



— BUREAU OF —
RECLAMATION

Final Feasibility Report

Appendix K – Implementation

North-of-the-Delta Offstream Storage Investigation



Mission Statements

The Department of the Interior (DOI) conserves and manages the Nation's natural resources and cultural heritage for the benefit and enjoyment of the American people, provides scientific and other information about natural resources and natural hazards to address societal challenges and create opportunities for the American people, and honors the Nation's trust responsibilities or special commitments to American Indians, Alaska Natives, and affiliated island communities to help them prosper.

The mission of the Bureau of Reclamation is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public.

Final Feasibility Report

Appendix K – Implementation

**North-of-the-Delta Offstream Storage Investigation, California
Interior Region 10 • California-Great Basin**

prepared for Reclamation by AECOM under Contract/Order No. GS-00F-188CA, 140R2018F0052

Cover Photo: Sites Reservoir proposed site (Sites Project Authority)

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Appendix K. Implementation Considerations

K.1 Project Implementation Strategy

The lead agencies will need to determine the project implementation strategy prior to completing NEPA/CEQA and permit applications and before beginning project construction. Over the past several months, the Authority has undertaken a rigorous Value Planning effort to review the project's proposed operations and facilities in an effort to develop a project that is “right sized” for current participants while still providing water supply reliability and enhancing the environment. This feasibility report characterizes the range of Federal interest, dependent on final sizing of the project. A reservoir between 1.3-million-acre-foot (MAF) and 1.8-MAF would significantly contribute to the CALFED goal for an additional 3 MAF of storage north of the Delta.

It is important that the lead agencies plan and build a project that makes sense for project participants – local, state and federal. This means right-sizing and optimizing the project for current conditions, while maintaining flexibility to adapt the project to changing conditions. The Authority is committed to evaluating a project to create benefits for today and still ensuring there is flexibility to meet future needs. In the determination of the implementation strategy, the Authority recognizes that participants and investments should be allocated based on the benefits each investor receives and will continue considering this balance in both programmatic and individual investor discussions.

To implement the project, the lead agencies may need to consider variations on the alternatives presented in this feasibility report. Should alternative facilities, operations, or alternatives be developed, a post-authorization report would be needed to confirm benefits and costs.

K.2 Permits and Approvals

The lead agencies would need to obtain various permits and regulatory authorizations before beginning project construction. The lead agencies would also have to comply with a number of environmental regulatory requirements as part of the National Environmental Policy Act/ California Environmental Quality Act (NEPA/CEQA) process. Table K-1 summarizes the potential major permits, approvals, and agreements for project implementation; and Table K-2 summarizes the applicable laws, policies, plans, and permits potentially required to implement the project.

Table K-1. Summary of Potential Major Permits, Approvals, and Agreements for Project Implementation

Agency Permit/ Approval/Agreement	Recommended Prerequisites for Submittal	Estimated Processing Time	Anticipated Fees
Federal			
USACE Clean Water Act Section 404	<ul style="list-style-type: none"> • Application • ESA compliance document for submittal to USFWS/NMFS/CDFW • Section 401 Water Quality Certification permit or application • NEPA documentation (environmental compliance documents) • NHPA Section 106 compliance documentation • Wetland delineation • CWA Section 404(b)(1) evaluation and identification of the Least Environmentally Damaging Practicable Alternative • Mitigation and Monitoring Plan 	24 months	\$100 per individual permit
USACE Rivers and Harbors Act of 1899 Section 14 (33 U.S.C. 408) (Section 408 Application)	<ul style="list-style-type: none"> • Compliance with EC 1165-2-216, <i>Policy and Procedural Guidance for Processing Requests to Alter U.S. Army Corps of Engineers Civil Works Projects Pursuant to 33 U.S.C. 408</i> • Engineering studies and justification documentation 	24 months	None
USFWS/NMFS Endangered Species Act Section 7 Consultation	<ul style="list-style-type: none"> • Regular informal technical consultation • ESA compliance documentation • Draft Biological Assessment • Draft environmental compliance documents 	12 months	None
NMFS Essential Fish Habitat Assessment	<ul style="list-style-type: none"> • Regular formal and informal technical consultation • Biological Assessment • Draft environmental compliance documents 	18 months	None
USFWS Fish and Wildlife Coordination Act	<ul style="list-style-type: none"> • Service agreements among USFWS, NMFS, and CDFW • Regular informal technical consultation • ESA compliance documentation • Draft environmental compliance documents 	12 months	None
USFWS Bald and Golden Eagle Protection Act	<ul style="list-style-type: none"> • Application • EIR/EIS compliance document • Pre-construction survey report(s) • Eagle Management Plan 	TBD	TBD
ACHP/SHPO National Historic Preservation Act, Section 106	<ul style="list-style-type: none"> • Historic Property identification and effects assessment • Consultation with native tribes and interested parties • Programmatic agreement 	36 months	None
State			
Central Valley RWQCB Clean Water Act Section 401	<ul style="list-style-type: none"> • Application • Fish and Wildlife Code Section 1602 application • CWA Section 404 permit or application • Draft environmental compliance documents • Mitigation and Monitoring Plan (if needed) 	6 months	\$500+

Agency Permit/ Approval/Agreement	Recommended Prerequisites for Submittal	Estimated Processing Time	Anticipated Fees
CDFW California ESA Section 2081 – Incidental Take Permit or Section 2080.1 Consistency Determination	<ul style="list-style-type: none"> • Informal technical consultation • Application, if requesting a Section 2081 Incidental Take Permit • Biological Opinion and incidental take statement, if requesting a consistency determination 	9 months	None
CDFW Fish and Game Code Section 1600 Streambed Alteration Agreement	<ul style="list-style-type: none"> • Application • CWA Section 401 Water Quality Certification permit or application • CWA Section 404 permit or application • Draft environmental compliance documents • Mitigation Plan 	9 months	\$4,000
Central Valley Flood Protection Board Title 23 California Code of Regulations Waters: Encroachment Permit	<ul style="list-style-type: none"> • Application 	9 months	None
SWRCB Water Rights	<ul style="list-style-type: none"> • Application • Probable petition for assignment of State-filed applications • Draft (possibly final) environmental compliance documents 	24 months	TBD
State of California Department of Transportation (Caltrans) Encroachment Permit	<ul style="list-style-type: none"> • Application • Environmental compliance documents • Permit Engineering Evaluation Report 	60 days	None
California Department of Conservation Williamson Act	<ul style="list-style-type: none"> • Application 	TBD	TBD
Glenn and Colusa Counties Construction-Related Permits	<ul style="list-style-type: none"> • Demolition, grading, building, mechanical, utility construction and encroachment permits, and easements 	TBD	TBD
Glenn County Air Pollution Control District Fugitive Dust Control Plan Authority to Construct Permit to Operate	<ul style="list-style-type: none"> • Dust Control Plan • Dust Control Training Course • Pre-application meeting (encouraged) • Authority to Construct Permit Application • Required conformity and inclusion in the State Implementation Plan • Annual Operating Permit 	6 months	TBD

Agency Permit/ Approval/Agreement	Recommended Prerequisites for Submittal	Estimated Processing Time	Anticipated Fees
Colusa County Air Pollution Control District Fugitive Dust Control Plan Authority to Construct Permit to Operate	<ul style="list-style-type: none"> • Dust Control Plan • Dust Control Training Course • Pre-application meeting (encouraged) • Authority to Construct Permit Application • Required conformity and inclusion in the State Implementation Plan • Annual Operating Permit 	6 months	TBD

Notes for Table K-1

- ACHP = Advisory Council on Historic Preservation
- Caltrans = California Department of Transportation
- CDFW = California Department of Fish and Wildlife
- CWA = Clean Water Act
- EC = Engineer Circular
- EIR = Environmental Impact Report
- EIS = Environmental Impact Statement
- ESA = Endangered Species Act
- NEPA = National Environmental Policy Act
- NHPA = National Historic Preservation Act
- NMFS = National Marine Fisheries Service
- RWQCB= Regional Water Quality Control Board
- SHPO = State Historic Preservation Officer
- SWRCB= State Water Resources Control Board
- TBD = to be determined
- U.S.C. = United States Code
- USACE = United States Army Corps of Engineers
- USFWS = United States Fish and Wildlife Service

Table K-2. Summary of Applicable Laws, Policies, Plans, and Permits Potentially Required

Level	Laws, Policies, Plans, and Permits
Federal	Americans with Disabilities Act
	Architectural Barriers Act
	Bald and Golden Eagle Protection Act
	Clean Water Act (Sections 401, 402, 404)
	Clean Air Act
	Essential Fish Habitat
	Executive Orders 13112 (Safeguarding the Nation from the Impacts of Invasive Species), 11990 (Protection of Wetlands), 11988 (Floodplain Management), and 12898 (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations)
	Farmland Protection Policy
	Federal Endangered Species Act
	Federal Energy Regulatory Commission permitting requirements
	Federal land use policies
	Federal Water Project Recreation Act
	Fish and Wildlife Coordination Act
	Indian Trust Assets
	Magnuson-Stevens Fishery Conservation and Management Act
	Migratory Bird Treaty Act
	National Historic Preservation Act, Section 106
	Rehabilitation Act
	Rivers and Harbors Act Sections 10 and 14
	Uniform Relocations Assistance and Real Properties Acquisition Act of 1970, as amended (P.L. 91-646)
Surface Transportation and Uniform Relocation Assistance Act of 1987 (P.L. 100-17)	
U.S. Army Corps of Engineers Reservoir Regulation Requirements	
State	California Endangered Species Act
	California Fish and Wildlife Code Section 1600 – Streambed Alteration
	California Fish and Wildlife Code Section 5937 – Minimum Flow Requirements
	Porter-Cologne Water Quality Control Act
	California water rights law
	California Flood Protection Board Encroachment Permit (Title 23 California Code of Regulations)
	California Department of Transportation encroachment permit and activities
	California State Lands Commission lands lease
	California Land Conservation Act (Williamson Act)
	California Native Plant Protection Act
	California Wild and Scenic Rivers Act
	California Department of Boating and Waterways activities and programs
	California Department of Water Resources, Division of Safety of Dams
	California Scenic Highway Program
	California Public Resources Code
	State of California General Plan Guidelines
	California Environmental Quality Act
	Clean Water Act Section 401
	California Fish and Game Code – Fully Protected Species
	California Native Plant Society – California Rare Plant Ranking System

Level	Laws, Policies, Plans, and Permits
	California Government Code
	California Water Code
Local	Tehama, Glenn, and Colusa County Air Quality Management Districts
	Tehama, Glenn, and Colusa County Department of Public Works encroachment permit
	Tehama, Glenn, and Colusa County General Plans
	Tehama, Glenn, and Colusa County Zoning Plans
	Other local permits and requirements
	Glenn County Air Pollution Control District Dust Control Plan
	Colusa County Air Pollution Control District Authority to Construct and Permit to Operate
	California Government Code General Plan Requirements (municipal general plans)
	Glenn County General Plan
	Colusa County General Plan
	Any county public works grading or encroachment permits

P.L. = Public Law

Coordination and Outreach

Efforts to engage the public, Federally recognized Indian tribes, Native American groups, non-governmental organizations (NGOs), public agencies, and other stakeholders in decisions affecting the implementation of the North-of-the-Delta offstream storage (NODOS) project would continue to play an important role in the investigation.

Future public outreach activities to support the NODOS Investigation would include additional formal public meetings, focused stakeholder workshops, and increased outreach activities to landowners in the project footprint and local public agencies. Outreach to regional and statewide communities, civic and business organizations, NGOs, and public agencies would be continued as summarized in Table K-3.

Table K-3. Outreach

Outreach	Date	Purpose
Sites Project Authority Board meetings	Held monthly	Project progress and issues
California Water Commission meetings	Held monthly	(State) WSIP funding
Tribal coordination meeting with Colusa Indian Community Council	July 2018	Project awareness and progress; tribal feedback/concerns
Landowner meetings (formal and informal)	Held monthly	Project awareness and progress; solicit feedback and address concerns
Stakeholder meetings (community, civic, business, NGO meetings)	Held monthly or as needed	Project awareness and progress; solicit feedback and address concerns
Study Area tours	As needed	Project awareness and progress
Local public agencies	As needed	Project feedback and coordination

NGO = non-governmental organization

WSIP = Water Storage Investment Program

The outreach activities would continue to support the goals of expanding awareness of the project, obtaining community support for the project, maintaining transparency and accountability to the public, reducing legal risk, and providing opportunities for public input at appropriate investigation milestones.

Indian Tribe Consultation and Coordination

Since the initiation of the NODOS Investigation, agency representatives have provided Indian tribes with status updates and opportunities to comment on issues or resources of concern through meetings, telephone calls, and correspondence. Communication regarding the proposed Sites Reservoir area in particular has been ongoing with the Colusa Indian Community Council, the Cortina Rancheria, the Grindstone Indian Rancheria, and the Paskenta Band of Nomlaki Indians. The Colusa Indian Community Council and the Cortina Rancheria are NEPA cooperating agencies. The Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) describes supporting analyses, studies, coordination, impacts, and mitigation, as necessary, of resources and topics of concern to Indian tribes. Numerous cultural resources would be affected by the implementation of any of the action alternatives. Tribal participation will continue through the National Historic Preservation Act Section 106 and NEPA processes, in accordance with Executive Orders 13175 and 12898, and through other Federal requirements.

Agency Coordination

Agency consultation and involvement has occurred throughout the NODOS Investigation to date; both informally and formally. The NODOS Investigation study management structure encompasses the active participation of numerous cooperating agencies pursuant to NEPA/CEQA, representatives from resources agencies, and other stakeholders.

Key elements of forthcoming agency coordination activities are the Final EIR/EIS, the Planning Aid Memorandum and Coordination Act Report, and documents to be issued by United States Army Corps of Engineers (USACE) under Clean Water Act (CWA) Section 404. The Bureau of Reclamation has been coordinating with United States Fish and Wildlife Service (USFWS) under the Fish and Wildlife Coordination Act; however, USFWS has been unable to provide the draft Fish and Wildlife Coordination Act report at the time of the publication of this final Federal Feasibility Report.

USACE

USACE has responsibilities relative to issuing permits for wetland impacts, construction of facilities in navigable waters, and flood management. Early coordination with USACE would support obtaining permits for the project, should it move forward to implementation.

TCCA

The Tehama-Colusa Canal Authority (TCCA) performs operation, maintenance, and replacement of the Corning and Tehama-Colusa Canals, and the associated pumping plant facilities at Red Bluff. The Authority will need to contract for alternative power for pumping water out of the Sacramento River at Red Bluff for the diversion of non-Central Valley Project (CVP) water, because only CVP water pumping is eligible to use CVP power. Further, the Authority will need to contract with Reclamation to cover the conveyance costs for moving water to Fletcher Reservoir.

GCID

Similar to the TCCA, the Glenn-Colusa Irrigation District (GCID) Canal is under consideration for diversion and conveyance of the Sacramento River supplies to Sites Reservoir in all of the alternatives.

Colusa and Glenn County

Extensive coordination with the counties will be required regarding land use, air emissions, haul routes, roads, and numerous other items. Colusa and Glenn County are both members of the Authority.

Local Property Owners' Land and Water Rights

Lands in the proposed area of the Sites Reservoir would be inundated. Consequently, assessments have been made to determine the extent of impacts to lands and structures; and potential mitigations. The Authority provides opportunities for regular landowner involvement, including weekday access to staff at the Maxwell project office. Any water rights connected to the land acquired for the footprint of Sites Reservoir will likely be extinguished and part of the settlement with the landowners for the acquisition of the land.

Acronyms and Abbreviations

ACHP Authority	Advisory Council on Historic Preservation Sites Project Authority
Caltrans	California Department of Transportation
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CVP	Central Valley Project
CWA	Clean Water Act
DWR	California Department of Water Resources
EC	Engineer Circular
EIR	Environmental Impact Report
EIS	Environmental Impact Statement
ESA	Endangered Species Act (Federal)
GCID	Glenn-Colusa Irrigation District
NEPA	National Environmental Policy Act
NGO	Non-governmental organization
NHPA	National Historic Preservation Act
NMFS	National Marine Fisheries Service
NODOS	North-of-the-Delta offstream storage
P.L.	Public Law
RWQCB	Regional Water Quality Control Board
SHPO State	State Historic Preservation Officer State of California
SWRCB	State Water Resources Control Board
TCCA	Tehama-Colusa Canal Authority
TDS	total dissolved solids
TRR	Terminal Regulating Reservoir
U.S.C.	United States Code
USACE	United States Army Corps of Engineers
USFWS	United States Fish and Wildlife Service
WSIP	Water Storage Investment Program

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