What are Incidental Take Permits?

Incidental take permits (ITPs) allow the Sites Project Authority (Authority) to construct and operate the Sites Reservoir Project (Project) in compliance with the California Endangered Species Act (CESA). These permits are prepared and issued by the California Department of Fish and Wildlife (CDFW). The Authority must implement species-specific minimization and avoidance measures, and fully mitigate the impacts of the project to state-listed species.

How were the ITPs developed?

The environmental effects of the Project were analyzed in detail in the Authority's 2023 Final Environmental Impact Report/Environmental Impact Statement (Final EIR/EIS)—available at **sitesproject.org/environmental-review**. The CESA permitting process relies on, and also builds on, the environmental analysis in the Final EIR/EIS. The CESA permitting process included submittal of ITP Applications by the Authority which evaluated the effects of Sites Reservoir construction and operations on terrestrial and aquatic species listed as threatened or endangered, or candidates for listing, under CESA. The covered aquatic species include winter-run and spring-run Chinook Salmon, Delta Smelt, Longfin Smelt, and White Sturgeon. These covered terrestrial species include Swainson's hawk, tricolored blackbird, giant garter snake, and Crotch's bumblebee.

What do the ITPs allow?

The CESA permitting process allows the Authority to legally construct and operate the Project while potentially affecting the covered species but requires the Authority to minimize and fully mitigate these effects via a set of conditions of approval included in the ITPs.

What are the main minimization measures that the Project must include to meet the conditions of the ITPs?

From a construction perspective, the Project's minimization measures for the covered species include preconstruction surveys and construction monitoring by qualified biologists, establishment of buffer zones and seasonal restrictions to protect sensitive areas, establishment of construction related requirements such as speed limits in sensitive areas to avoid harming covered species, and relocation of covered species when appropriate.

From an operations perspective, the Project's main minimization measures include various restrictions on diversion operations. Bypass flow criteria is the most significant and requires that Project diversions do not decrease Sacramento River flows below 10,930 cfs at Wilkins Slough which leads to improved survival of migrating juvenile Chinook Salmon. In addition, the Project must be operated in a manner that would not adversely affect the ability of legal users of water to meet all applicable laws and regulations in place at the time that diversion occurs. One example is Delta outflow requirements that the California Department of Water Resources must meet to minimize effects on Longfin Smelt. There are several other such measures specified in the permit.

Will the operational criteria, minimization measures, and mitigation in the ITPs need to change in the future?

The permits' conditions authorize construction and operations over the next 15 years. Sites will be here for at least the next 100 years, so the health of the Sacramento River is paramount to Project success. The Project effects will be continuously evaluated over time to ensure a sustainable and thriving ecosystem is achieved while also providing for the benefits of the Project. To that end, the Operations permit requires the Authority to study the effects of the Project's diversion and release operations, and adaptively manage operations based on results of these studies to continue to effectively minimize and fully mitigate effects on covered species. Both ITPs also require monitoring of the mitigation and its effectiveness.

Does the Project remain feasible given the ITPs' conditions and is the Authority prepared to meet all the conditions?

Yes, the Project remains feasible given the permit conditions, including the operating criteria, minimization measures, and mitigation in the permits. These elements were accounted for in feasibility considerations such as the economics of the Project and the timeline to complete mitigation relative to the start of Project construction and operations. As such, the Authority is prepared to meet all the conditions.

Do the ITPs put any new restrictions on the existing intakes of the Glenn-Colusa Irrigation District (GCID) and Tehama-Colusa Canal Authority (TCCA)?

No, the Project's use of these existing, state of the art, screened intakes are permitted for the Project's uses only and is focused on uses during the winter months when the existing operations are mostly dormant. There can be infrequent times when the Project and GCID and TCCA intake uses overlap, but in these cases, the district's uses take precedent, and the permit terms would apply to the Sites Project diversions only. Also, any improvements to the intakes required for the Project are 100% the responsibility of the Project.

How do these permits fold into the ongoing water rights process?

The CESA process and the water right process are separate processes and have separate requirements under state law. However, the permits will help inform components of the water right process and findings that the State Water Resources Control Board will need to make as part of the water right process.

Are these the only permits needed to build the Project?

No, the ITPs are a significant permit, but there are several other permits from other state and federal agencies that are required to build and operate the Project. The Project is on track to secure all of the permits and approvals necessary for the start of construction in late 2026.