

# Environmental Planning and Permitting Work Group

May 10, 2023



# Agenda

- 1.1 Final EIR/EIS, Part 3 (continued) status briefing in preparation for approval of the Project
- 1.2 Reimbursable agreement with National Marine Fisheries Service
- 2.0 Environmental Planning and Permitting Manager's Report

# Status Briefing on the Final EIR/EIS, Part 3 of 3 (continued)

Ali Forsythe and Laurie Warner Herson

# 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 and June 2023, Part 3, continued
  - Overview of Findings and Statement of Overriding Considerations
- July 2023
  - Any last items
- August 2023, Board Hearing
  - Next steps post EIR
  - EIR Certification
  - Decision to Approve Project

# CEQA Requirements for a Statement of Overriding Considerations

- In approving a project that results in significant and unavoidable impacts, the agency must state in writing the specific reasons to support its action based on the Final EIR and/or other information in the record
- Statement of Overriding Considerations should:
  - Balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks
  - Be supported by substantial evidence in the record

# Statement of Overriding Considerations Balances Adverse Effects with Benefits

According to CEQA (Section 15093), if the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposal project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable"

# Anticipated Project Impacts that Remain Significant and Unavoidable

- Surface Water Quality
- Veg and Wetlands
- Wildlife
- Agriculture
- Air Quality
- Cultural Resources
- Tribal Cultural Resources
- Visual Resources

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- Land Use (Alternative 2 Only)
- Navigation, Transportation and Traffic (Alternative 2 Only)
- Geology and Soils (TRR East Only)

# Key Project Benefits for the Overriding Consideration

- Water supply reliability and drought resilience
- Ecosystem benefits
- Anadromous fish benefits
- Benefits to the local community

# Water Supply Benefits

- Sites Reservoir would be an offstream reservoir and would be used to capture water from major storms and store the water until it is most needed during dry periods providing:
  - State-wide water supply reliability
  - State-wide drought resilience
  - Consistency with the Governor’s Executive Order N-10-19, which identified the state’s current water challenges
  - Consistency with the 2020 Water Resilience Portfolio which identifies the need to expand smart surface water storage where it can benefit water supply and the environment
  - Consistency with CALFED which sought to balance environmental and water supply challenges in our state

# Ecosystem Benefits

- The Project would provide:
  - Incremental Level 4 Refuge water supply benefits as identified under the Water Storage Investment Program
  - Additional flow into the Yolo Bypass to benefit delta smelt, deliveries would increase desirable food sources in the late summer and early fall
  - Involvement on technical and advisory teams (e.g., Sacramento River Temperature Task Group) that would provide opportunities to work collaboratively to achieve species benefits in the Sacramento Valley and the Delta
  - Exchanges and investment by Reclamation has the potential to assist the CVP and SWP in meeting their regulatory obligations, authorized purpose, and improving conditions to protect, restore and enhance fish, wildlife, and associated habitats

# Anadromous Fish Benefits

- The Project would provide benefits to anadromous fish through:
  - Enhanced opportunity for cold water pool management in Shasta Lake
  - Enhanced frequency and amount of spring pulse flows in the upper Sacramento River
  - Better ability to maintain stable river flows in the upper Sacramento River in the fall
- Exchanges with Shasta Lake would be formulated to target cold-water pool preservation and anadromous fish benefits
- Project results in an overall increase in the population of endangered winter-run Chinook salmon

# Benefits to the Local Community

- Flood control benefits to the communities of Maxwell and Colusa, local agricultural lands, rural residences, and Interstate 5 by impounding Funks Creek and Stone Corral Creeks
- Recreational benefits including two primary recreation areas and a day-use boat ramp that would provide multiple recreational amenities, including campsites, boat access, horse trails, hiking trails, and vista points
- Economic benefits:
  - Increase in construction income and jobs is expected to be larger than the decrease in agricultural jobs and income, resulting in an overall beneficial effect on regional economics
  - A beneficial effect to local economics would result from the increase in recreational visitors and associated spending

# Next Steps in Briefing Process

- June 2023, Additional Briefing in Preparation for Approval of Project
  - Findings
  - Water Quality and Tribal Cultural Resources
- July 2023, Update on Final EIR/EIS
  - Last items prior to approval in August

# Final EIR Certification Targeted for August 2023

- August 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

# Reimbursable Agreement with NMFS

John Spranza

# Why Enter Into a Reimbursable Agreement with NMFS?

- Due to funding/staffing constraints, NMFS has limited staff to work on the Project
- Reimbursable agreement allows for NMFS to retain qualified, senior staff dedicated to the Project
  - Brings experience, consistency and creativity
  - Improves understanding of the Project opportunities and constraints
  - Improves consistency in decisions over time
  - Avoids competition with other projects for staff resources
  - Ensures workload is anticipated
  - More pre-and post consultation coordination and technical assistance, less permit processing time and more certainty
- Stability of NMFS staff working on the Sites Project reduces costs, schedule and uncertainty risk

# Agreement Details

- Costs of up to \$1,388,277 through September 30, 2028
  - Not to exceed of \$65,400 for Authority's fiscal year 2023
  - Subsequent Notices to Proceed through 2028 as needed
  - Costs reimbursed based on time and materials (only pay for time individuals work on Sites Project)
- Funding assumed for one full-time equivalent
- Dedicated staff would be senior scientist and scientific staff already familiar with the Project
- Scope would generally include technical assistance with the Authority's ESA permit development, issuance and implementation (including mitigation and adaptive management)

# Accountability Measures

- Statement of work defines activities and deliverables
- Costs are reimbursed after incurred, NMFS will invoice the Authority
- Invoices will be reviewed for accuracy and adherence to executed Statement of Work
- Ability to elevate issues to management if needed

# Environmental Planning and Permitting Manager Report

Ali Forsythe

# Dashboard Update

Deliverable	Finish	Status	Notes, New or Potential Issues
<b>Water Right Application</b>			
• Submit to State Board	May-22	●	Application Submitted May
• Complete Protest Resolution Period	Jan-24	●	
• Receive Water Right Permit	Dec-24	N/S	
<b>Federal ESA</b>			
• Reclamation Initiates Consultation	July-23	●	Productive discussions with Reclamation
• Receive BiOps	Dec-23	N/S	Schedule will be adjusted next month to reflect revised strategy
<b>State ITPs</b>			
• Receive Construction ITP	Dec-23	●	
• Submit Operations ITP to CDFW	June-23	●	
• Receive Operations ITP	Feb-24	N/S	Date adjusted

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
<b>Section 106 – Cultural Resources</b>			
• Final Programmatic Agreement	Aug-23	●	
• Programmatic Historic Properties Management Plan	Jun-23	●	
<b>Clean Water Act 404/401</b>			
• Submit Final Permit Applications	Aug-23	●	
• Receive 404 and 401 Permits	Aug-24	●	
<b>Streambed Alteration Agreement</b>			
• Prepare and Submit Application	May-23	●	
• Receive Master Agreement	Nov-23	●	
<b>Eagle Permit</b>			
• Short-Term and Nest Take Permits Issued	April-23	●	Received and completed compensatory mitigation for this calendar year
• Long-Term Permit Issued	Mar-24	●	

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

# Dashboard Update

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

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# Upcoming Meetings

- Next Work Group Meeting –  
June 7, 2023, 10 to 11 AM
  - Topics –
    - Continued Final EIR/EIS briefings
    - Cultural and Tribal Resources commitments under the National Historic Preservation Act (Section 106)
- Other upcoming meetings
  - Joint Reservoir Committee and Authority Board
    - Friday, May 19, 2023 - 9:00 AM to 12:00 PM

**Thank you!**

