



Meeting: **Reservoir Committee & Authority Board
Agenda Item 2.3**

January 19, 2024

Subject: **Clean Water Act (CWA) 404 and 401 Permit Applications**

Requested Action:

Reservoir Committee and Authority Board consider authorizing the Executive Director to submit the Project's Clean Water Act 404 and 401 Permit Applications.

Detailed Description/Background:

During the October 20, 2023, Reservoir Committee and Authority Board meeting, staff briefed on the current status of the Clean Water Act 404 and 401 permit application development. At the meeting, it was identified that the CWA has historically and continues to be a moving target for applicants as implementation of the CWA has been the subject of extensive litigation and policy changes.

As part of the Board's review there were two items identified for consideration before submitting the final application as follows:

- The Project application should reflect the preliminary jurisdictional determination (PJD) and mapping reflecting the Sackett decision. Impacts (and associated mitigation) included in the 404-permit application remains conservative; however, these will be refined through continued field verification and ongoing resource agency coordination.
- Receive the Tehama-Colusa Canal Authority (TCCA) and Glenn-Colusa Irrigation District (GCID) concurrence with permitting approach and application materials. Staff has completed this coordination and TCCA and GCID and no changes were requested. Staff will continue to work with TCCA and GCID throughout the permitting process.

The CWA 404 and 401 permit applications will be submitted by the end of January and the 404 and 401 permits are expected to be issued in early 2025.

Prior Action:

October 20, 2023: Received an update on the Project's Clean Water Act 404 and 401 Permit Applications.

February 2022: The Board authorized the submittal of draft applications to both the Corps and State Board for their review and early input.

Fiscal Impact/Funding Source:

None. The efforts to finalize the 404 and 401 permit applications are covered under the previous Amendment 3 Work Plan. Additionally, the recently approved updated Amendment 3 Work Plan reflects ongoing resource agency coordination after submittal of the permit applications. This ongoing coordination is necessary as each resource agency prepares for permit issuance.

Staff Contact:

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Primary Service Provider:

HDR and ICF