

Environmental Planning and Permitting Work Group

March 6, 2023



Agenda

- 1.1 Review and comment on Part 2 of 3, Status Briefing on the Final EIR/EIS, in preparation for approval of the Project
- 1.2 Review and comment on initial results of the Winter-Run Life Cycle Model
- 1.3 Review and comment on short-term eagle permit mitigation requirements and consideration of entering into a contract to complete compensatory mitigation requirements
- 2.0 EPP Manager's Report

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

Ali Forsythe and Laurie Warner Herson

Final EIR/EIS Briefings in Preparation for Approval of Project

- March 2023, Part 2 of 3
 - Overview of key comments and master responses; ongoing public and local community outreach; ongoing tribal outreach and AB 52 consultation
- April 2023, Part 3 of 3
 - Overview of refinements to impacts and mitigation measures; Mitigation Monitoring and Reporting Program
- May 2023, Part 3 of 3, continued
 - Overview of Findings and Statement of Overriding Considerations
- June 2023, Board Hearing
 - Any last items and next steps post EIR
 - EIR Certification
 - Decision to Approve Project

RDEIR/SDEIS Comments

- Received 101 unique letters or communications
- Approximately 1,000 discrete comments



Key Comment Topic Areas

- Major topic areas with frequent comments included:
 - General merits of the Project
 - Adequacy of the project description
 - Stakeholder engagement and the public outreach process
 - AB 52 consultation and Tribal coordination
 - Service impacts to local residents
 - Modeling approach including baseline and use of CALSIM II
 - Range of alternatives and need for different operating criteria
 - Surface water quality impacts
 - Trinity River impacts
 - Aquatic biological resources impacts
 - Terrestrial wildlife and vegetation impacts

Approach to Responses to Comments

- Final EIR must include:
 - Comments and recommendations received on the draft EIR
 - A list of persons, organizations, and public agencies commenting on the draft EIR
 - Responses of the Lead Agency to significant environmental comments
- Volume 3, Responses to Comments includes:
 - Indices of comments received on the RDEIR/SDEIS that list the comment letters and identifies commenters
 - Individual responses to all comments
 - Master Responses provide responses to frequently raised topics, themes, or issues

Master Responses to Comments

- MR1, CEQA and NEPA Process, Regulatory Requirements, and General Comments
 - Public review and outreach process, the CEQA and NEPA process, regulatory requirements
- MR2, Alternatives Description and Baseline
 - Adequacy of the Project description
 - Appropriate use of existing conditions baseline and the No Project Alternative/No Action Alternative
 - Refinements to Project facilities and operations since the RDEIR/SDEIS

Master Responses to Comments (cont)

- MR3, Hydrology and Hydrologic Modeling
 - Hydrologic model description and use of CALSIM II
 - Modeling period and time step
 - Modeling modifications in response to comments and revised modeling results
- MR4, Water Quality
 - Concerns about metals and metalloids other than mercury
 - Adequacy of mitigation

Master Responses to Comments (cont)

- MR5, Aquatic Biological Resources
 - Flow impacts and mitigation measures
 - Planned adaptability and additional studies to address current uncertainties
 - Longfin smelt and delta smelt impact analyses and associated mitigation
 - Project benefits to fisheries
- MR6, Vegetation, Wetland, and Wildlife Resources
 - Baseline conditions and use of habitat modeling and reliance on aerial imagery interpretation for wetlands
 - Adequacy of mitigation

Master Responses to Comments (cont)

- MR7, Tribal Coordination, Consultation, and Engagement
 - Tribal consultation efforts under AB 52 and Section 106 and additional Tribal outreach activities
 - Federal trust responsibility over Indian Trust Assets
- MR8, Trinity River
 - Protection under existing water rights, laws and regulations
 - Project water right application
 - Modeling and potential for water temperature impacts in the Trinity River

Master Responses to Comments (cont)

- MR9, Alternatives Development
 - Application of the objectives and purpose and need for the Project to develop a reasonable range of feasible alternatives
 - Feasibility and applicability of other suggested alternatives identified by commenters

Ongoing Public and Local Outreach

- Local Community Working Group
 - Intended to represent a broad cross-section of local agencies and community organizations in the Colusa, Glenn and Yolo County areas
 - Provides a forum for efficient, effective, and meaningful local community input into the development of the project
 - Meetings have been ongoing since October 2022
- One-on-one discussions with many landowners

Ongoing Tribal Outreach and Coordination

- AB 52 Consultation
 - Formal consultation ongoing with Yocha Dehe and Cachil Dehe, meetings with Yocha Dehe scheduled monthly
 - Preparation of a draft MOA outline for continued consultation and collaboration
- Tribal Government Working Group
 - Intended to represent tribes with traditional or cultural affiliation with the Project area
 - Provides a forum for efficient, effective, and meaningful tribal input into the development of the project
 - Formal invitation letters to the above-listed tribes were sent on January 12, 2023

Ongoing Non-governmental Organization Outreach

- September 20, 2022 – Held meeting with various NGOs to give an overview of the approach to the Sites water right application
- January 31, 2023 – Held meeting with various NGOs to review supplemental materials submitted to SWRCB in regard to water rights application
- Two more meetings planned on modeling and water quality
- Small group and one-on-one discussions

Next Steps in Briefing Process

- April 2023, Part 3 of 3
 - Overview of any refinements to impacts and mitigation measures
 - Overview of Mitigation Monitoring and Reporting Program
- May 2023, Part 3 of 3 (continued)
 - Overview of Findings and Statement of Overriding Considerations

Final EIR Certification Targeted for June 2023

- June 2023, Board Hearing
 - Any last items
 - Reminders on Findings, Statement of Overriding Considerations and Mitigation, Monitoring and Reporting Program
 - EIR Certification
 - Decision to Approve Project
 - Next Steps
 - Local considerations with MOUs and Local Community Working Group
 - Tribal considerations with MOA and Tribal Working Group

Winter-run Life Cycle Model Initial Results

John Spranza

Model Background

- Evaluates the effects of water operations on the population dynamics of Sacramento River winter-run Chinook salmon
 - Integrate effects across entire life-cycle and multiple environmental conditions
 - Evaluates effects to the abundance, distribution and survival of specific life stages in the river system, and ultimately to predict the effects at a population level
 - Requested by NMFS and CDFW for Federal and State ESA consultation

Model Background (con't)

- Pros of the model:
 - Specifically designed to assess the effects of water operations and habitat restoration
 - Predicts changes in habitat characteristics (quality and quantity of habitat, water velocity, temperature, etc) and the resulting effects of a proposed action at the population level
 - Provides some understanding of effects at each life stage
- Cons of the model:
 - Full model and sub-models have not been released publicly
 - Mixed confidence in the model's ability to account for the effects of uncertainty
 - Questionable statistical ability to disseminate between effects of similar scenarios

Summary of WRLCM Results

- The Project has a slightly positive effect on winter-run with the potential to increase the overall population
- Benefits to winter-run are associated with periodic reductions in late summer water temperatures that decreases salmon egg mortality
 - Likely driven mostly by Reclamation's investment and exchanges with Reclamation
- Model runs included Alternative 3 with Reclamation investment at both a 25% (Alt 3A) and 16% (Alt 3B)
 - Alt 3A has slightly greater benefits than Alt 3B

Mean Change in Abundance

scenario	mean % change in abundance	95% CI	Pr(Alt>baseline)
Alt3A_modifiedBendBridge	1.08	[-5.93, 9.19]	0.65
Alt3B_modifiedBendBridge	0.34	[-9.12, 10.09]	0.55

Mean % change in abundance greater than 0 = positive effect;
less than 0 = negative effect

- Project results in a slightly positive mean change in abundance of in-river spawners when averaged across all years of the model
- Project has a slightly positive effect on winter-run populations

Mean Change in Cohort Replacement Ratio

scenario	mean % change in CRR	95% CI	Pr(Alt>baseline)
Alt3A_modifiedBendBridge	1.37	[-1.02, 3.13]	0.76
Alt3B_modifiedBendBridge	1.31	[-1.71, 3.03]	0.67

Mean % change in cohort replacement ratio greater than 0 = positive effect;
less than 0 = negative effect

- Average number of future spawning fish produced by each spawning adult is slightly higher with the Project (i.e., more offspring live per fish)

Next Steps

- Continue discussions with agencies on interpretation of effects
- Incorporate results into Biological Opinion and Operations ITP application

Short-term Eagle Permit Mitigation Requirements & Contract to Complete

John Spranza

Background

- Last discussed in June 2022
 - Reservoir Committee and Authority Board authorized the Executive Director to submit the short-term eagle take permit application
- Permit application submitted to USFWS August 2022
- USFWS posted permit application and associated EA/FONSI on February 10, 2023
 - 30-day public notice period prior to permit issuance
 - Permit, assuming USFWS issues one, expected around mid March

Anticipated Mitigation – Avoidance and Minimization

- Avoid activities within buffer areas of active nests to the extent possible
 - 1 mile of active golden eagle nests and 660 feet of active bald eagle
- Monitor active nests within breeding season when activities conducted within nest buffers
 - Costs for monitoring included in Amendment 3
 - Successful nesting with work inside of buffer would not necessarily use a mitigation credit
- Year-end reporting required

Anticipated Mitigation – Compensatory Mitigation

- Compensatory mitigation for disturbance of 1 nest for 4 years, and 2 nests for 1 year
 - Credits not used can roll forward into future years
- Only USFWS-approved compensatory mitigation nationwide is power pole replacement
 - Authority perform this OR can contract with others
- RFP issued Feb 28 for compensatory mitigation
 - Anticipated cost to be no more than \$450,000 in total (all 4 years)
 - Base contract with task orders issued annually
 - Fixed-price fee for the first year with agreed upon escalation for subsequent years
 - Mitigation contractor would take on all liability and responsibility for fulfil our compensatory mitigation requirement

Eagle Permit Next Steps

- March Reservoir Committee and Authority Board, requesting action to authorize Executive Director to:
 - Sign the permit
 - Enter into a contract with mitigation contractor and pay mitigation fee
- Review and select mitigation contractor
- Review and sign permit
- Execute contract and provide payment for first year mitigation

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	Oct-23		
• Receive Water Right Permit	Sept-24	N/S	
Federal ESA			
• Reclamation Initiates Consultation	Mar-23		
• Receive BiOps	Nov-23	N/S	
State ITPs			
• Receive Construction ITP	Oct-23		
• Submit Operations ITP to CDFW	Mar-23		
• Receive Operations ITP	Nov-23	N/S	

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	Aug-23	●	
• Programmatic Historic Properties Management Plan	Jun-23	●	
Clean Water Act 404/401			
• Submit Final Permit Applications	May-23	●	
• Receive 404 and 401 Permits	May-24	●	
Streambed Alteration Agreement			
• Prepare and Submit Application	Mar-23	●	
• Receive Master Agreement	Sept-23	●	
Eagle Permit			
• Short-Term and Nest Take Permits Issued	Mar-23	●	
• Long-Term Permit Issued	Mar-24	●	

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

Dashboard Update

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

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

Upcoming Meetings

- Next Work Group Meeting –
April 12, 2023, 10 to 11 AM
 - Topics –
 - Continued Final EIR/EIS briefings
 - Water right permit status
- Other upcoming meetings
 - Reservoir Operations and Engineering Workgroup
 - Wednesday, February 8, 2023 - 1:30 PM to 3:30 PM
 - Joint Reservoir Committee and Authority Board
 - Friday, February 17, 2023 - 9:00 AM to 12:00 PM
 - Environmental Planning and Permitting Workgroup
 - Wednesday, April 12, 2023 - 10:00 AM to 11:00 AM

Thank you!



Public Agency Comments

- Tribal:
 - United Auburn Indian Council
 - Winnemem Wintu Tribe (with NGO group)
 - Yocha Dehe Wintun Nation
- Federal:
 - National Marine Fisheries Service
 - US Environmental Protection Agency
- State:
 - California Department of Fish and Wildlife
 - CA Office of Environmental Health and Hazard Assessment
 - Central Valley Regional Water Quality Control Board
 - State Water Resources Control Board, Water Rights Division
- Regional:
 - Contra Costa Water District
 - East Bay Municipal Utility District
 - Local Agencies of the North Delta
- Local:
 - Colusa County Board of Supervisors
 - Maxwell Fire Protection District
 - Maxwell Public Utility District
 - Maxwell Unified School District
- Water NGOs:
 - State Water Contractors
 - Northern California Water Association

Non-Governmental Organizations

Comments

- AquAlliance
- Bay Institute
- California Indian Environmental Alliance
- California Sportfishing Protection Alliance
- CalWild
- Center for Biological Diversity
- Defenders of Wildlife
- Friends of the River
- Golden State Salmon Association
- Golden West Women Flyfishers
- Institute for Fisheries Resources
- Natural Resources Defense Council
- Northern California Council Fly Fishers International
- North Coast Rivers Alliance
- Planning and Conservation League
- Pacific Coast Federation of Fishermen's Associations
- Restore the Delta
- San Francisco Baykeeper
- Save California Salmon
- Sierra Club California

CEQA Requirements (continued)

- CEQA also specifies that:
 - The response to comments may take the form of a revision to the draft EIR or may be a separate section in the final EIR. Where the response to comments makes important changes in the information contained in the text of the draft EIR, the lead agency should consider either: (1) Revise the text in the body of the EIR, or (2) Include marginal notes showing that the information is revised in the response to comments. (CEQA Guidelines Section 15088(d))

Sites Reservoir Final EIR/EIS

- Volumes 1 and 2, Chapters and Appendices
 - Revisions to REDIR/SDEIS text due to responses to comments are noted by vertical lines in the left margin
- Volume 3, Responses to Comments includes:
 - Indices of comments received on the RDEIR/SDEIS that list the comment letter numbers, names of commenters, and titles, when provided
 - Individual responses to comments include the substance of each comment and a response
 - Master Responses provide responses to frequently raised topics, themes, or issues to avoid repetition and to provide a more comprehensive response