

AD-HOC ENVIRONMENTAL PLANNING AND PERMITTING WORK GROUP

OCTOBER 2020



Agenda

- Review /Update of Action Items from Previous Meeting
- Organization Assessment Items 1.1 and 1.3
- Permitting Strategy
- CDFW Reimbursable Agreement
- Somach, MBK and Perkins Coie Task Orders Review
- Geotech Notice of Exemption and Permitting Status
- Upcoming Priorities and Timing of Next Meeting

Previous Action Item Review



Previous Action Item Review

New Action Items	Owner	Deadline	Notes
1 Review Objective 2 – is habitat management clear	Authority/Integration	9/17/2020	See email from Ali on 9/17/2020
2 Review Objective 4 – should we be more clear on the use of the Colusa Basin Drain	Authority/Integration	9/17/2020	See email from Ali on 9/17/2020
3 Alt. 2 – pipeline capacity to release into Colusa Basin Drain vs. River	Authority/Integration	Ongoing	See email from Ali on 9/17/2020. Will be determined as part of Amendment 2 efforts
4 Minor Revisions to Handout 02-03B from Rob Kunde	Authority/Integration	9/17/2020	Revisions were made in the master file and will be reflected in future efforts

Organizational Assessment Items



1.1 Flow-related Regulatory Decisions

Analysis of the major regulatory decisions being made regarding flow in the Sacramento River and Delta and determine flow-related permitting strategy with identification of risks

- Major Regulatory Flow Decisions:
 1. State Water Project Incidental Take Permit
 2. Reconsultation on Long-term Operations Biological Opinions

1.1 Flow-related Regulatory Decisions

- Flow-related Permitting Strategy
 - Update model to reflect regulatory changes as appropriate
 - Consider regulatory changes and other actions (Voluntary Agreements, Delta Conveyance, etc) in efforts
 - Establish the aquatics negotiation team and establish negotiation principles and parameters

1.3 Relevant Environmental Laws

Identify legal requirements of the environmental laws that Sites will be required to comply with

- Environmental permit table
- Send any comments / suggestions to Ali

Permitting Strategy



Discussion Goals

1. Review and confirm the high-level strategy for securing project permits
2. Provide initial direction on progress reporting and permitting assurances

Permitting Goal



Priority Permitting Processes

1. Biological Assessment
2. Incidental Take Permit Applications for construction and operations
3. Clean Water Act Sections 404 and 401
4. Water Right application
5. Section 106 Historic Preservation

The project diversion criteria are a foundational element for the Biological Assessment and Incidental Take Permit for operations.

Issues to Guide Permitting Strategy

1. Make consistent progress toward securing permits for a cost-effective, affordable project.
2. Demonstrate progress and assurance that permits will be secured.
3. Maintain schedule for project approvals, funding, and financing.

Permitting Strategy

The Sites permitting strategy is to implement a collaborative, multi-level communications/negotiations approach for the five high priority permitting processes.

- A. Work collaboratively with permitting and resource recovery staff at the fisheries agencies and operations staff at DWR and Reclamation to define project operations, benefits, and acceptable permit requirements.
- B. Brief state and federal agency leadership at permitting milestones to maintain commitment and agency alignment for successful permitting and resource recovery benefits.
- C. Brief state and federal elected officials as needed to maintain project funding and schedule.

Additional Communications

In parallel with agency discussions and briefings, the team will enhance landowner, stakeholder & NGO engagement

- Communicate project benefits and permitting protections for fish, habitats, and Tribal and cultural resources.
- Respond to comments to support environmental feasibility determination.

Questions for Discussion

1. Do these three elements of the strategy effectively summarize the approach for the timely securing of high priority permits?
2. What types and frequency of reporting would describe the progress towards permit certainty?
3. What conditions would trigger a need for escalating issues/challenges to agency leadership and/or elected officials?
4. Does the frequency for briefing agency leadership and elected officials seem appropriate?

Next Steps – November Discussion

- Develop Action Plan
 - Visual roadmap of permitting activities and milestones, roles and responsibilities, and progress reporting

- Action Plan Will Include Activities and Milestones
 1. Project description, objectives, and alternatives
 2. Initial and refined diversion criteria
 3. Draft EIR for public comment
 4. Biological Assessment
 5. Permit Applications
 - a. Incidental Take Permit Application (construction and operations)
 - b. Clean Water Act 404 and 401
 - c. Water Right application
 - d. Section 106

CDFW Reimbursable Agreement



What is the Need?

- The Project has an aggressive permitting schedule to provide permitting certainty to members
- Due to funding/staffing constraints, CDFW would have limited participation and a long permit review/issuance timeline
- CDFW has proposed a reimbursable agreement for its staff support to the Project
- Authority staff has worked with CDFW to refine scope, cost and contracting terms

Statement of Work

- Preapplication consultations
- Permit development and post permit consultations
- Technical assistance in other specific topics areas
 - Resolution of CDFW's comments on the 2017 Draft EIR/EIS
 - Review of the Revised EIR
 - Authority's water right application
- Technical assistance and coordination with other permitting agencies and non-governmental organizations

Cost and Staff

- CDFW staff support to Sites would be \$2.85M through June 2023:
 - Not to exceed \$1.5M through Dec 2021
 - Post 2021 work would require new Notice to Proceed
- Between 3 and 5 full-time equivalents
 - ~ 8,800 hrs through 2021
- Dedicated staff would be environmental scientists, scientific staff, hydraulic engineer and program manager

Accountability

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

Benefits to Sites Members

- Stability of CDFW staff working on the Project reduces costs, schedule and risk
- Dedicated, qualified and Senior CDFW staff:
 - Bring experience, consistency and creativity
 - Ensure workload and schedule are anticipated
 - Allow more pre-application coordination, less permit processing time and more certainty

Feedback needed: Review and approve/reject recommendation to enter into a reimbursable agreement with CDFW.

Somach, MBK and Perkins Coie Task Orders Review



Somach Task Order

- Adds Task Order 1.0 to existing contract
- Scope: Legal services for water rights process
- Specific Efforts:
 - Water rights strategy
 - Water rights application and supporting documentation
 - Represent Authority in discussions with SWRCB and potential protestants
- Amount: \$845,000 (includes costs for MBK as a sub; next slide)
- Timeline: Amendment 2 (9/1/2020 to 12/31/2021)

MBK Task Order

- Moves MBK contract from sub to Young Woolridge to sub to Somach
- Scope: Technical services for water rights process
- Specific Efforts (generally same as Somach but technical):
 - Water rights strategy
 - Water rights application and supporting documentation
 - Represent Authority in discussions with SWRCB and potential protestants
- Amount: \$650,000
- Timeline: Amendment 2 (9/1/2020 to 12/31/2021)

Perkins Coie Task Order

- Amends existing contract with Perkins Coie
- Scope: Legal services for environmental planning and permitting
- Specific Efforts:
 - Permitting legal services
 - CEQA legal services
- Incorporates melded billing rate to allow for greater flexibility in the use of Perkins Coie's resources
- Amount: \$1,250,000
- Timeline: Amendment 2 (9/1/2020 to 12/31/2021)

Feedback Needed

- Review and approve/reject recommendation to approve task orders

Geotech Notice of Exemption and Permitting Status



2020/2021 Geotech Efforts

- Additional geotech investigations are proposed for Nov 2020 through March 2021
- Approach similar to prior efforts
 - Locations have been selected with Reclamation to provide additional information at key project facilities while avoiding and minimizing environmental and cultural impacts
 - Implement standard geotechnical project protocols and procedures to avoid potential environmental effects
- Roles similar to prior efforts
 - Reclamation – drill borings and CPT holes
 - Authority – geophysics (walking surveys), biological, cultural, and Tribal monitors, utility location services, and dust and traffic control services

Geotech CEQA Notice of Exemption

- Staff propose that geotechnical investigations are categorically exempt under CEQA State Guidelines
 - Section 15304, Class 4 (Minor Alterations to Land)
 - Section 15306, Class 6 (Information Collection)
- Notice of Exemption
 - Colusa and Yolo County Clerks
 - State Clearinghouse according to the latest Executive Order for filing procedures
- Feedback needed
 - Review and approve/reject recommendation to authorize the Executive Director to sign and file the NOE

Geotech Permitting Status

- USFWS Supplemental Biological Assessment
 - Submitted September 28
- Section 106 Consultation Package
 - Tribal consultation underway
 - Under SHPO review
- Encroachment Permits

Final Stretch . . .



Upcoming Work and Priorities – Oct/Nov

- Continue work on the Draft Project Description for the REIR/SEIS and Biological Assessment:
 - Working with modeling team on ops criteria
 - Continue adding detail and refining throughout
 - Funks and Stone Corral creek releases
 - Engineering components
 - Water quality considerations
 - Species models and initial desktop analysis

Upcoming Work and Priorities – Oct/Nov (cont)

- Begin mitigation planning
- Begin adaptive management plan
- Reinitiate discussions with CDFW, NMFS and USFWS on fisheries
- Reinitiate discussions with CDFW and USFWS on terrestrial species effects
- Prepare for and host NGO discussions in October
- Begin water right strategy development
- Post 2021 project schedule

Timing of Next Meeting

- Next meeting – Target week of November 9
 - Topics –
 - Strategic Plan Permitting Action Plan
 - Water right application key parameters