

Environmental Planning and Permitting Work Group

October 9, 2024



Agenda

- 1.1 Permitting Status Update Tied to Conditions Precedent Reporting
- 1.2 EPP Work Plan for 2025 – Focus and Key Areas

Permitting Status Update Tied to Conditions Precedent Reporting

Ali Forsythe

Conditions Precedent Reporting

- March 2024, Staff began “Conditions Precedent Reporting”
 - Reports on the items that the Reservoir Committee and Authority Board have identified as needed for their Agency’s execution of the Benefits and Obligations Reporting
 - Includes additional needs from Reclamation and CA Water Commission for their respective funding agreements
 - Established common list of expected deliverables to prioritize efforts
- Staff report on status of items quarterly

Status of Permitting Conditions Precedent

1. Water Right decision by SWRCB
 - Aug 2025. On track and hearing is proceeding
- ★ 2. Construction Incidental Take Permit
 - Oct 2024. On track and expected this month
- ★ 3. Operations Incidental Take Permit
 - Oct 2024. On track and expected this month
- ★ 4. Federal Project Construction BiOp
 - Dec 2024. On track
- ★ 5. Federal Programmatic Operations BiOp (Step one)
 - Dec 2024. On track
6. Section 106 Programmatic Agreement
 - Mar 2025. Revised Programmatic Agreement expected from Reclamation shortly
- ★ 7. Lake and Streambed Alteration Agreement
 - Dec 2024. On track

Expected to obtain
5 of our
Conditions
Precedent permits
this calendar year!

Status of Permitting Conditions Precedent (cont)

8. Clean Water Act – Section 404
 - Sept 2025. Revised based on discussions with USACE and April 2025 resubmittal
9. Clean Water Act – Section 401
 - Sept 2025. Revised based on discussions with USACE and SWRCB
10. Rivers and Harbors Act, Section 10
 - Not applicable under approved project (Alt 3)
11. CVFPB Encroachment Permit
 - Jul 2028. Need to advance engineering design to 65%
12. USC Section 408 Approval
 - Jun 2025. Memorandum of Understanding; Specific permit will come later (Nov 2028) with 65% design
13. Eagle Long Term Construction Permit
 - June 2025. Revised based on change to Eagle Act regulations
14. NEPA Record of Decision
 - Mar 2025. On track

EPP 2025 Work Plan Focus and Key Area

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Priorities for EPP Work Plan for 2025

1. Completing Investor Commitment / Conditions Precedent activities
2. Beginning and continuing focused, key activities to prepare for the next stages of the Project:
 - Complying with Construction ITP, Operations ITP, Final EIR conditions, and preparing for water right reporting
 - Preparing for construction
 - Some of these required activities in our permits and approvals

Completing Investor Commitment Activities

- All Conditions Precedent Items discussed previously
- A few of the key ones in terms of level of effort and costs:
 - Water Right decision by SWRCB
 - Project-level Operations Biological Opinions
 - Requires CALSIM 3 Modeling
 - Clean Water Act 404 and 401 Permits

Focused Activities to Comply with Permits and Transition to Construction

- Continue biological, historical, and cultural surveys as land access is obtained
- Continue landcover verification surveys as land access is obtained
- Continue geotechnical biological, tribal, and cultural support
- Continue and increase tribal outreach and coordination
- Complete Cemetery Relocation Plan
- Continue Environmental Compliance Program development
 - Including Plan completion and database development and population
- Continue Funks and Stone Corral Creek studies
- Continue Water Monitoring and Measurement Plan and begin/complete prioritization of new gage locations (possible gage installation)

Focused Activities to Comply with Permits and Transition to Construction

- Continue mitigation planning and complete mitigation contractor selection and onboarding
- Begin Greenhouse Gas Reduction Plan
- Begin Construction and Operations ITP and Construction BiOp required technical study plans and related permit compliance activities
- Assist with identifying and beginning permitting (if needed) for construction water needs
- Create plan, budget, and schedule for transitioning to construction

Environmental Planning and Permitting Manager Report

Ali Forsythe

Upcoming Meetings

- Next Work Group Meeting –
December 11, 10 to 11 AM
 - Topics –
 - Biological Terrestrial Contracting Strategy
 - CWA 404 and 401 – Review of Status
- Other upcoming meetings
 - Engineering and Operations Workgroup
 - Wednesday November 13 – 1:30 to 3:30 PM
 - Reservoir Committee and Authority Board
 - Friday, October 18 – 9 AM to 12 PM

Thank you!

