will be available on the Authority's website.

### **Project Refinements**

In addition to the substantial changes to the Project which occurred between the original Draft EIR/EIS and the revised documents, changes to the Project between the RDEIR/SDEIS and the Final EIR/EIS include:

- The preferred alternative is now Alternative 3, allowing for Reclamation investment in the Project of up to 25 percent;
- The Project's diversion criteria have been revised to be more protective of fish, including revising the Wilkins Slough bypass flow criteria to 10,700 cubic feet per second from October through June;
- Mitigation Measure Fish-2.1 has been incorporated into the Project;
- Design refinements have been made to some facilities;
- Updated modeling results have been incorporated into the document; and
- Corrections and clarifications in response to comments on the RDEIR/SDEIS.

Attachment A provides a comparison of the revised diversion criteria analyzed in the Final EIR/EIS versus the RDEIR/SDEIS. No new or substantially greater impacts have been identified with the addition of these refinements.

### **Future Meetings**

Additional briefings will be provided in upcoming meetings, as outlined below.

- March 2023 Status Briefing on the Final EIR/EIS, Part 2 of 3 – This briefing will provide an overview of key comments on the RDEIR/SDEIS and master responses; ongoing public and local community outreach; ongoing tribal outreach and AB 52 consultation; and an overview of any refinements to impacts and mitigation measures.
- April 2023, Status Briefing on the Final EIR/EIS, Part 3 of 3 – The April briefing will provide an overview of the Findings, Statement of Overriding

Considerations and Mitigation Monitoring and Reporting Program and request approval to publish the Final EIR.

- May 2023, Authority Decision – It is anticipated that the Final EIR will be certified at the May 2023 Board meeting. At that time, the Board will also need to adopt CEQA Findings and a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program. The Board will then be able to take action on the Project.

**Prior Authority Board Action:**

August 2022: Receive a status update on the development of the Final EIR/EIS.

March 2022: Received an update on public comments on the RDEIR/SDEIS.

**Fiscal Impact/Funding Source:**

The preparation of the Final EIR/EIS, including responses to comments, can be completed within the budgeted funds for this task and within the Amendment 3 work plan total budget.

**Staff Contact:**

Ali Forsythe

**Primary Service Providers:**

ICF, CH2M Operations

**Attachments:**

Attachment A: Comparison of the Project's Operational Criteria between the RDEIR/SDEIS and the Final EIR/EIS.

**Attachment A. Comparison of the Project's Operational Criteria between the RDEIR/SDEIS and the Final EIR/EIS**

<b>Location (Listed from North to South)</b>	<b>RDEIR/SDEIS with Mitigation Included</b>	<b>Final EIR/EIS</b>
Modeling of Shasta Lake Exchanges	Operated to improve Shasta Lake cold-water pool	Operated to improve Shasta Lake cold-water pool, fall flow stability, and spring pulse actions
Operational Dead Pool	120 TAF, although reservoir could be drawn lower for TCCA water supply during drought conditions	60 TAF
Bend Bridge Pulse Protection	Protection of all qualified precipitation-generated pulse events (i.e., peaks in river flow rather than scheduled operational events) from October to May based on the detection of fish presence and migration during the beginning of the flow event. For each event where fish presence and migration are detected, diversions from the Sacramento River would cease for 7 days	Similar except the following: (1) a qualified precipitation-generated pulse event is determined based on forecasted flows, (2) hourly gage monitoring at Bend Bridge gage detects the predicted flow of 8,000 cfs, and migrating anadromous fish are detected at RBDD, and (3) pulse protection may cease earlier than 7 days if flows at Bend Bridge exceed 29,000 cfs and Project diversions subtracted from Bend Bridge flows continue to be at least 25,000 cfs
Minimum Bypass Flows in the Sacramento River at the RBPP	3,250 cfs minimum bypass flow at all times; rate of diversion controlled by fish screen design	No change
Minimum Bypass Flows in the Sacramento River at the Hamilton City Pump Station	4,000 cfs minimum bypass flow at all times; rate of diversion controlled by fish screen design	No change
Minimum Bypass Flows in the Sacramento River at Wilkins Slough	Chapter 2: In addition to the minimum bypass flows in the Sacramento River at RBPP and the Hamilton City Pump Station, a minimum bypass flow of 8,000 cfs in the Sacramento River at	10,700 cfs October 1 through June 14; 5,000 cfs September (not diverting from June 15 to end of August)

Location (Listed from North to South)	RDEIR/SDEIS with Mitigation Included	Final EIR/EIS
	<p>Wilkins Slough would be in place in April and May and 5,000 cfs during the rest of the year</p> <p>Mitigation Measure FISH-2.1: 10,700 cfs in March through May; 5,000 cfs all other times</p>	
Fremont Weir Notch Protections	<p>No more than 1% reduction in flow over weir when spill over the weir is less than 600 cfs. No more than a 10% reduction in flow over weir when spills over the weir are between 600 cfs and 6,000 cfs. No restriction when flows over the weir are greater than 6,000 cfs</p>	<p>No longer included. Revised minimum bypass flows in the Sacramento River at Wilkins Slough and Bend Bridge pulse protection provide protections for Fremont Weir Notch</p>
South-of-Delta delivery water year-type restrictions	<p>Releases to south-of-Delta participants limited to Below Normal, Dry, and Critically Dry Water Years, based on January–December SWP contract years using the D-1641 Sacramento Valley 40-30-30 water year index</p>	<p>Releases to south-of-Delta participants may occur in all years, and would occur between July 1 and November 30</p>
Sacramento River Fully Appropriated Stream	<p>Diversions allowed only when the Sacramento River is not fully appropriated (September 1 through June 14)</p>	<p>No change</p>
Excess conditions, as determined by DWR and Reclamation and defined in 2018 COA Addendum	<p>Delta must be in excess for Sites Reservoir diversions</p>	<p>No change</p>
Freeport, Net Delta Outflow Index, X2, and Delta Water Quality	<p>Operations consistent with all applicable laws, regulations, biological opinions and incidental take permits, and court orders in place at the time that diversion occurs</p>	<p>No change</p>

Note: cfs = cubic feet per second; COA = Coordinated Operation Agreement; D-1641 = State Water Resources Control Board Revised Water Right Decision; DWR = California Department of Water Resources; EIR/EIS = environmental impact report/environmental impact statement; RBDD = Red Bluff Diversion Dam; RBPP = Red Bluff Pumping Plant; RDEIR/SDEIS = revised draft environmental impact report/supplemental draft environmental impact statement; SWP = State Water Project; TAF = thousand acre-feet; TCCA = Tehama-Colusa Canal Authority.