

Joint Reservoir Committee and Authority Board Meeting

Agenda Item 3.1: Final EIR/EIS Status Update

June 16, 2023



Final EIR/EIS Briefings in Preparation for Approval of Project

- February 2023, Part 1
 - Review Final EIR/EIS requirements and format
 - Provide overview of changes to the project based on design refinements and operations
 - Discuss revisions to modeling
- March 2023, Part 2
 - Overview of key comments and master responses; ongoing public and local community, tribal and NGO outreach
- April 2023, Part 3
 - Overview of refinements to impacts and mitigation measures; Mitigation Monitoring and Reporting Program
- May 2023, Part 3, Continued
 - Statement of Overriding Considerations
- June 2023, Part 3, continued
 - Overview of Findings; Water Quality and Tribal Cultural Resources
- July and August 2023
 - Any last items
- September 2023, Board Hearing
 - EIR Certification
 - Decision to Approve Project
 - Next steps post EIR

Project Findings

- The Board will need to adopt findings regarding:
 - Environmental review process and the contents of the Final EIR
 - Environmental impacts of the Project and the mitigation measures for those impacts identified in the Final EIR and adopted as conditions of approval
 - Alternatives and the reasons that such alternatives are rejected or accepted
- Findings must be supported by substantial evidence in the record
- Staff is currently drafting the findings in preparation for the September meeting

Water Quality

- Recent efforts have been undertaken to bolster the water quality analysis in the Final EIR/EIS, to:
 - Be responsive to comments from the public
 - Clarify information
 - Further support analysis and resolve confusion or misunderstandings
- Efforts focused on:
 - Harmful Algae Blooms (HABs)
 - Mercury
 - Monitoring and Adaptive Management

Harmful Algae Blooms (HABs)

- Concerns expressed regarding downstream effects to water users due to HABs
- Revisions to Final EIR/EIS analysis and/or text:
 - Revisited Inlet/Outlet Tower operations and releases from Sites Reservoir
 - Expanded on temperature modeling and effects
 - Bolstered discussion of benthic HABs
 - Strengthened existing mitigation and monitoring requirements

Mercury

- Concerns raised regarding:
 - Mercury in native soils
 - Relationship of mercury to Sacramento River Flow
 - Analysis approach
- Revisions to Final EIR/EIS analysis and/or text:
 - Additional analysis and expanded, None of the geologic units in the study area/watershed of the Sites Reservoir are known to contain mercury
 - Additional analysis and expanded, No or minimal relationship between Sac River flows and increased/elevated mercury levels
 - Expanded on why approach to mercury different than approach used for other metals

Monitoring and Adaptive Management

- Addition of more detail to the Reservoir Management Plan (RMP):
 - Added new section - Adaptive Management of Water Quality in Reservoir Release
 - Modified to expand monitoring constituents and increase frequency of HABs monitoring if HABs are present
 - Added quagga and zebra eDNA monitoring, as feasible

Tribal Cultural Resources

- Recent efforts have been undertaken on the following:
 - Detailed review to scrub carefully for biases, characterizations, unnecessary grouping, etc
 - Describe the conclusion of the AB 52 process and next steps

Detailed Review to Scrub Carefully

- Detailed review to scrub carefully for biases, characterizations, unnecessary groupings, and similar that marginalize Native American people
- Concerted effort to represent data objectively
 - Acknowledgement of the biases and data limitations in much of the current information and understanding
 - Acknowledgement of the bias toward the written record and the surface expression of archeological sites
- Commitment to work throughout the life of the Project to better understand and respectfully incorporate and honor the Tribes from their perspective

AB 52 Consultation

- California Assembly Bill (AB) 52:
 - Established a detailed, stepwise process for lead agency consultation with California Native American Tribes that are traditionally and culturally affiliated with the geographic area of a proposed project
 - Instructs a Tribe to notify California public agencies of their interest in being informed of projects proposed for the geographic area traditionally and culturally affiliated with the Tribe

Consulting Tribes

- Two Tribes—Cachil Dehe Band of Wintun Indians and Yocha Dehe Wintun Nation – responded to the 2017 notification of the Project
 - Ongoing consultation efforts and meetings since 2017
 - Existing studies and data on known cultural resources have been provided to the Tribes
 - Outreach has been focused on receiving Tribal input on the RDEIR/SDEIS and proposed mitigation
 - General comments, but no specific comments from consulting Tribes on the RDEIR/SDEIS
- Paskenta Band of Nomlaki Indians recently verbally expressed interest in consulting

AB 52 Consultation Ends with the Certification of the EIR

- AB 52 provides that a lead agency may certify an EIR when:
 - A California Native American Tribe has requested consultation but has not provided comments to the lead agency or otherwise has not engaged in the consultation process
 - To date, no specific written comments on the RDEIR/SDEIS have been received from the Cachil Dehe Band of Wintun Indians and Yocha Dehe Wintun Nation
 - The Lead Agency has complied with AB 52 and the California Native American Tribe has not requested consultation within 30 days
 - Applies to the Paskenta Band of Nomlaki Indians
- EIR/EIS concludes that tribal cultural resources will be significantly impacted by the Project
 - Avoidance, mitigation and mitigation measures for addressing significant impacts have been identified
 - Impacts remain significant and unavoidable

Ongoing Collaboration and Coordination

- Authority committed to working with Tribes beyond the AB 52 process:
 - Tribal Government Working Group would provide opportunity for ongoing meaningful communication and collaboration
 - Preparation of a Memorandum of Agreement (MOA) would formalize a collaborative partnership
 - Continue to identify tribal cultural resources, and methods to avoid, minimize, and mitigate impacts to and manage tribal cultural resources
 - Provide a framework for continued collaboration during Project planning, implementation, and operations
 - Commitment to working with the Tribes throughout the life of the Project to better understand and respectfully incorporate the Tribes from their perspective

Next Steps in Briefing Process

- July and August 2023, Update on Final EIR/EIS
 - Last items prior to approval
- September 2023, Board Hearing
 - Any last items
 - EIR Certification
 - Adoption of Findings, Statement of Overriding Considerations and Mitigation, Monitoring and Reporting Program
 - Decision to Approve Project
 - Next Steps
 - Local considerations with MOUs and Local Community Working Group
 - Tribal considerations with MOA and Tribal Working Group

Questions?