

Environmental Planning and Permitting Work Group

February 7, 2023



Agenda

- 1.1 Terrestrial Biological Mitigation Update
- 1.2 Workgroup Charter
- 2.0 EPP Manager's Report
 - Key Planning and Permitting Activities Report

Terrestrial Biological Mitigation Update

Ali Forsythe

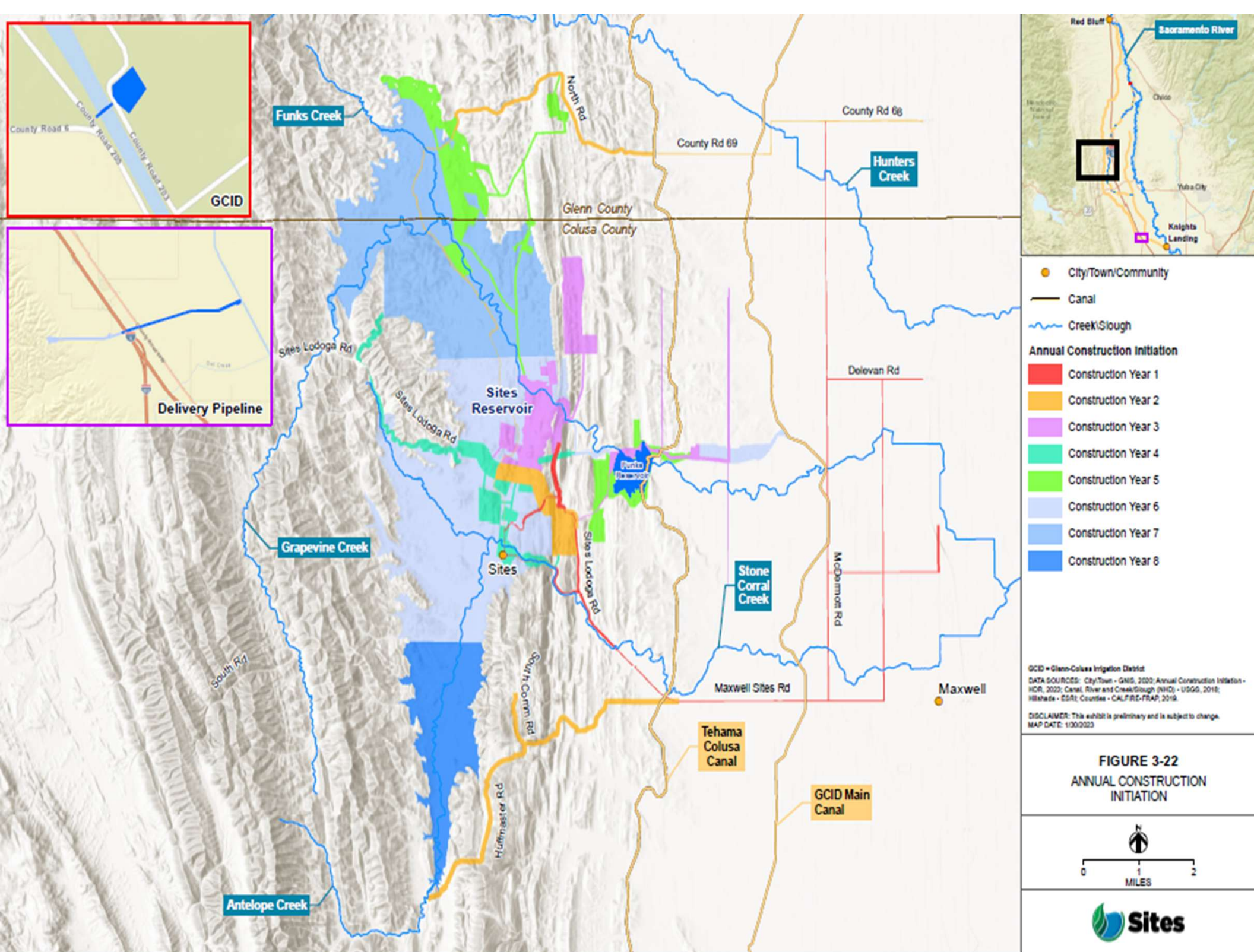
Approach to Refining Contracting Strategy for Compensatory Terrestrial Biological Mitigation

- ✓ 1. Establish values
- ✓ 2. Prepare strawperson strategy
 - ✓ a. Seek contractor and industry input on strawperson strategy
3. Prepare draft strategy
 - a. Seek contractor and industry input on draft strategy
4. Refine and prepare final strategy
5. Return to RC/AB for approval of final strategy

Approach similar to approach for developing July 2022 Contracting Strategy

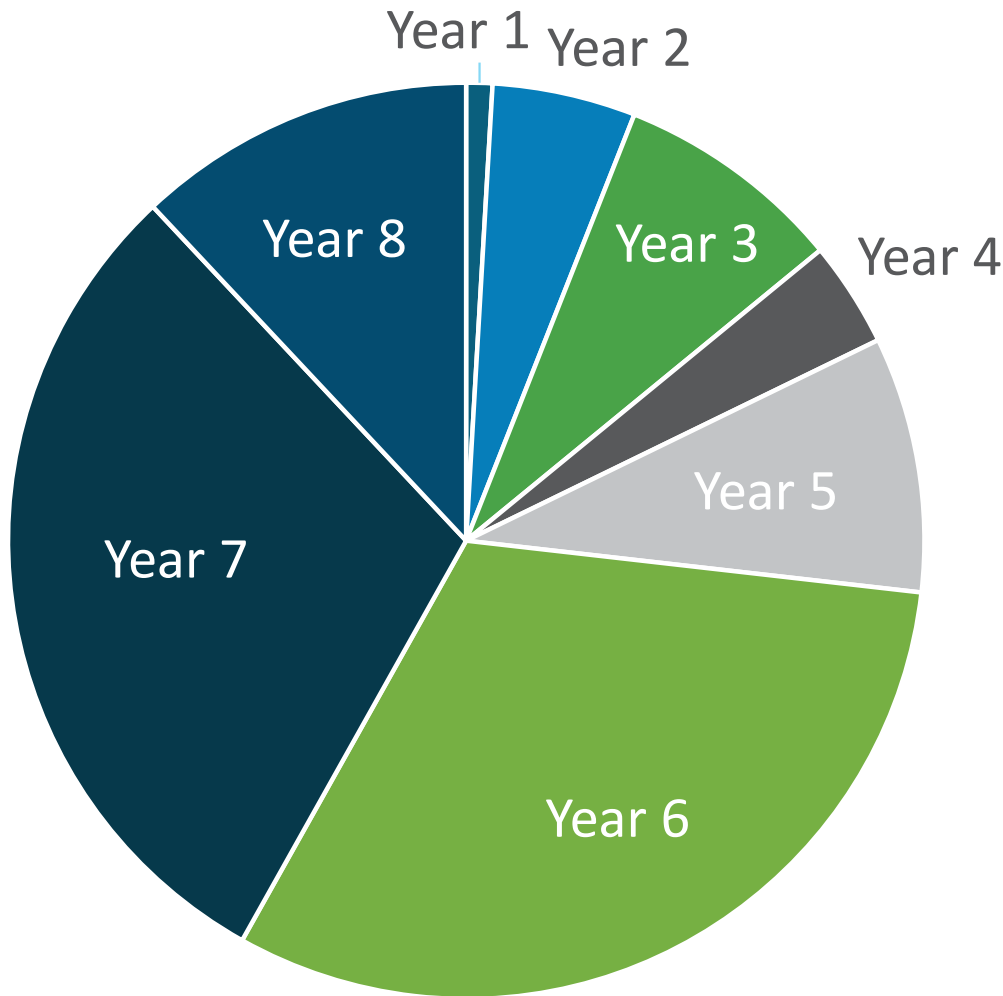
Strawperson Strategy = Focus on Near-Term; Establish Contract for Long-Term Early

- Near-term construction – likely Years 1 and 2
 - Banking credits
 - Conservation easements
 - Seeking input from Industry to see if credits are available and refine costs
- Establish long-term – likely Years 3 and beyond
 - Permittee responsible
 - Issue long-term contract(s) for this in early 2025 (with/near first construction contract issuance which is for dam construction)
 - Seeking input from Industry on contracting methods, risk management and timing



Most Mitigation is Later in the Project Schedule

Estimated Mitigation Needs by Construction Year



Year	Acres*	% Total
1	70	1%
2	450	3%
3	1,120	8%
4	550	4%
5	1,000	7%
6	4,890	33%
7	4,700	33%
8	1,840	12%
Total	14,600	--

Strawperson Strategy, Workshop and One-on-One Feedback

- Workshop held in Maxwell on Oct 25
- One-on-one meetings with mitigation providers
 - Focused feedback
 - 13 held since November

Key Considerations that are Becoming Clearer on Approach

- Land speculation in the solicitation process
 - Assumption is to find a way to minimize / avoid this
 - Based on quals only?
- Lump or split requirements
 - Assumption is to do what is in the best interest of the Authority even if that means small/medium contractors need to team up
 - Not yet identified a good reason to split other than “putting all eggs in one basket”
 - Feedback identified a number of reasons/benefits to lumping
 - Consider offramp built into lumped contract based on contractor performance during early strategic planning period?
- Early cost certainty
 - Assumption is that early cost certainty is important
 - Considering if/how to seek maximum price early in the contract efforts
 - Pay for success is common

Key Considerations that are a Work in Progress

- Who will be the long-term landowner?
 - Mixed feedback on Authority holding land or someone else
 - Anyone had experience with this that we can draw from?
- How to address the possibility of over mitigating in the contract?
 - May not be as big of a concern as originally anticipated
 - But mixed feedback on this
 - Anyone had experience with this we can draw from?
- How much involvement does the Authority want?
 - Partnership or a transaction?
 - How to structure risk and reward in a partnership
 - Anyone had experience with this we can draw from?



What does good look like?

Examples we should explore?

Next Steps

- Refine strawperson and develop into draft strategy
- Seek more feedback on draft strategy
- Refine and prepare final strategy
- Return to RC/AB for approval of final strategy (target is April)
- Implement strategy
 - Right now, thinking initial mitigation contract issuance in early 2025 – timed with/around CMAR contract issuance

Workgroup Charter Update

Ali Forsythe








EPP Workgroup Charter Update

- Adjusted end of the Third Amendment to 2019 Reservoir Project Agreement date from December 31, 2024 to December 31, 2025
- Workgroup discussion: other changes?

Environmental Planning and Permitting Manager Report

Ali Forsythe

Dashboard Update

Deliverable	Finish	Status	Notes, New or Potential Issues
Water Right Application			
• Submit to State Board	May-22		Application Submitted May
• Complete Protest Resolution Period	Mar-24		Noticing closed; working with protestants
• Receive Water Right Permit	Feb-25	N/S	
Federal ESA			
• Construction – Biological Opinion	July-24		Reclamation submitted to USFWS in Nov
• Operations – Programmatic Biological Opinion	July-24		Reclamation submitted to USFWS in Nov; Tied to CVP/SWP Reconsultation efforts
• Operations – Project-level Biological Opinion	May-25	N/S	
State ITPs			
• Receive Construction ITP	July-24		
• Submit Operations ITP to CDFW	Nov-23		
• Receive Operations ITP	July-24		

N/S = Not Started;  = On track;  = Area of Potential Concern;  = Delayed;  = Completed

Dashboard Update

Deliverable	Finish	Status	Notes, New or Potential Issues
Section 106 – Cultural Resources			
• Final Programmatic Agreement	July-24	●	
• Programmatic Historic Properties Management Plan	Aug-24	●	
Clean Water Act 404/401			
• Submit Final Permit Applications	Feb-24	●	
• Receive 404 and 401 Permits	Jan-25	●	
Streambed Alteration Agreement			
• Prepare and Submit Application	Dec-23	●	
• Receive Master Agreement	Jun-24	●	
Eagle Permit			
• Short-Term and Nest Take Permits	Apr-23	●	
• Long-Term Permit Issued	Aug-24	●	

N/S = Not Started; = On track; = Area of Potential Concern; = Delayed; = Completed

Dashboard Update

Deliverable	Finish	Status	Notes, New or Potential Issues
Final EIR/EIS			
• Complete Final EIR/EIS	Nov-23	●	
• Certify Final EIR/EIS and approve preferred project and MMRP	Nov-23	●	

N/S = Not Started; **Green** = On track; **Yellow** = Area of Potential Concern; **Red** = Delayed; **Blue** = Completed

Upcoming Meetings

- Next Work Group Meeting –
April 10, 2024, 10 to 11 AM
 - Topics –
 - ITP/BO Status Update
 - Approach to Air Board Permit to Construct
 - Biological Terrestrial Mitigation Strategy – Final Strategy
 - Environmental Compliance Plan – Policies and Procedures
- Other upcoming meetings
 - Joint Reservoir Committee and Authority Board
 - Friday, February 16, 2023 – 9 AM to 12 PM
 - Engineering and Operations Workgroup
 - Wednesday, March 13, 2024 – 1:30 to 3:30 PM

Thank you!

