

Reservoir Committee Meeting

Agenda Item 3-1, CEQA Process, Status of
Introductory Chapters, Outreach to
Non-governmental Organizations

April 16, 2021



Agenda

- California Environmental Quality Act
 - CEQA Background
 - Authority Role as Lead Agency for CEQA
 - CEQA Process and Authority Decision
- Revised Draft EIR/Supplemental Draft EIS
 - Introductory Chapter Status
- NGO Outreach
 - Workshops
 - Small Group Meetings

California Environmental Quality Act (CEQA)

CEQA – What is it?

- CEQA is intended to provide decision makers and the public with information about a proposed project's **significant** effects on the environment and to:
 - Prevent significant, avoidable damage to the environment
 - Foster informed public decision making
 - Ensure transparency in governmental decision-making process
 - Encourage public participation
- CEQA Statutes (PRC § 21000) and Guidelines (CCR § 15000)
 - Periodically modified by Legislature
 - Interpreted by the Courts
- CEQA is a Process - Not a Permit

When Does CEQA Apply?

- California governmental agencies
- Discretionary approvals by an agency
 - Discretionary: “exercise of judgment or deliberation when the public agency or body decides to approve or disapprove a particular activity, as distinguished from situations where the public agency or body merely has to determine whether there has been conformity with applicable statutes, ordinances or regulations.”
- Applies to “projects”
 - An activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment
 - The activity approved by the public agency, not each individual permit or approval

Agency Roles under CEQA

- Lead Agency – Authority
 - Principle responsibility for carrying out or approving a project
 - Prepares CEQA document: Notice of Exemption, Negative Declaration, Environmental Impact Report (EIR)
- Responsible Agency – Permitting Agencies, Reservoir Committee Members
 - Discretionary approval authority over project
 - Typically relies on the CEQA document prepared by the Lead Agency
- Trustee Agency
 - State Agency with jurisdiction by law over natural resources held in trust for the people of California

Determination of Impacts

- Agency must consider direct and indirect effects
- Impacts determined by comparison to baseline physical conditions
- Impact determinations:
 - No impact – No change
 - Less-than-significant impact – No substantial adverse change
 - Less than significant with mitigation – Implementation of one or more mitigation measures would reduce the impact to a less-than-significant level
 - Significant and unavoidable impact – A potentially substantial adverse change in the physical conditions of the environment would result AND mitigation is not feasible or would not reduce impact to less than significant

Types of CEQA Documents

- Exemption
 - Statutory and Categorical Exemptions identified in CEQA Guidelines
 - Generally common activities that typically have no significant impacts associated with them
- Negative Declaration / Mitigated Negative Declaration
 - Projects with no significant impacts or all impacts can be mitigated to less than significant
- EIR
 - Prepared for projects that may or will have significant impacts that cannot be mitigated to less than significant

Environmental Impact Report Process

Typical EIR Process

Issue Notice of Preparation

Conduct Scoping

Prepare Draft EIR

Public and Agency Review

Prepare Final EIR

Review by Commenting Agencies

Authority Decision

Prepare Findings, Statement of
Overriding Considerations, and
Mitigation Monitoring Plan

File Notice of Determination

Sites Reservoir Project EIR Process

Issue Notice of Preparation

Conduct Scoping

Prepare Draft EIR

Public and Agency Review

Prepare and Recirculate Revised Draft EIR

Public and Agency Review

Prepare Final EIR

Review by Commenting Agencies

Authority Decision

Prepare Findings, Statement of Overriding
Considerations, and Mitigation Monitoring Plan

File Notice of Determination

CEQA Process Leading to Decision

- Ongoing - Administrative RDEIR/SDEIS chapters and appendices currently being prepared
- May 2021 - All Administrative RDEIR/SDEIS chapters to be submitted to Authority in May
- June 2021 - Review by Authority and Reclamation
 - Select Chapters to CEQA Responsible and NEPA Cooperating Agencies for review
- July 2021 - Request approval from the Reservoir Committee and Authority Board for release of the public RDEIR in August
- August 2021 - Release of RDEIR
 - Schedule assumes parallel review and release of SDEIS as joint document
- June/July 2022 – Final EIR and NOD

Introductory Chapter Status

Introductory Chapter Status

- Introductory Chapters
 - Ch. 1, Introduction
 - Ch. 2, Project Description and Alternatives
 - Ch. 3, Environmental Analysis
 - Ch. 4, Regulatory and Environmental Compliance
- Chapter 2 posted to the Authority's website
 - Will be updated due to minor changes to the Project and other input
- Chapters 1-4 have been sent to CEQA Responsible and NEPA Cooperating Agencies
 - Any input will be considered when chapters are submitted with complete Administrative Draft RDEIR/SDEIS in May

Next Steps

- Ongoing Preparation of RDEIR/SDEIS
 - Key findings and outcomes will be presented to the Board in 2 additional parts at meetings in May and June
 - Final briefing and recommendation for release in July
- Public Draft release August 26, 2021

NGO Outreach

Outreach to NGOs

- Conducted General Workshops in December
 - Workshop 1 – December 14, 2020
 - Workshop 2 –December 16, 2020
- Conducted Survey
 - In January 2021, workshop participants were asked to participate in an online survey to identify topics to be addressed in technical small group meetings
- Formed 6 Technical Small Groups
 - More focused, technical discussions
 - Small groups were formed based on survey responses and workshops questions

Technical Small Group Status

Technical Small Group	Key Topics Areas (examples, not intended to be all inclusive)	Meetings	Status
Fisheries Protections and Effects	<ol style="list-style-type: none"> 1. Diversion criteria, bypass flows, minimum flows 2. Modeling approach, including baseline 3. Fisheries effects (Sacramento River and Delta) 4. Temperature of releases 5. Sites Operations Plan 6. Other topics as identified by the group 	Currently scheduling first meeting	Currently scheduling first meeting
Project Benefits - Proposition 1 - WSIP Benefits	<ol style="list-style-type: none"> 1. Timing, amount, and target species/activities 2. Management of benefit water 3. Ensuring benefits are realized 4. Other topics as identified by the group 	March 11 and March 24	Completed
Terrestrial Species Effects	<ol style="list-style-type: none"> 1. Impacts (species and acres) 2. Mitigation approach 3. Other topics as identified by the group 	March 26	Scheduling follow on meeting

Technical Small Group Status

Technical Small Group	Key Topics Areas (examples, not intended to be all inclusive)	Meetings	Status
Trinity River Effects	<ol style="list-style-type: none"> 1. CalSim modeling for the Trinity River 2. Next Steps for Trinity River considerations 3. Other topics as identified by the group 	March 22	Scheduling follow on meeting
Water Quality	<ol style="list-style-type: none"> 1. Source water quality (Sacramento River and local watersheds) 2. Reservoir water quality 3. Release water quality 4. Salt seepage in reservoir 5. Other topics as identified by the group 	April 7	Scheduling follow on meeting
Water Rights	<ol style="list-style-type: none"> 1. Water right approach and key application parameters 2. Water right schedule 3. Other topics as identified by the group 	February 23 and March 23	Completed – Follow up in August timeframe

Key Areas of Feedback and Questions to Date

- Reclamation level of participation
 - How will Reclamation determine its preferred alternative
 - Potential for CVP water to be stored in Sites Reservoir
- Potential for Trinity River impacts
 - Consideration of the Humboldt County 1959 contract in the modeling and cumulative
 - Need for assurances/protection for the Trinity River system and Trinity River resources
- Request to expand Tribal consultation
- Need to consider area of origin water rights along with potential future instream flow requirements from the State Board and how those might affect the Project
- Changes to Prop 1 benefits allocation and amounts as a result of the final CWC award and due to changes to project
- Project flood control benefits and design considerations

Key Areas of Feedback and Questions to Date (cont)

- Lack of recent habitat and species surveys due to lack of property access
- Comparison of giant garter snake impacts from 2017 to 2021
- Gray Lodge Biological Opinion giant garter snake measures should be reviewed and considered for the Project
- Consider Sutter Buttes Land Trust for mitigation opportunities
- Water quality data is limited and may not have been collected during higher flow conditions when the Project would be diverting water
- Water quality analysis should be considering the higher concentrations and not using averages
- Mercury and arsenic could be important considerations for rice farmers and wildlife use of rice fields

Next Steps

- Follow on meetings being scheduled
 - Trinity River
 - Terrestrial Biological Resources
 - Water Quality Considerations
- First meeting being scheduled for Fishery Protections and Effects

Listed Species Considered in the RDEIR/SDEIS & BA/ITP

2017 vs 2021 Listed Terrestrial Species

Listed Species	Affected in 2017	Affected in 2021
Keck's checker-mallow	✓	✓
Palmate-bracted bird's beak	✓	✓
Vernal pool crustaceans	✓	✓
Valley elderberry longhorn beetle	✓	✓
California red-legged frog	✓	✓
Giant garter snake	✓	✓
Tricolored blackbird	✓	✓
Swainson's hawk	✓	✓
Western yellow-billed cuckoo	✓	TBD
Bank swallow	✓	TBD
Crotch and western bumblebees*		✓

Notes: *Not listed in 2017

2017 vs 2021 Listed Fish Species

Listed Species	Affected in 2017	Affected in 2021
Delta smelt	✓	✓
Longfin smelt	✓	✓
Green Sturgeon	✓	✓
Steelhead	✓	✓
Fall-run/Late Fall-run Chinook	**	**
Spring-run Chinook	✓	✓
Winter-run Chinook	✓	✓

Notes: *Not listed not listed, ESA consultation for the purposes of Essential Fish Habitat

Questions and Discussion

