

AD-HOC ENVIRONMENTAL PLANNING AND PERMITTING WORK GROUP

NOVEMBER 2020



Agenda

- No Action Items from Previous Meeting
- Strategic Plan – Permitting Action Plan
- Water Right Application – Key Parameters
- Geotech Notice of Exemption and Permitting Status
- Upcoming Priorities and Timing of Next Meeting

Strategic Plan – Permitting Action Plan

Discussion Goals

- Review and confirm the strategy and action plan for securing project permits
- Provide direction on progress reporting and permitting assurances

Strategic Plan – Permitting Goal



Priority Permitting Processes and Inputs

Priority Permit Processes

1. Federal ESA – Biological Assessment
2. California ESA – Incidental Take Permit applications for construction and operations
3. Clean Water Act – Sections 404 and 401 applications
4. Water Right application
5. Section 106 Consultation – Historic Preservation

Key Inputs

1. Project description and alternatives
2. Facilities design and footprints
3. Diversion criteria and operations

Permitting Objectives & Strategy

Objectives

1. 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

Strategy - Implement a collaborative, multi-level communications/negotiations approach for the five high priority permitting processes

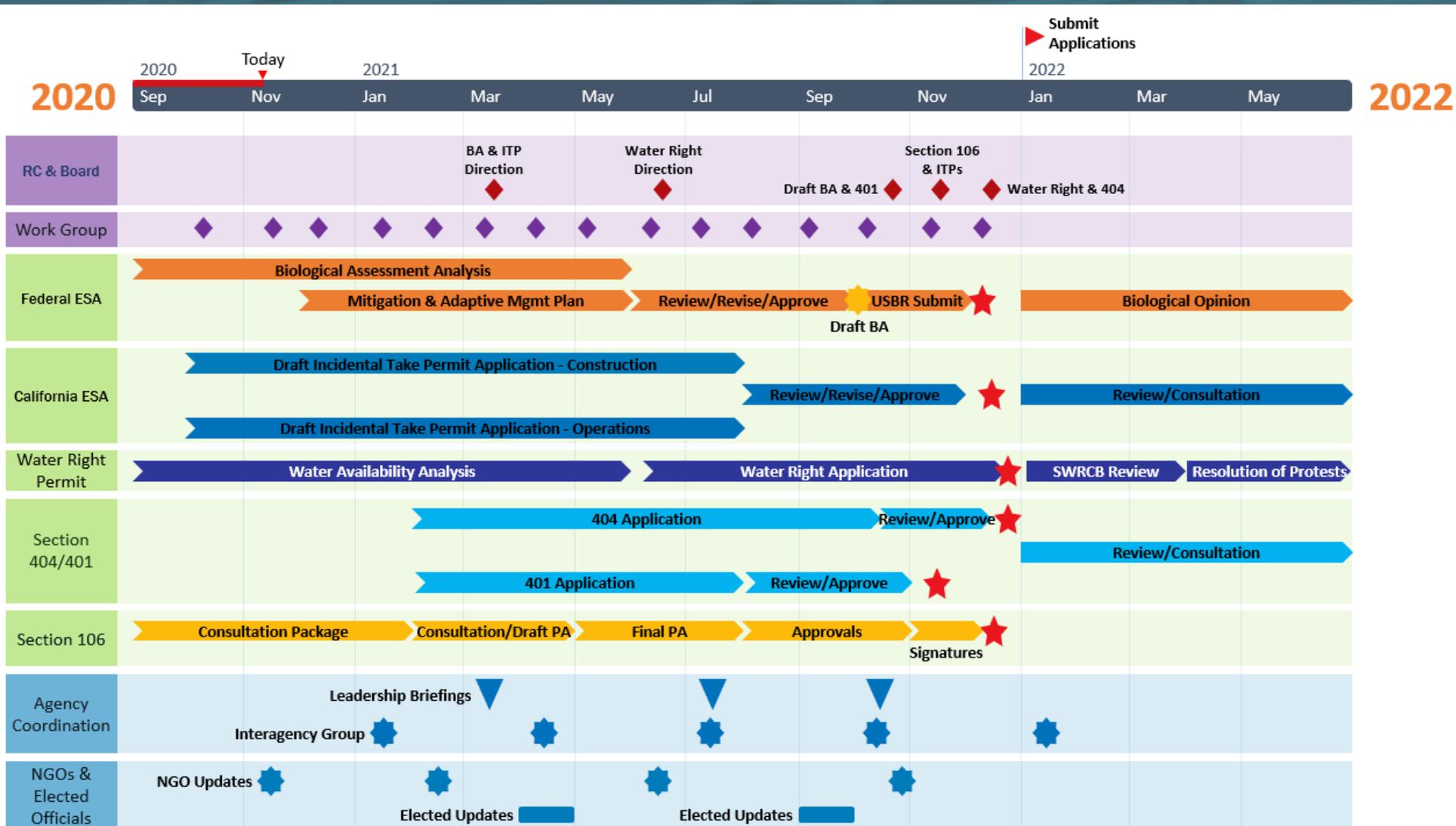
- A. Work collaboratively** with permitting and resource recovery staff at the fisheries agencies and operations staff at DWR and Reclamation to define project operations, benefits, and acceptable permit requirements.
- B. Brief state and federal agency leadership** at permitting milestones to maintain 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.

Permitting Principles

Successfully accomplishing a collaborative, multi-level permitting strategy will depend on the dynamic implementation of the following principles.

- **Interest-based negotiations** within the framework established by the Authority Board and Reservoir Committee (June 2020). Interest-based negotiations are based on seeking and supporting full understanding of the interests and desired outcomes for all parties (the Authority, Reservoir Committee, regulatory agencies, and other partners).
- **Regular progress reporting** on issues, accomplishments, and challenges. The permitting negotiations teams are committed to frequent and transparent communications, with appropriate confidentiality, with all audiences on the topics that inform and support interest-based negotiations.
- **Prompt escalation of issues and challenges** for discussion and resolution. During permit negotiations, some issues may warrant additional clarification and direction from agency and Authority leadership. The permitting negotiation teams will identify and escalate these issues in cooperation with agency staff.

Permitting Timelines



Permitting Reporting - Dashboard

Key

- Prepared:** Internal work by team
- Presented:** Provided to agencies for review
- Reviewed:** Reviewed and discussed with agencies
- Revised:** Agency comments considered and addressed
- Resolved:** Agency issues/concerns discussed and resolved
- Deferred:** Deferred to further negotiations after application
- Confirmed:** Agencies have confirmed acceptance/agreement

- Complete Activity completed
- In Process Activity in progress
- Challenge Team and agencies discussing how to resolve issues
- Roadblock Significant issues slowing progress; escalation may be needed

Permit	Summary Status	Permit Topics/Considerations	Agreement Status with Agencies						
			Prepared	Presented	Reviewed	Revised	Resolved	Deferred	Confirmed
Biological Assessment/ Biological Opinion Reclamation USFWS NMFS		Project Description							
		Species List							
		Terr. Species Modeling Approach							
		Aquatic Species Modeling Approach							
		Mitigation Approach							
		Species Modeling							
		Effects Analysis							
		Essential Fish Habitat Analysis							
		Construction Effects Analysis							
		Aquatic Effects Analysis							
Mitigation and Adaptive Mgmt Plan									
Incidental Take Permit – Construction CDFW		Project Description							
		Species List							
		Species Modeling Approach							
		Mitigation Approach							
		Species Modeling							
		Effects Analysis							
Mitigation and Adaptive Mgmt Plan									
Incidental Take Permit – Operations CDFW		Project Description							
		Diversion Criteria							
		Modeling Approach							
		Mitigation Approach							
		Species Modeling							
		Effects Analysis							
Mitigation and Adaptive Mgmt Plan									

Questions for Discussion

1. Does the action plan give you a clear view of activities, topics, and milestones for securing permits and progress reporting from the team?
2. Is the frequency for briefing agency leadership, elected officials, and NGOs appropriate?
3. What conditions would trigger a need for escalating issues/challenges to agency leadership and/or elected officials?
 - Issues that cannot be resolved at the staff level
 - Issues that could have material impact on cost or schedule as defined in the bylaws
 - Coordination issues across multiple agencies or departments

Water Right Application – Key Parameters

Water Right Application – Key Parameters

- Staff reinitiated efforts on water right application(s)
- Initial focus on developing key parameters for application
 - Frames up initial discussions with State Board staff
 - Informs and sets the foundation of our water right permit approach

Purpose of Use

- How water diverted into Sites Reservoir would subsequently be used
- Generally follow the purposes of use in the SWP and CVP water right permits
- Purpose of Use:
 - Irrigation
 - Domestic
 - Municipal
 - Industrial
 - Water Quality
 - Recreational
 - Fish and Wildlife Preservation and Enhancement
 - Incidental Power Generation

Sources

- Sources of water that the project seeks to “control”
- Sources:
 - Sacramento River
 - Stone Corral Creek
 - Funks Creeks

Diversion to Off-stream Storage

- How much the project seeks to divert and store over what time period
- Request would be consistent with the available canal capacity and facilities to move water into Sites
- Season limited to the season when the Sacramento River is not fully appropriated
- Storage of up to 1.5 million acre-feet per year from all sources

Points of Diversion

- Locations where the project would divert water (or take “control” of water)
- Points of diversion:
 - Tehama-Colusa Canal
 - Glenn-Colusa Irrigation District’s Main Canal
 - Sites Dam
 - Golden Gate Dam

Points of Re-diversion

- Waterways where water previously diverted for the project could be re-diverted
- Points of re-diversion:
 - North Bay Aqueduct
 - Contra Costa's facilities
 - Reclamation's Rock Slough Intake
 - SWP Delta and South-of-Delta facilities
 - CVP Delta and South-of-Delta facilities

Place of Use

- Area where water diverted to storage could subsequently be used
- Place of Use:
 - Sites Reservoir, associated facilities and recreation areas
 - Reservoir Committee member districts upstream of the Sacramento-San Joaquin Delta where water from Sites Reservoir can physically be delivered with existing or currently planned facilities
 - All areas of Colusa County where water from Sites Reservoir can physically be delivered with existing or currently planned facilities
 - Entire CVP and SWP place of use where water from Sites Reservoir can physically be delivered with existing or currently planned facilities, or otherwise served via exchange agreements with the CVP or SWP
- Place of use includes Yolo Bypass

Next Steps

- Exploring need for additional points of rediversion for Prop 1 water
- Parameters will be refined based on:
 - Member input and discussions
 - Refinements to the project description
 - Discussions with State Board staff
- Will return to with any substantial changes

Geotech Notice of Exemption and Permitting Status

Geotech CEQA Notice of Exemption and Permitting Status

- CEQA NOE filed with the County Clerks of Colusa and Yolo Counties on November 4, 2020
- USFWS Amended Biological Opinion received on October 15, 2020
- Section 106 SHPO Concurrence received on November 5, 2020
- Encroachment Permits
- Landowner Access Agreements

Geotech CEQA Notice of Exemption and Permitting Status

- Due to landowner requests:
 - Amending amended BO and SHPO consultations
 - No schedule implications – work will proceed December 4, 2020
- Pre-construction surveys
 - November 13 – Completed
 - November 18 – Scheduled

Final Stretch . . .



Upcoming Work and Priorities – Nov/Dec

- 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 – Nov/Dec (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 December
- Continue water right strategy development
- Post 2021 project schedule

Timing of Next Meeting

- Next meeting – Target week of December 7th
 - Topics –
 - EIR/EIS
 - Detailed Schedule and Progress Reporting Dashboard for EIR/EIS Efforts
 - Alternative 3 – Reclamation investment at 25%
 - Permitting
 - Biological Assessment – Initial Desktop Findings
 - Section 2081 and BA Operations – Agency Discussions and Modeling Update
 - Section 404/401 – Update on Application and Agency Discussions

Thank you!

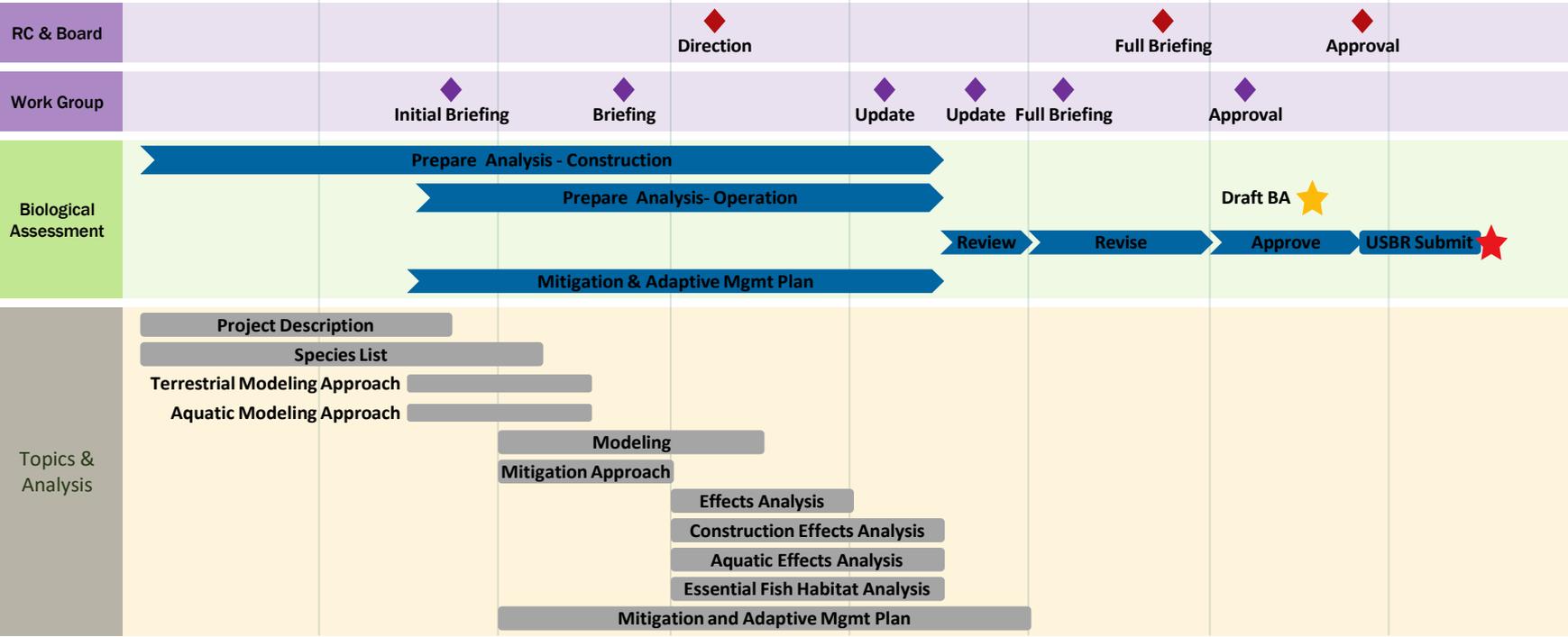


Federal Endangered Species Act (ESA) - Biological Assessment

Biological Assessment

2020

2021

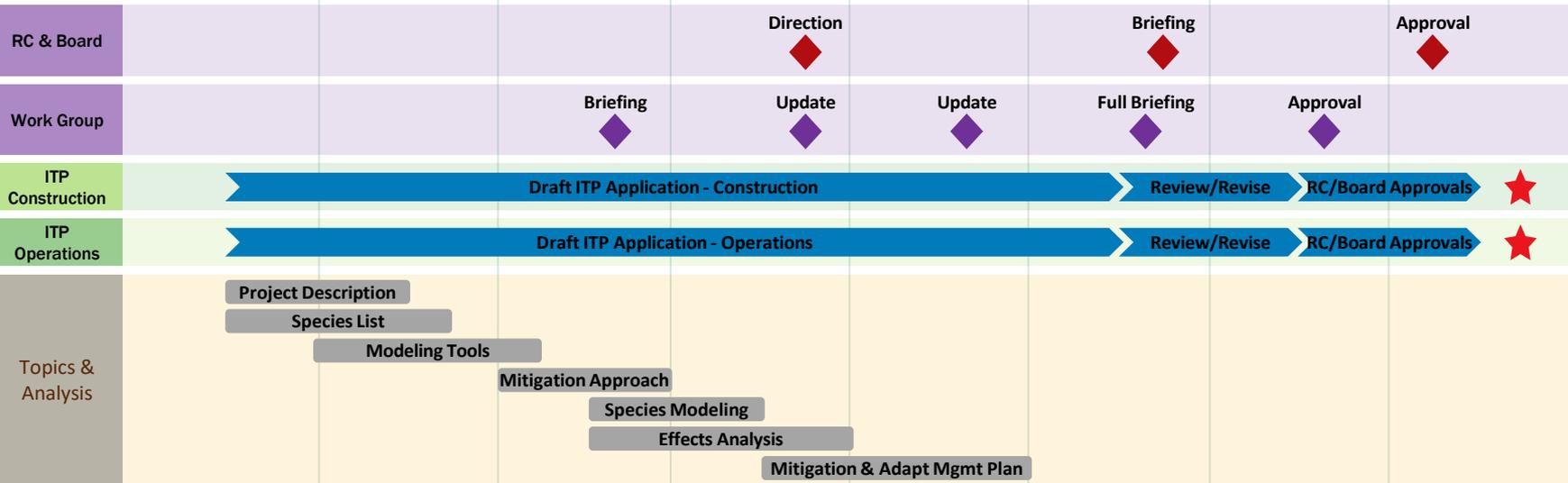
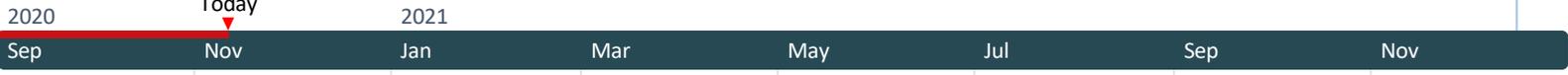


Incidental Take Permit Applications

Submit Applications

2020

2021



Water Right Permit Applications

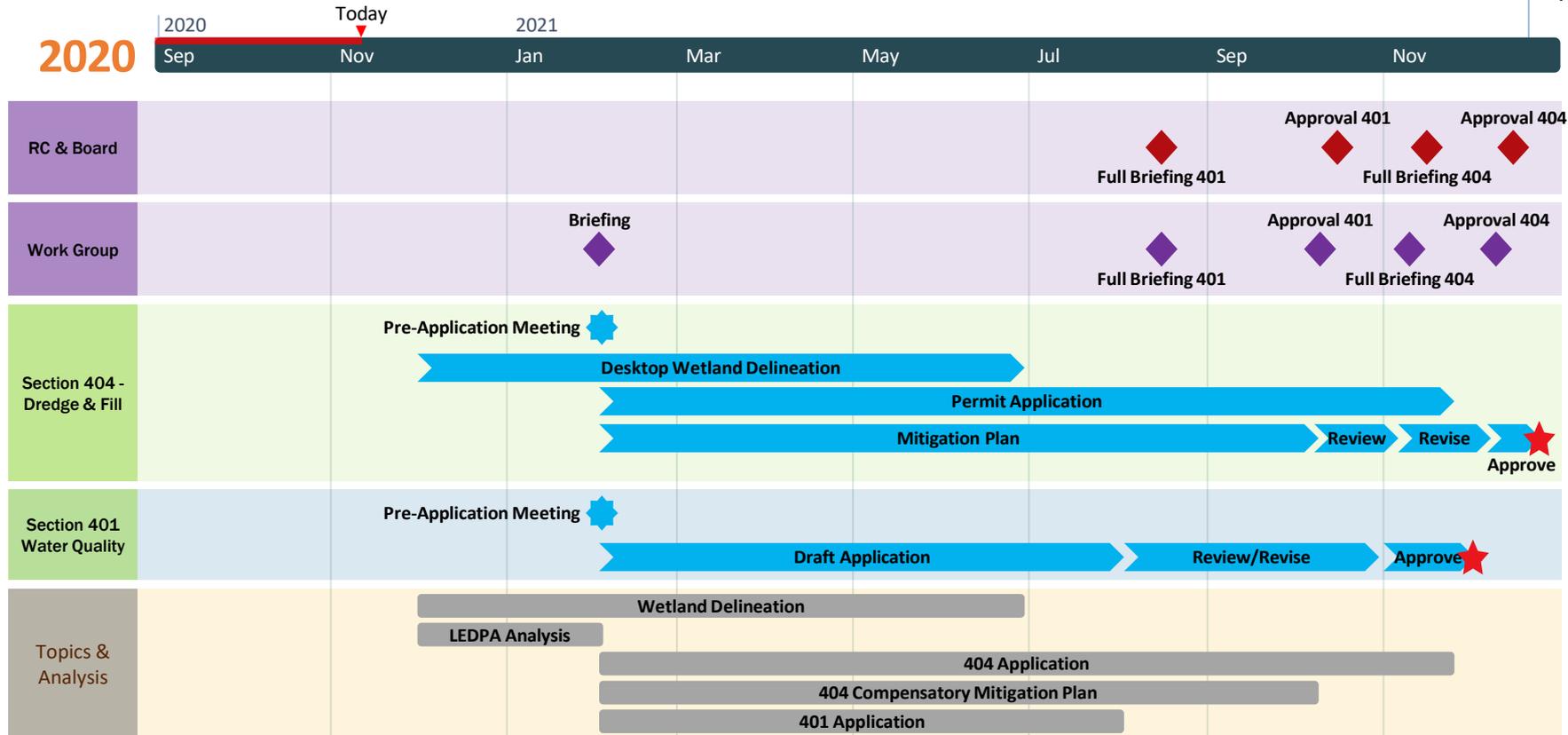


Clean Water Act Sections 404 and 401 Applications

Submit Applications

2020

2021



Section 106 Consultation

