

Environmental Planning and Permitting Work Group

April 19, 2024



Agenda

- 1.1 Terrestrial Biological Mitigation Strategy Contracting Update
- 1.2 ITPs and BiOps Update
- 1.3 County Permits and Approvals
- 2.0 EPP Manager's Report
 - Key Planning and Permitting Activities Report

Terrestrial Biological Mitigation Contracting Strategy 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

Draft Strategy Contracting Approach

- Preparing draft strategy write-up
- Engaging new legal counsel for review and input
 - Have not yet reviewed draft strategy

Draft Strategy Contracting Approach – One Contract Approach

- One, single contract for all compensatory terrestrial biological mitigation (including wetlands and vernal pools)
 - Long-term partnership with Sites/contractor and contractor/community/agencies/CMAR, etc
 - Possibly allows for early completion / long-term strategic acquisitions early in the Project
 - One complete package for mitigation rather than Authority trying to piece together a package through multiple contractors
 - Allows for more flexibility for changes we know will happen
 - Avoids competition among contractors for lands/sites
 - No key differentiators to break contract apart
 - Fit/approach, continuity of individuals, succession planning, and seeing sustained performance of contractor will be important

Draft Strategy Contracting Approach – First Technical Assistance Task

- First task would be early technical assistance task to establish:
 - Mitigation portfolio approach
 - Primary and secondary goals and target outcomes
 - Approach for how to implement mitigation
 - Timelines, payment schedule, actions needing RC/AB approval, timing for guaranteed maximum price(s), how to address over mitigation, and similar
 - Roles and responsibilities and communications protocols
 - Approach to AB/RC, county, agency, and Tribal engagement
 - Approach to community, stakeholder and non-governmental agency engagement
 - Regional opportunities assessment

Draft Strategy Contracting Approach – Other Considerations

- Land speculation in the solicitation process
 - Award based on qualifications
- Authority should be the long-term landowner for new fee title purchases (permittee responsible)
 - Allows Authority to accomplish more secondary goals now or in the future (Tribal access, partnership with schools and universities, stacking with GHG mitigation, etc)
 - Authority retains ownership of any excess mitigation lands and could use/re-market in the future
 - Authority takes on additional risk in long-run
 - Need to ensure cost is reflective of this
 - “Should” as unique considerations of properties would need to be considered
 - No change in land ownership for mitigation banking credits and conservation easements

Draft Strategy Contracting Approach – Other Considerations

- For restored areas, mitigation contractor responsible for success criteria
 - Incentivizes thoughtful design and implementation
- Mitigation Contractor responsible for preparing any necessary follow on CEQA/NEPA and permits for mitigation actions
 - Authority/Reclamation would retain responsibility to approve

Next Steps

- Wrapping up write-up for draft strategy
- Seek more industry and member feedback on draft strategy
- Refine and prepare final strategy
- Return to RC/AB for approval of final strategy (info item in May; approval in June)
- Implement strategy
 - Right now, thinking initial mitigation contract issuance in early 2025 – timed with/around CMAR contract issuance

ITPs and BiOps Update

John Spranza

State Construction ITP Consultation Status

- December 8, 2023, CDFW deemed the Authority's Construction ITP application complete
- Have begun receiving draft sections of the ITP from CDFW for review
- Construction ITP expected to be issued in October 2024
 - Adjusted to reflect issuance on similar timeframe as Operations ITP
 - Does not impact the project schedule

State Operations ITP Consultation Status

- Operations ITP Application submitted in late October 2023
- Late November 2023 CDFW notified the Authority that the ITP application was incomplete
 - Provided a request for addition information
- Working through complex technical, legal, and policy questions
 - Size of the Project
 - Modeling used in analysis
 - Interconnection with the SWP, CVP and operations of existing facilities along the Sacramento River
- Bi-weekly technical and management meeting established between Sites and CDFW
 - Good progress being made on technical items
 - Policy and legal items being worked through

State Operations ITP Consultation Status

- Operations ITP expected to be issued in October 2024
 - Allows both the Operations and Construction ITP to be introduced during the water right hearing process
 - Requested that the Administrative Hearing Officer accommodate an October 2024 permit issuance into the water rights hearing schedule
 - Without causing the hearings to extend into 2025
 - Waiting for response to request

Federal ESA Consultation Status

- Two step ESA approach
 - Step 1 – Mixed programmatic consultation for Sites
 - Programmatic operations in the Reconsultation on the CVP/SWP BA/BiOp AND
 - Sites Project-level Construction BA/BiOp
 - Step 2 – Project-level operations
 - Reinitiate consultation after CVP/SWP Reconsultation to address Sites operations at a project-level
- Step 1 has been initiated
 - November 9, 2023, Reclamation submitted Sites as a programmatic action in the CVP/SWP Reconsultation Biological Assessment
 - Addressing Sites qualitatively
 - November 16, 2023, Reclamation submitted the Project's Construction Biological Assessment to the USFWS
 - March 2024 started bi-weekly consultation meetings with USFWS and Reclamation
- Schedule
 - Step 1 Biological Opinions expected December 2024
 - Step 2 Biological Opinion expected May 2025 (working on a revised date for this as this date is unlikely)

County Permits and Approvals

Laurie Warner Herson

County Developer Agreements – Colusa, Glenn, Yolo

- Background – Authority will enter into an agreement with Colusa, Glenn and Yolo counties establishing certain rights to develop the Project and assurances of development approvals by each County
- Will evaluate project activity involving road use, encroachments, economic effects and local taxes, contractor hiring and employment preferences, waste disposal, air quality, etc.

Applicability of Land Use Entitlements to Project

- Project components that will be “directly and immediately” used to store and transmit water and are not subject to zoning and building ordinances, pursuant to California Code Sections 53091 and 53096.
 - This includes reservoir and conveyance facilities

County Actions/Approvals

- County approvals required prior to construction
 - Land Use Entitlements, where applicable:
 - General Plan Amendment
 - Zoning Amendment
 - Use Permits
 - Permits:
 - Encroachments
 - Grading
 - Building
 - Air Quality
 - Transportation
 - Retail Food Safety
 - Well and Waste Disposal








Other Approvals with County Involvement

- Williamson Act Contract Non-Renewal
 - More than 13,000 acres under Williamson Act Contract will be permanently disturbed by Project facilities
 - Project needs to comply with Government Code
 - Williamson Act Contract notifications during real estate acquisition
- Surface Mining and Reclamation Act (SMARA) and the Lead Agency Review and Assistance (LARA) Program
 - Proposed onsite borrow and quarrying activities
 - Colusa County requires large- and small-scale mineral and natural gas extraction, processing, and reclamation operations to obtain a Conditional Use Permit

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		Hearing efforts are moving forward
• Receive Water Right Permit	Feb-25	N/S	
Federal ESA			
• Construction – Biological Opinion	Dec-24		
• Operations – Programmatic Biological Opinion	Dec-24		
• Operations – Project-level Biological Opinion	May-25	N/S	Working on a revised date
State ITPs			
• Receive Construction ITP	Oct-24		
• Submit Operations ITP to CDFW	Nov-23		
• Receive Operations ITP	Oct-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	Oct-24		
• Programmatic Historic Properties Management Plan	Dec-24		
Clean Water Act 404/401			
• Submit Final Permit Applications	Mar-24		
• Receive 404 and 401 Permits	Mar-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 –
June 5, 2024, 10 to 11 AM
 - Topics –
 - Biological Terrestrial Mitigation Strategy – Final Strategy
 - Environmental Compliance Plan – Update
- Other upcoming meetings
 - Reservoir Committee and Authority Board
 - Friday, April 19, 2024 – 9 AM to 12 PM
 - Engineering and Operations Workgroup
 - Wednesday, May 5, 2024 – 1:30 to 3:30 PM
 - Wednesday, May 15, 2024 – 1:30 to 3:30 PM

Thank you!



County Considerations Discussed

- Permits and approvals
- Roads and crossing structures (new, improved, repairs)
- Property tax – net effects
- Provision for sales tax revenues
- Commitments to Land Use/Zoning Changes
- Implementing LCWG policy recommendations
- Other County specific issues, as applicable
 - Recreation access on the reservoir's north end
 - GHG reduction focus areas
 - County interest in certain best management practices
 - Recognition of County of Origin Water Rights