



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

March 17, 2023

Subject: **Status Briefing on the Final EIR/EIS, Part 2 of 3**

Requested Action:

Review and comment on the Final Environmental Impact Statement/Environmental Impact Report (EIR/EIS), Part 2 of 3 status briefing in preparation for approval of the Project.

Detailed Description/Background:

This staff report provides the second of three planned briefings on the Final EIR/EIS in preparation for certification of the EIR and Project approval which is anticipated to occur at the June 2023 meeting. In this segment, we will review master responses prepared in response to key comments received on the Revised Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement (RDEIR/SDEIS) and provide an overview of the ongoing public and local agency outreach and Tribal coordination and consultation efforts.

The Authority and Reclamation jointly issued the original Draft EIR/EIS in August 2017 pursuant to their respective lead agency obligations under the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). The RDEIR/SDEIS was prepared to address changes to the Project and was released on November 23, 2021. The public comment period on the RDEIR/SDEIS closed on January 28, 2021. About 100 unique letters, with approximately 1,000 discrete comments were received on the RDEIR/SDEIS.

Comments on the RDEIR/SDEIS and Master Responses

In responding to comments on the RDEIR/SDEIS, the Final EIR/EIS will include both responses to all individual comments along with master responses. Master responses are used to address complex issues or comments/topics that were frequently raised. The Final EIR/EIS is expected to have eight master responses. Four of these master responses are highlighted below and all eight are described in Attachment A.

- MR4, Water Quality – This master response addresses a range of comments related to water quality and further explains how the water quality effects of the Project are expected to be similar to similarly sized reservoirs throughout our state. This master response further explains the analysis of possible metal accumulation in the reservoir and supports the related mitigation measures as appropriate and reasonable. In addition, this master response further explains how water temperature of water discharged back into the Sacramento River is expected to be similar or slightly cooler than Sacramento River water.

- MR5, Aquatic Biological Resources – This master response includes the Project’s highly protective revised diversion criteria, including the requirement for 10,700 cfs to be in the Sacramento River at Wilkins Slough for Project diversions to occur, and how the revised criteria results in less than significant impacts to salmonids.
- MR8, Trinity River – This master response provides further information to continue to demonstrate that the Project would not adversely affect the Trinity River and includes the Project’s proposed water right term to provide firm assurances for Trinity River interests.
- MR9, Alternatives Development – This master responses addresses comments about the range of alternatives analyzed, including comments on modified diversion criteria and how many of these suggestions do not result in an affordable project or feasible alternatives and also do not meet the Project’s purpose and need.

Ongoing Public and Tribal Outreach

Public outreach has been ongoing since the release of the RDEIR/SDEIS, including efforts to engage the local community, tribes with traditional or cultural affiliation with the Project area, and non-governmental organizations.

The Authority Board approved establishment of the Local Community Working Group on June 17, 2022, with the intent to represent a broad cross-section of local agencies and community organizations in the Colusa, Glenn and Yolo County areas. It provides a forum for efficient, effective, and meaningful local community input into the development of the Project. Meetings have been ongoing since October 2022. In addition to the Local Community Working Group, the Authority staff continue one-on-one and small group discussions with various local and regional agencies and landowners in and around the Project area.

Tribal coordination has included ongoing formal AB 52 Consultation with representatives of the Yocha Dehe and Cachil Dehe Tribes. Meetings with the Yocha Dehe have generally been held monthly. A Tribal Government Working Group is also under development. The Tribal Government Working Group is intended to provide a forum for efficient, effective, and meaningful tribal input into the development of the Project for those Tribes with traditional or cultural affiliation with the Project area. Formal invitation letters to Tribes were sent on January 12, 2023 and meetings should begin shortly.

Non-governmental organizations (NGOs) outreach has also been ongoing. A September 2022 meeting with various NGOs provided an overview of the approach to the Sites water right application. A similar meeting was held in January 2023 to review supplemental materials submitted to the State Water Board in regard to the water rights application. Additional efforts include two more meetings that are currently planned to address modeling and water quality as well as ongoing small group and one-on-one discussions.

Future Meetings

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

- April 2023, Status Briefing on the Final EIR/EIS, Part 3 of 3 – The April briefing will provide an overview of any refinements to impacts and mitigation measures and Mitigation Monitoring and Reporting Program.
- May 2023, Status Briefing on the Final EIR/EIS, Part 3 of 3 (continued) – The May briefing will provide an overview of the Findings and Statement of Overriding Considerations.
- June 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:

February 2023: Receive a status briefing on the Final EIR/EIS, Part 2 of 3

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:

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Primary Service Providers:

ICF, HDR, Katz and Associates

Attachments:

Attachment A: Summary of CEQA Requirements for a Final EIR, Approach for the Project's Final EIR, and List of Master Responses in the Final EIR

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

- 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.
- The responses of the Lead Agency to significant environmental points raised in the review and consultation process.

Consistent with these requirements, Volume 3, of the Final EIR/EIS will include:

- Indices listing all comment letters received and the names of commenters.
- Tables that provide a summary of each individual comment and a response.
- Master responses to comments that address frequently raised topics or issues.

The following master responses have been developed to provide a more comprehensive and thematic approach to key comments received on the RDEIR/SDEIS:

- MR1, CEQA and NEPA Process, Regulatory Requirements, and General Comments – Addresses the more general comments on CEQA/NEPA process and regulatory requirements, including adequacy of the public outreach.
- MR2, Alternatives Description and Baseline – Responds to comments related to the characterization of project alternatives and identification of the preferred Project along with refinements to facilities and operations.
- MR3, Hydrology and Hydrologic Modeling – Responds to comments related to modeling and the use of CALSIM II and provides an overview of modification made to modeling in response to comments and refinements to operations.
- MR4, Water Quality – Addresses a range of comments related to water quality.
- MR5, Aquatic Biological Resources – Responds to comments related to flow impacts and addresses planned adaptability and Project benefits to fisheries.
- MR6, Vegetation, Wetland, and Wildlife Resources – Responds to comments regarding baseline conditions and the use of models and aerial imagery.
- MR7, Tribal Coordination, Consultation, and Engagement – Addresses comments on Tribal coordination and consultation and outlines the Authority's ongoing efforts to engage Tribes.
- MR8, Trinity River – Further demonstrates that the Project would not adversely affect the Trinity River.
- MR9, Alternatives Development – Addresses comments that raised concerns about the range of alternatives analyzed.