



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, SACRAMENTO DISTRICT
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SACRAMENTO CA 95814-2922

RECORD OF DECISION

ACTION ID: SPK-2001-00055

APPLICANT: Sites Project Authority, Attn: Jerry Brown

PROJECT NAME: Sites Reservoir Project

I have reviewed and evaluated, in light of the overall public interest, the documents and factors concerning the permit application for the proposed action, as well as the stated views of interested agencies and the public. In doing so, I have considered the possible consequences of the proposed action in accordance with regulations published in 33 Code of Federal Regulations (CFR) Parts 320 through 332¹ and 40 CFR Part 230.

This Record of Decision (ROD) informs the final agency action but is not the final action itself. It certifies the completion of the NEPA process and is a formal record of the environmental review and the rationale for the Corps' intended path forward. It is distinct from any final permit decision(s) the Corps will make related to the Sites Reservoir Project (Proposed Project).

As described in the U.S. Bureau of Reclamation's (USBR) November 2023 Final Environmental Impact Statement (EIS), the proposed action involves the discharge of dredged or fill material into approximately 1,033 acres of waters of the United States under Section 404 of the Clean Water Act for the construction of Proposed Project. This includes 222.72 acres of permanent direct impacts and 810.35 acres of permanent indirect impacts. Please refer to Table 2 for initial impact quantities and adjusted impact quantities. The Proposed Project is an off-stream, surface water-storage reservoir and ancillary facilities to provide direct benefits to instream flows, the Sacramento-San Joaquin Delta (Delta) ecosystem, and water supply reliability. The Proposed Project would use existing infrastructure to divert unregulated and unappropriated flow from the Sacramento River at Red Bluff and Hamilton City and convey the water to the new off-stream reservoir west of the

¹ On July 3, 2025, the U.S. Army Corps of Engineers published an interim final rule (90 FR 29465 (July 3, 2025)), promulgating 33 C.F.R Part 333 to codify the National Environmental Policy Act implementing procedures for the Regulatory Program. The interim final rule was effective on July 3, 2025, and states that "[p]ermit applications ... submitted before the effective date of this rule will continue to use the rule in place at the time the application or request was submitted." (90 FR 29465, 29471) The Sites Reservoir Project permit application was initially submitted in 2024 and placed on public notice that same year. Additionally, Sacramento District was a cooperating agency on the U.S. Bureau of Reclamation's final environmental impact statement for the Sites Reservoir Project in November 2023. Therefore, this Record of Decision has been prepared in compliance with the National Environmental Policy Act procedures in 33 C.F.R. Part 325, Appendix B which was the operative rule in 2024.

community of Maxwell. The reservoir would be approximately 13,200 acres in size and be capable of holding 1.5 million acre-feet (MAF) of water. New and existing facilities would move water in and out of the reservoir. Releases from Sites Reservoir would ultimately return to the Sacramento River system via existing canals and a new pipeline located near the town of Dunnigan. Additional proposed activities include building a bridge across the reservoir, realignment of a segment of Huffmaster Road with a gravel road to residents at the south end of the reservoir, and development of new recreational facilities at the reservoir. As such, Department of the Army Section 404 of the Clean Water Act permits under the Regulatory Program are required for the proposed action. Based upon current project design, approval under Section 14 of the Rivers and Harbors Act (33 USC 408, or Section 408) is required for the alteration of Federal flood management facilities.

Note on Impact Quantities: To account for uncertainty associated with the initial desktop delineation, aquatic resource impact acreages presented in this analysis include a 30 percent contingency based on early field verification results. This adjustment provides a conservative planning basis for this Record of Decision and the permitting strategy and does not represent final verified impacts. Because this Record of Decision does not authorize the discharge of dredged or fill material into waters of the United States, final impact quantities will be determined based on field-verified delineations submitted and approved, as appropriate, for each future work package. Future permit decisions will require field verification of aquatic resources and adjustment of authorized impacts and compensatory mitigation, as appropriate, to ensure compliance with applicable regulations.

1. Background

The Sites Project Authority (SPA) submitted a complete application for a Department of the Army permit under Section 404 of the Clean Water Act for the proposed action on March 1, 2024. The U.S. Army Corps of Engineers Sacramento District (Corps) issued a public notice describing the project was issued on March 14, 2024. On May 17, 2024, the application was withdrawn, as SPA needed to provide documentation demonstrating compliance with Section 7 of the Endangered Species Act, Section 106 of the National Historic Preservation Act, and a final 404(b)(1) compliance memorandum sufficient to demonstrate compliance with 40 CFR 230. The SPA provided additional information on September 15, 2025, and the application was re-opened.

The SPA submitted a preliminary jurisdictional determination (PJD) request on June 12, 2025, for the Redsticks property. The Corps verified the delineation on June 30, 2025. The SPA also submitted a PJD request on August 1, 2025, for the Banyan and Wells property. The Corps requested additional information on November 17, 2025, and the SPA provided additional information on December 2, 2025. The Corps verified the delineation on January 26, 2026. The

SPA plans to submit additional ground verified delineations as they gain access to more properties within the Study Area.

The USBR, as the lead federal agency for compliance with the National Environmental Policy Act (NEPA), determined an Environmental Impact Statement (EIS) would be prepared for the North-of-the-Delta Off-stream Storage (NODOS) Investigation, now known as the Sites Reservoir Project, as a result of the of the August 2000 CALFED Bay-Delta Program (CALFED) Record of Decision (ROD). It was identified as one of five potential surface storage programs that could be implemented as part of a comprehensive plan to restore ecological health and improve water management for beneficial uses in the Delta and San Francisco Bay (Bay-Delta) system. The CALFED ROD specifically mentions Sites Reservoir as one of the surface storage projects requiring further consideration. Scoping for the CALFED EIS began on November 9, 2001, with publication of a Notice of Intent to Prepare an EIS in the Federal Register (66 FR 56708).

In August 2017, USBR issued a Draft EIS jointly with a Draft Environmental Impact Report (EIR) prepared by the SPA under the California Environmental Quality Act. A Notice of Availability (NOA) was published in the Federal Register on August 18, 2017 (82 FR 39454). A public notice for the Draft EIS was also issued by the USBR on August 18, 2017. Public meetings were held on December 5, 2017, and December 7, 2017. During the Draft EIS public review period, 150 comments were received. The Corps agreed to be a cooperating agency on December 14, 2020.

A public notice for the release of a Supplemental Draft EIS for the Sites Reservoir was issued by USBR on November 12, 2021 (ER-FRL-9059-3) as a continuing effort to increase resiliency and operational flexibility. The Supplemental Draft EIS (SDEIS) was released jointly with SPA's Revised Draft EIR (RDEIR) and was subject to a 77-day public review period. Two virtual public meetings were held on December 15, 2021, and December 16, 2021. A total of 101 comment letters and communications were received containing approximately 1,000 discrete comments.

The USBR issued a Final EIS in November 2023 jointly with SPA's Final EIR. An NOA was published in the Federal Register on November 3, 2023 (88 FR 75589). A public notice announcing the Final EIR/EIS was issued on November 2, 2023. On January 23, 2026, the USBR finalized their ROD for the proposed project.

a. Executive Order 14181

The Proposed Project's review under Section 404 of the Clean Water Act (CWA) is being conducted in accordance with Executive Order (EO) 14181, "Emergency Measures to Provide Water Resources in California and Improve Disaster Response in Certain Areas." The EO directs federal agencies to take all available measures, consistent with applicable authorities, to increase water

deliveries and streamline environmental reviews for critical water resources and water infrastructure projects.

Specifically, the order mandates that agencies expedite actions and consider exemptions under environmental laws to remove regulatory hurdles that "unduly burden" water projects.

Therefore, the CWA 404 permit application evaluation for this project is guided by the policy of maximizing water resource availability and accelerating project completion as outlined in EO 14181.

b. Scope of Analysis and Jurisdiction

The Corps regulatory authority under Section 404 of the Clean Water Act is limited to the discharge of dredged or fill material into waters of the United States. In evaluating a permit application, the Corps considers the direct effects of the discharge as well as reasonably foreseeable secondary and cumulative effects associated with the discharge and the physical project that the discharge enables, consistent with the Section 404(b)(1) Guidelines (40 CFR Part 230).

The Corps' analysis focuses on the environmental consequences of the discharge of dredged or fill material and the aquatic resource effects associated with the construction and functioning of the infrastructure enabled by that discharge.

Secondary effects are effects associated with the discharge of dredged or fill material that are later in time or farther removed in distance but are reasonably foreseeable (40 CFR 230.11(h)). For the Proposed Project, the Corps evaluated secondary effects associated with the construction and functioning of the reservoir infrastructure enabled by the discharge.

These effects include the immediate and reasonably foreseeable physical consequences associated with reservoir impoundment and functioning, including but not limited to:

- (1) permanent inundation of the reservoir footprint
- (2) conversion of existing aquatic and terrestrial habitats to reservoir habitat
- (3) changes in hydrologic conditions associated with reservoir impoundment and the storage and release of water necessary for reservoir functioning
- (4) associated downstream aquatic habitat conditions influenced by reservoir impoundment and the physical release of stored water

The Corps also considered reasonably foreseeable downstream aquatic resource effects associated with these hydrologic changes, including potential

changes to aquatic habitat conditions within downstream waters of the Sacramento River watershed.

These effects are considered secondary effects because they are reasonably foreseeable consequences of constructing the dam and associated infrastructure that require discharges of dredged or fill material into waters of the United States.

The Corps also evaluated cumulative effects, which are the incremental impacts of the permitted discharge when added to other past, present, and reasonably foreseeable future actions within the affected watershed (40 CFR 230.11(g)). This analysis considers the combined influence of the Proposed Project's discharges and associated physical changes to aquatic resources in the context of broader regional activities affecting the Sacramento Valley watershed, including other water management activities, land use changes, and ecological stressors.

The Corps' evaluation of secondary and cumulative effects relies on the broader environmental analysis contained in the Final EIR/EIS prepared for the Proposed Project. The Final EIR/EIS evaluates the environmental consequences associated with the construction and functioning of the reservoir infrastructure, including hydrologic and ecological changes associated with reservoir impoundment and the storage and release of water.

The Corps considered the analysis in the Final EIR/EIS, together with the 2020 Final Feasibility Report, NODOS Investigation, the 2006 North of the Delta Off-stream Storage Investigation Initial Alternatives Information Report, the CALFED Final EIS/EIR, and the Final Draft North of the Delta Off-stream Storage Investigation Progress Report dated September 2000, and 404(b)(1) Compliance Memorandum (collectively the referenced documents) in developing the Section 404 Permit Strategy and evaluating the reasonably foreseeable environmental effects associated with the discharge of dredged or fill material and the aquatic resource impacts resulting from the Proposed Project.

While the Corps evaluates the physical environmental consequences associated with the reservoir infrastructure and its construction, the Corps' regulatory authority under Section 404 does not extend to discretionary decisions regarding water allocation, contractual deliveries, water transfers, or other water management decisions outside of the Corps' regulatory authority. Such decisions are governed by other federal and state authorities, including the California State Water Resources Control Board and the U.S. Bureau of Reclamation, and cannot be regulated or enforced through Section 404 of the Clean Water Act.

a. Permit Strategy Review Overview

The proposed Sites Reservoir Project would involve the construction of a reservoir, dam, outlet works, and associated infrastructure. Due to the size,

complexity, and extended timeline of this proposed project, the applicant has proposed a phased implementation approach. This approach facilitates orderly project delivery and ensures that each proposed work package undergoes appropriate environmental review, public interest balancing, and regulatory oversight.

Operation and maintenance activities associated with the proposed project are expected to occur within the scope and footprint of the authorized project. At this time, no additional Department of the Army authorization is anticipated for routine operation and maintenance activities. Should future activities involve the discharge of dredged or fill material into waters of the United States beyond the scope of the authorized project, the need for additional authorization under Section 404 of the Clean Water Act of Section 10 of the Rivers and Harbors Act would be evaluated in accordance with applicable regulations.

The proposed project is divided into five distinct phases, also referred to as work packages. Phase 1 proposes site preparation activities such as clearing, grading, access road construction, quarry operations, and installation of diversion and dewatering infrastructure for the main dams (Golden Gate and Sites Dam). Phase 2 proposes dam and reservoir core construction, including the dam embankment, outlets, spillways, improvements, the Sites Lodoga Road bridge construction, and all saddle dams except for Saddle Dam 6. Phase 2 proposes the majority of the inundation of the reservoir. Phase 3 proposes the construction of Huffmaster Road, additional geotechnical investigations, and the construction of the Dunnigan Pipeline including the Colusa Basin Drain (CBD) outlet. The proposed Phase 3, as currently designed, would require 408 Permission. Phase 4 proposes the construction of Saddle Dam 6 which would complete the rim of the reservoir. The remainder of the proposed inundation impacts would be accounted for during Phase 4. Phase 5 proposes the construction of recreation areas. Each proposed phase would be evaluated under a separate permit, with specific limits and conditions tailored to the activities and impacts of that phase.

Table 1: Specific proposed activities in each work package:

Work Package (WP)	Proposed Components/Activities	Estimated Construction Start Date
WP1	Funks Access Road; Funks to Golden Gate Dam (GGD) Access; Funks Reservoir Geotech; GGD Footprint; GGD Geotech; GGD North Staging and Stockpile Area; GGD Rock Borrow Area; GGD Rock Borrow Haul Road; GGD South Staging and Stockpile Area; Jensen Staging Area; North/South Haul Road (10%); Redstick Staging Area; Sites Diversion and Stockpile Area; Sites Diversion Outlet; Sites Geotech; Sites Lodoga Detour; Sites Rock Borrow Access Road; Sites Rock Borrow	2026

	and Staging Areas; Terminal Regulating Reservoir Geotech	
WP2	2nd phase of Sites Lodoga Detour; Sites Cofferdam and Temporary Storm Inundation of Lands Upstream (associated with 100-year storm event); Sites Dam and Any Other Additional Laydown/Stockpile Areas (not identified in Work Package 1), Including Secondary Effects; Golden Gate Dam and Any Other Additional Laydown/Stockpile Areas (not identified in Work Package 1), Including Secondary Effects; In-Reservoir Borrow Areas; Funks Reservoir and pump generation plant (PGP) facility; Terminal Regulating Reservoir (TRR) Reservoir and PGP Facility; Inlet/Outlet (I/O) Tower; Sites Lodoga Road Bridge; Saddle Dams 1 through 5, 7,8A, and 8B and Saddle Dikes 1 and 2, and Any Associated Laydown/Stockpile Areas, Including Secondary Effects; Spillway on Saddle Dam 8B, and Any Associated Laydown/Stockpile Areas, Including Secondary Effects; North Access Road; Additional Geotechnical Investigations, Including Dunnigan Pipeline Alignment	2028
WP3	Huffmaster Road; Additional Geotechnical Investigations; Dunnigan Pipeline Including CBD Outlet	2030
WP4	Saddle Dam 6, and Any Associated Laydown/Stockpile Areas, Including Secondary Effects; Reservoir Clearing and Grubbing (associated inundation area)	2031
WP5	Recreation Areas	2032

A desktop delineation was conducted over the entire Study Area as SPA does not have ownership or access to all properties within the entire Study Area. After the first properties were field verified, it was found that there were approximately 30% more aquatic resources than were originally delineated based on the desktop delineation. This was due to sloped wetlands located on the property that were not visible from aerial imagery. To account for the 30% increase in aquatic resources, SPA is adjusting proposed impacts and mitigation requirements to reflect the 30% increase. For purposes of this Record of Decision, this 30 percent increase represents a conservative planning assumption to account for delineation uncertainty and establishes an upper-bound estimate of potential impacts, rather than the confirmed impact footprint for purposes of the alternatives analysis.

2. Project Purpose and Need

a. Basic Purpose: The basic purpose is to provide water storage.

b. NEPA Purpose and Overall Project Purpose:

The project purpose is to provide off-stream surface water storage north of the Delta in order to meet the minimum longer-term average (annualized) delivery requirement of 230 thousand acre-feet (TAF)/year for participating members and programs during all water years as conditions allow, and in a manner that maximizes water supply and environmental objectives defined under the Water Infrastructure Improvements for the Nation Act (WIIN Act).

Justification for the Overall Project Purpose: Regional water supply planning conducted through the CALFED Program and subsequent federal and state investigations identified the need for additional off-stream water storage north of the Delta to improve water supply reliability while reducing direct diversions from the Sacramento River during environmentally sensitive periods. Off-stream storage in this region allows water to be diverted during periods of higher flow and stored for later use, thereby improving operational flexibility while reducing potential impacts to migrating fish species and other aquatic resources.

Subsequent feasibility and planning studies conducted by the USBR and the California Department of Water Resources evaluated operational scenarios necessary to support water supply reliability for participating agencies and environmental programs. These studies identified a minimum longer-term average delivery requirement of approximately 230 thousand acre-feet per year (TAF/year) as necessary to meaningfully contribute to regional water supply reliability and ecosystem management objectives.

Congress subsequently enacted the WIIN Act, under which USBR determined that it could participate in Sites Reservoir as a federally supported water storage project intended to advance both water supply reliability and environmental objectives. The operational goals evaluated during the planning process were therefore developed to support the water supply and environmental objectives associated with the WIIN Act.

In 2016, USBR was granted authority by Congress in accordance with Subtitle J, Section 4007 of the WIIN Act to support the construction of new water storage projects. Key WIIN Act objectives include the following:

(1) Provide the maximum quantity of water supplies practicable to Central Valley Project agricultural, municipal and industrial contractors, water service or repayment contractors, water rights settlement contractors, exchange contractors, refuge contractors, and State Water Project contractors (Subtitle J, Section 4001(a));

(2) Develop an operations plan that is consistent with the provisions of this subtitle and other applicable Federal and State laws, including provisions that are intended to provide additional water supplies that could be of assistance during the current drought (Subtitle J, Section 4001(e));

(3) Evaluate whether the (delta smelt) monitoring program...combined with other monitoring programs for the Delta, is providing sufficient data to inform Central Valley Project and State Water Project operations to maximize the water supply for fish and water supply benefits (Subtitle J, Section 4010(a)(3)(A));

(4) Acquire by purchase, lease, donation, or otherwise, land, water, or interests in land or water from willing sellers in California (Subtitle J, Section 4010(b)(6)):

(a) to benefit listed or candidate species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or the California Endangered Species Act (California Fish and Game Code sections 2050 through 2116);

(b) to meet requirements of, or otherwise provide water quality benefits under, the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) or the Porter Cologne Water Quality Control Act (division 7 of the California Water Code); and,

(c) for protection and enhancement of the environment, as determined by the Secretary of the Interior.

(5) Acceleration and completion of water infrastructure and conveyance facilities necessary to achieve full water deliveries to Central Valley wildlife refuges and habitat areas pursuant to section 3406(d) of the Central Valley Project Improvement Act (Subtitle J, Section 4010(c)).

The inclusion of the WIIN Act's objectives is fundamental to establishing the overall project purpose, as the Act provides the explicit legal and funding authority for the USBR to support new water storage initiatives. To be eligible for federal support, the project must provide "Federal benefits, including water supplies dedicated to specific purposes such as environmental enhancement and wildlife refuges" (Subtitle J, Section 4007(c)(2)(C)). Therefore, the project purpose was defined to maximize water supply and environmental objectives defined under the WIIN Act to create the required consistency with the congressional mandate. The WIIN Act's requirements provide the primary justification and framework for the project's existence, making its incorporation into the project purpose a core requirement for the Proposed Project.

c. Need: The following elements describe the need for the Proposed Project:

(1) Increased water supply and improved reliability of water deliveries.

(2) Increased Central Valley Project (CVP) operational flexibility.

(3) Provide benefits to anadromous fish by improving CVP operations consistent with the laws, regulations, and requirements in effect at the time of operation.

(4) Incremental Level 4 water supply for CVP Improvement Act (CVPIA) refuges.

(5) Delta ecosystem enhancement by providing water to convey food resources.

3. Alternatives Considered: The Corps has conducted a comprehensive, alternatives analysis to satisfy the requirements of the Clean Water Act Section 404(b)(1) Guidelines. This analysis was based on the Corps' independent review of information related to the Proposed Project, including the alternatives evaluated in the FEIR/EIS, and the final alternatives information submitted by the applicant. This review constitutes the Corps' current evaluation of all large-scale off-site and on-site alternatives. The determination of the Least Environmentally Damaging Practicable Alternative (LEDPA) documented in this ROD considers the Sites Reservoir Project as a whole rather than individual project phases or Work Packages. Accordingly, this broad alternatives analysis is expected to inform future permit evaluations, which will consider whether proposed activities remain consistent with the LEDPA determination based on the information available at the time of each permit decision. The evaluation of all subsequent permit applications will be informed by this determination and will incorporate relevant analysis from this ROD and the FEIR/EIS, as appropriate.

Beginning in 1995, the CALFED initiated the evaluation of expanded surface water storage in the Sacramento and San Joaquin Valleys as part of a long-term comprehensive plan to restore the ecological health and improve water management to protect beneficial uses in the Delta and the Delta watershed. During preparation of the CALFED EIS/EIR, CALFED initially identified 52 potential surface storage locations and retained 13 reservoir locations statewide for further study. As described in the Proposed Project's Final EIR/EIS Appendix 2A, the CALFED statewide screening assessment concluded that the Sites Reservoir would result in less adverse environmental impacts when compared to the other reservoir locations and concepts that were considered. Constructing a reservoir in the other locations studied was determined to potentially cause extensive environmental effects, including the disturbance or loss of cultural resources, aquatic and terrestrial biological resources, and potentially jurisdictional aquatic resources. In addition, the screening criteria applied indicated a preference for off-stream over onstream surface water storage to avoid redirected impacts on aquatic species in the primary tributaries of the Delta.

The onsite and offsite build alternatives evaluated, including onsite Alternative 3 (proposed project), are derived from the Proposed Project’s Final EIR/EIS, the 2020 Final Feasibility Report, NODOS Investigation, the 2006 North of the Delta Off-stream Storage Investigation Initial Alternatives Information Report, the CALFED Final EIS/EIR, and the Final Draft North of the Delta Off-stream Storage Investigation Progress Report dated September 2000. Within the CALFED Final EIS/EIR, 52 initial surface and groundwater storage projects were evaluated. Based upon the CALFED Final EIS/EIR, the Initial Alternatives Information Report evaluated four alternatives.

To ensure a consistent and comparable evaluation of aquatic resource impacts across all alternatives, the Corps evaluated impacts using both baseline estimates derived from desktop delineations and adjusted estimates that include a 30 percent contingency. This adjustment is based on observed differences between desktop delineations and early field-verified delineations within the project area, which indicate that desktop methods may underestimate the extent of aquatic resources. The Corps determined that this discrepancy reflects a limitation inherent in desktop delineation methodologies rather than site-specific conditions and therefore applies to all alternatives evaluated using similar data sources. Because both on-site and off-site alternatives rely on similar desktop delineation methodologies, this adjustment was applied uniformly across all alternatives to provide a conservative basis for comparison.

Table 2: Impact adjustments

Alternatives	Permanent Impacts (acres)- Desktop	Permanent Impacts (acres) - Adjusted (+30%)	Temporary Impacts (acres)- Desktop	Temporary Impacts (acres) - Adjusted (+30%)
Offsite 1	235	305.5	N/A	N/A
Offsite 2	621	807.3	N/A	N/A
Offsite 3	815	1,059.50	N/A	N/A
On-site 1	791.06	1,033	307.81	400.15
On-site 2	782.5	1,017.25	311.17	404.23
On-site 3 (Proposed Project)	791.06	1,033	307.81	400.15
On-site 4	857.26	1,114.52	400.92	521.19

The Corps’ comparative evaluation of alternatives considered both baseline and adjusted impact estimates. This analysis demonstrates that the relative differences among alternatives are consistent under both scenarios, and the identification of the Least Environmentally Damaging Practicable Alternative (LEDPA) does not depend on the application of the contingency adjustment. While both baseline and adjusted impact estimates were evaluated to assess delineation uncertainty, the Corps relies on the adjusted impact estimates as a conservative basis for comparative purposes.

The Corps compared practicable alternatives based on both the extent and type of impacts to aquatic resources. Although certain off-site alternatives would result in a lower total acreage of impacts, the Corps determined that these alternatives would result in greater adverse effects on certain aquatic resource types, including perennial stream systems and special aquatic sites, which are generally more difficult to replace or restore. These resource types are afforded particular consideration under the Section 404(b)(1) Guidelines (40 CFR 230.10(c) and 230.11). Impacts to these resources are considered more environmentally damaging based on the type and persistence of the affected aquatic resources than impacts to aquatic resources that are more readily replaced or of shorter duration. These aquatic resources include stream systems that provide habitat for native fish species, including salmonids, which further underscores the ecological importance of these resource types within the affected watershed.

The Corps' evaluation of alternatives under both baseline and adjusted impact scenarios confirms that the relative ranking of alternatives does not change under conditions of delineation uncertainty. In particular, Off-site Alternative 2 does not represent the LEDPA under either the baseline or adjusted impact scenarios.

We have determined that the following alternatives located in Table 3 will not be further evaluated:

Table 3: Alternatives eliminated from further screening

Alternative	Determination	Basis for Screening / Elimination	Reference
No Action Alternative (NEPA Baseline)	Not Practicable	Under the No Action Alternative, the Sites Reservoir and associated infrastructure would not be constructed. Because this alternative would not provide new off-stream water storage or associated water supply and ecosystem benefits, it fails to meet any component of the Overall Project Purpose and therefore does not represent a practicable alternative under the Section 404(b)(1) Guidelines.	Final EIR/EIS (Chapter 2)
No Fill Alternative (CWA Section 404(b)(1))	Not Practicable	The planning record demonstrates that a large-scale surface storage facility is necessary to meet the Overall Project Purpose. Reservoir locations capable of meeting the project purpose must utilize natural valley topography in the west Sacramento Valley. These valley systems inherently contain aquatic resources, making it infeasible to identify a reservoir site of comparable scale that would avoid impacts to waters of the United States. In addition, the referenced documents demonstrate that constructing a fully artificial reservoir basin of similar size would require	404(b)(1) Compliance Memo (Section 2)

Alternative	Determination	Basis for Screening / Elimination	Reference
Offsite Alternative 3 – Colusa Reservoir	Practicable, but Not the LEDPA	<p>This alternative was determined to be practicable but would result in the greatest adverse impacts to the aquatic ecosystem among the practicable alternatives, including approximately 1,059.5 acres of permanent impacts to aquatic resources. Because a practicable alternative exists that would achieve the Overall Project Purpose while resulting in less adverse impact to the aquatic ecosystem, it was eliminated from further consideration as the LEDPA.</p>	Final EIR/EIS (Chapter 2); 404(b)(1) Compliance Memo (Section 2)
On-Site Alternative 1	Not Carried Forward for Further Evaluation	<p>The physical facilities, footprint, and resulting impacts to aquatic resources associated with this alternative are substantially similar to those of On-Site Alternative 3. However, On-Site Alternative 3 provides greater operational capacity and federal</p>	Final EIR/EIS (Chapter 2); 404(b)(1) Compliance Memo (Section 2)

Alternative	Determination	Basis for Screening / Elimination	Reference
On-Site Alternative 4	Practicable, but Not the LEDPA	<p>This alternative was determined to be practicable; however, it would result in approximately 1,114.52 acres of permanent impacts to the aquatic ecosystem, which is more than On-Site Alternative 3, including approximately 219.29 acres of permanent direct impacts to waters of the United States and approximately 895.23 acres of indirect impacts. Because a practicable alternative exists that would achieve the Overall Project Purpose while resulting in less adverse impact to the aquatic ecosystem, On-Site Alternative 4 was eliminated from further consideration as the LEDPA.</p>	404(b)(1) Compliance Memo (Section 2)

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Following this screening process, the Corps carried forward the remaining alternatives for further comparative evaluation under the Section 404(b)(1) Guidelines. These remaining alternatives are discussed in the following section. This evaluation considered the relative impacts of the remaining alternatives to waters of the United States and the aquatic ecosystem while ensuring that each alternative satisfied the Overall Project Purpose.

Background for Screening of Off-Site Alternatives

Potential off-stream water storage opportunities in the west Sacramento Valley have been evaluated through multiple federal and state planning efforts over the past several decades. The July 2000 CALFED Final Programmatic Environmental Impact Statement/Environmental Impact Report (CALFED EIS/EIR) and subsequent 2006 North of the Delta Off-stream Storage Investigation Initial Alternatives Information Report identified several potential reservoir locations capable of supporting regional water supply reliability and ecosystem objectives. These planning efforts identified four off-stream reservoir concepts for further evaluation: the Red Bank Reservoir Complex, the Thomes-Newville Reservoir Complex, the Colusa Reservoir, and the Sites Reservoir.

The USBR and the California Department of Water Resources (DWR) documented a structured alternatives screening approach in the North of the Delta Off-stream Storage Investigation Initial Alternatives Information Report (May 2006). This screening process applied sequential criteria to identify alternatives capable of meeting project objectives while minimizing environmental impacts.

Subsequent feasibility and environmental documentation prepared for the Sites Reservoir Project further evaluated operational, engineering, and environmental considerations associated with these reservoir concepts. For purposes of this Record of Decision and the Corps' Clean Water Act Section 404(b)(1) analysis, the Corps reviewed the planning record associated with the CALFED Program, the North of the Delta investigations, and the subsequent feasibility and environmental documentation. Based on this review, the Corps determined that these investigations reasonably identified and evaluated the range of off-stream reservoir concepts capable of meeting the operational and environmental objectives associated with the proposed project.

The Corps further determined that the screening assumptions used in these investigations remain applicable because the project purpose, hydrologic conditions, and regional water management objectives evaluated in those studies are consistent with the current proposed action and current conditions.

In addition, broader water management strategies and storage concepts were evaluated during the CALFED EIS/EIR and subsequent feasibility planning processes. Those investigations determined that the west Sacramento Valley off-stream reservoir locations represented the only reservoir concepts capable of

meeting the operational objectives associated with the project purpose while providing meaningful water supply reliability benefits and environmental improvements. Accordingly, the Corps determined that the reservoir concepts identified through the CALFED EIR/EIS and North of the Delta investigations represent the appropriate range of off-stream storage alternatives for evaluation under the Section 404(b)(1) Guidelines.

The alternatives screening criteria described below were developed to evaluate whether potential reservoir locations could reasonably meet this project purpose. Additional information for the following alternatives analysis can be found in the 404(b)(1) Compliance Memorandum (Appendix A) and in the Sites Reservoir FEIR/EIS, Volume 2, Appendix 2A – Alternatives Screening and Evaluation (incorporating Appendix 2A unchanged from the Sites Reservoir Project Revised Draft EIS/Supplemental Draft EIS).

Practicability Screening Criteria

Consistent with the Clean Water Act Section 404(b)(1) Guidelines (40 CFR 230.10(a)), the Corps evaluated off-site and on-site alternatives to determine whether they were practicable. The following criteria, derived from the requirements for cost, existing technology, logistics, and consistency with the overall project purpose, were used for this screening.

An alternative was considered practicable only if it met all of the following criteria:

- a. Properties associated with the alternative could reasonably be acquired, are appropriately zoned, or are reasonably capable of being re-zoned.
- b. Construction and annual operation costs were not prohibitively expensive by any standard.
- c. The alternative is located north of the Sacramento–San Joaquin Delta.
- d. The alternative has access to necessary borrow areas, utilities, and transportation infrastructure.
- e. The alternative is capable of being implemented using existing engineering approaches while accommodating site constraints.
- f. The alternative provides off-stream surface water storage north of the Delta.
- g. The alternative is capable of achieving the minimum long-term, average (annualized) delivery requirement of 230 TAF/year, as conditions allow.

h. The alternative supports water supply and environmental objectives identified under the WIIN Act.

Alternatives that satisfied all of these practicability criteria were then evaluated under the Section 404(b)(1) Guidelines to determine whether any would have less adverse impact on the aquatic ecosystem.

Offsite Alternative 1 (Red Bank Reservoir Complex alternative): Offsite Alternative 1, the Red Bank Reservoir Complex, was located in Tehama County and proposed the construction of two main reservoirs: the onstream Dippingvat Reservoir on South Fork Cottonwood Creek and the larger, off-stream Schoenfield Reservoir. The goal was to provide an alternative water supply for the Tehama Colusa Canal, allowing the Red Bluff Diversion Dam to cease operations during critical fish passage periods.

The alternative would inundate approximately 4,570 acres. The alternative would permanently impact approximately 305.5 acres of aquatic resources, including approximately 107.9 acres of wetlands and approximately 197.6 acres of other waters. The 107.9 acres of wetlands and 197.6 acres of other waters would be converted to open water as a result of the inundation associated with the dam sites.

The Red Bank Reservoir Complex was determined not to be practicable because it cannot meet the fundamental water delivery requirement associated with the project purpose.

With a storage capacity of approximately 0.35 million acre-feet and an estimated average annual inflow of approximately 112 TAF, the Red Bank alternative would not achieve the minimum long-term, average delivery requirement of 230 TAF/year. Because the alternative fails to meet a fundamental operational component of the project purpose, it does not represent a practicable alternative under the Section 404(b)(1) Guidelines.

Accordingly, the Red Bank Reservoir Complex was not carried forward for further evaluation.

Offsite Alternative 2 (Thomes-Newville Reservoir Complex alternative): This alternative was proposed to be located upstream from Black Butte Reservoir, approximately 18 miles west of the City of Orland and 23 miles west-southwest of the City of Corning in Glenn and Tehama Counties. Alternative reservoir sizes of 1.9 MAF and 3.0 MAF were considered. The 1.9-MAF reservoir would be formed by a dam on North Fork Stony Creek and a saddle dam at Burrows Gap. The 3.0-MAF reservoir would require up to five additional saddle dams and a dike. A small diversion dam and diversion from Thomes Creek would transfer water to the reservoir. Other water source options include Stony Creek and the Sacramento River.

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This alternative would inundate up to 17,073 acres depending upon the extent of storage on Thomes Creek. This alternative would permanently impact approximately 807.3 acres within the inundation area.

Off-Site Alternative 2 (Thomes-Newville Reservoir Complex) was determined to be practicable after being evaluated against all screening criteria. The analysis concluded that the land for the project could be reasonably acquired, the construction costs were not prohibitive, and the project could be built using conventional technology. Its location north of the Delta and its large storage capacity (1.9 to 3.0 MAF) would allow it to meet the minimum water delivery requirement of 230 TAF/year, making it fully consistent with the overall project purpose. Because it was found to be practicable, it was carried forward for a comparative evaluation of its environmental impacts.

Compared to the proposed project, Offsite Alternative 2, would have greater environmental impacts. Offsite Alternative 2 would impact a total of approximately 807.3 acres of aquatic resources, including approximately 507 acres of wetlands, and approximately 300.3 acres of non-wetlands. While this alternative would result in a lower total acreage of aquatic resource impacts compared to the proposed Sites Reservoir, the Corps determined that it would result in greater overall adverse impacts to the aquatic ecosystem.

The Thomes-Newville alternative would directly affect certain aquatic resource types, including a greater extent of perennial stream systems, fish-bearing streams, riparian corridors, and special aquatic sites such as vernal pools, compared to the proposed project. The construction of an on-stream dam on Thomes Creek would impede fish passage and substantially alter natural hydrologic and ecological processes within the watershed. Impacts to perennial stream systems are of particular concern due to their continuous flow and ecological connectivity, and the direct modification of these systems is considered more severe and less capable of being avoided or minimized through practicable design modifications under the Section 404(b)(1) Guidelines.

In contrast, Sites Reservoir is an off-stream facility that avoids direct damming of a natural watercourse and substantially reduces impacts to perennial stream systems and other connected riverine resources. Although the proposed project would result in a greater total acreage of aquatic resource impacts, those impacts are primarily associated with aquatic features that are more limited in duration, less connected, or more readily replaced.

The Corps placed particular emphasis on the avoidance of impacts to special aquatic sites and the preservation of natural stream systems, including perennial streams, consistent with the Guidelines. Based on this analysis, the Corps determined that the Thomes-Newville Reservoir Complex would result in greater adverse impacts to the aquatic ecosystem despite its smaller footprint.

Accordingly, the Thomes-Newville Reservoir Complex does not represent the least environmentally damaging practicable alternative.

Alternative 2 (Onsite Alternative 2): This alternative would result in approximately 1,017.25 acres of permanent impacts to waters of the U.S., and which includes approximately 219.7 acres of permanent direct impacts and approximately 797.55 acres of permanent indirect impacts. This alternative would impound surface water at the Golden Gate Dam on Funks Creek and Sites Dam on Stone Corral Creek. Onsite Alternative 2 involves fewer saddle dams to close off topographic saddles in the surrounding ridges, specifically requiring a series of four saddle dams and three saddle dikes along the eastern and northern rims of reservoir. It would have a maximum normal water surface elevation (WSE) of 482 feet above mean sea level.

Unique aspects of this alternative include the construction of a new local access road (South Road) and an extended Dunnigan Pipeline that discharges directly into the Sacramento River.

Sites Reservoir and Related Facilities

Under onsite Alternative 2, the 1.3 MAF reservoir would have a maximum normal WSE of 482 feet above mean sea and would require I/O Works, four saddle dams (3, 5, 8A, and 8B) and three saddle dikes.

The TRR West facilities are planned for a 150-acre site in Colusa County, situated between the GCID Main Canal and Funks Reservoir. The facility will be accessible via a gravel road.

The core of the proposed project is a 100-acre reservoir, which will be divided into two sections—a main reservoir and an extension reservoir. This design avoids a PG&E right-of-way that contains underground gas pipelines and overhead transmission lines. The two reservoir sections will be connected by a tunnel corridor.

Additionally, a 7-acre area will house a Pumping-Generating Plant (PGP) and an electrical substation, all enclosed by a security fence. The facility's dual pipelines will need to cross Funks Reservoir, the TC Canal, and a private drainage canal.

The entire reservoir system will be hydraulically connected to the GCID Main Canal through an inlet/outlet canal, allowing water to flow into the reservoirs. The construction will primarily involve mass excavation.

Conveyance to the Sacramento River

A portion of the water released from Sites Reservoir would be conveyed using the existing TC Canal, and for those Storage Partners located south of the Delta, water would be conveyed using the new Dunnigan Pipeline. The water would

flow south approximately 40 miles to near the end of the TC Canal. At this point, flow would be diverted into the Dunnigan Pipeline. A gravity outlet structure from the TC Canal into the Dunnigan Pipeline would be constructed to control the flow in the pipeline. No pumping would be required.

Under this alternative, in comparison with the Proposed Project, the Dunnigan Pipeline would extend 5.6 additional miles, pass through the western levee of the Sacramento River, and discharge into the Sacramento River at approximately River Mile 100.8. At the CBD, there would also be a discharge structure that would divert a portion of the flow, while the remaining flow would continue to the Sacramento River. The pipeline would have a 10.5-foot-inner diameter with three tunneled crossings (I-5, Road 99W and the railroad, and CBD) that require 12-foot (144-inch) casings. The CBD boring would cross under the levees adjacent to the CBD and under the CBD.

New and Existing Roadways

Realignment of Huffmaster Road and construction of the new South Road would occur under this alternative. Sites Dam and the inundation area would inundate 4.2 miles of the Sites Lodoga Road and eliminate access on this 13-mile-long collector road. the relocated segment of Sites Lodoga Road would include 5-foot-wide shoulders adjacent to the two 12-foot-wide lanes to accommodate bicycles and would provide access to the Stone Corral Recreation Area, and Huffmaster Road would be realigned for approximately 9 miles. A new 20-mile-long South Road would be constructed and connect to the end of the realigned portion of Huffmaster Road. The approximately 20-mile-long South Road would be constructed and connected to the end of the realigned portion of Huffmaster Road. The total length of the realigned portion of Huffmaster Road and the new South Road would be approximately 30 miles, all of which would be paved.

This alternative was determined not to be practicable because it fails to meet the overall project purpose. While it meets the criteria for availability, technology, and basic logistics, it fails Logistics Metric 3. With a smaller capacity of 1.3 MAF, its estimated average annual delivery of 205 TAF is substantially below the minimum long-term, average delivery requirement of 230 TAF/year. This failure to meet the project's core water delivery objective makes the alternative inconsistent with the overall project purpose, and it was therefore eliminated from further consideration.

Alternative 3 (Onsite Alternative 3, Proposed Project): This alternative would result in a discharge of fill material into approximately 1,033 acres of waters of the U.S. and includes 222.72 acres of permanent direct impacts and 810.35 acres of permanent indirect impacts. This alternative, the applicant's proposed project, represents the federally supported configuration of the Sites Reservoir Project, which includes increased participation from the USBR.

The physical facilities and components would involve the construction of a 1.8 MAF reservoir created by the Golden Gate Dam, Sites Dam, and associated

saddle dams. It includes the same conveyance facilities (TC Canal, GCID Main Canal, Dunnigan Pipeline) and roadway realignments, including the new bridge over Sites Lodoga Road.

Operationally, On-Site Alternative 3 includes increased USBR participation and investment of up to 25 percent. This increased level of federal investment would result in up to 25 percent of the reservoir's storage space being dedicated to USBR's use. The USBR's share of water would be flexibly used to meet Central Valley Project (CVP) objectives for both water supply reliability and environmental needs. The operational modeling for this alternative indicates that the increased reservoir size and federal partnership would result in an estimated average annual delivery of 256 TAF/year and would create increased opportunities for maintaining the cold-water pool in Shasta Lake and Lake Oroville as part of integrated CVP operations.

This alternative was determined to be practicable as it fully satisfies all practicability screening criteria. It is available and utilizes existing technology. Logistically, it is located north of the Delta, has access to necessary infrastructure, and its 1.8 MAF capacity allows it to achieve an estimated average annual delivery of 256 TAF, thereby exceeding the minimum long-term average delivery requirement of 230 TAF/year. By meeting this requirement, it is fully consistent with all components of the overall project purpose, including the water supply and environmental objectives of the WIIN Act. As a practicable alternative, it was carried forward for a comparative evaluation of environmental impacts.

The proposed project would result in approximately 1,033 acres of impacts to aquatic resources, including approximately 578.62 acres of impacts to wetlands, and approximately 449.76 acres of impacts to non-wetlands.

The Sites Reservoir alternative is considered environmentally preferable among the large-scale storage options because it is an off-stream facility sited in a location that minimizes impacts to high-value aquatic resources. The project is located in the Antelope Valley, a landscape where the aquatic features are predominantly ephemeral and intermittent streams and associated seasonal wetlands. These resources are generally considered to be of lower ecological function compared to the perennial, fish-bearing streams that would be impacted by the off-site alternatives.

The Onsite Alternative 3 avoids the need to construct a major on-stream dam on a primary tributary to the Sacramento River. This specific siting and design would avoid the direct impedance of migratory corridors for federally-listed fish species, such as Central Valley steelhead and Chinook salmon, and minimizes direct impacts to the high-quality, year-round aquatic habitats. While the total acreage of impacts is significant, the adverse effects are concentrated on aquatic resources of comparatively lower ecological value and function. Therefore, Onsite Alternative 3 is the LEDPA.

Determination of Practicable Alternatives:

The Corps evaluated the range of alternatives in accordance with the Clean Water Act Section 404(b)(1) Guidelines (40 CFR Part 230). The alternatives analysis relied on information contained in the referenced documents, including the Proposed Project's November 2023 Final EIR/ EIS, the USBR's December 2020 Final Feasibility Report, and the applicant's Section 404(b)(1) Compliance Memorandum.

The Corps evaluated the full range of alternatives in accordance with the CWA Section 404(b)(1) Guidelines. This was conducted as a multi-step screening process to efficiently identify the Least Environmentally Damaging Practicable Alternative (LEDPA).

Initial Screening:

An initial screening was conducted to eliminate alternatives that were clearly not the LEDPA. This screening, based on the Corps' independent review of information contained in the referenced documents, eliminated the following alternatives:

a. No Action / No-Fill Alternatives: These were determined to be not practicable because they failed to meet the Overall Project Purpose or are infeasible due to site availability and prohibitive costs.

b. Off-Site Alternative 3 (Colusa): This was eliminated from further detailed consideration because it would result in greater adverse impacts to the aquatic ecosystem compared to the on-site alternatives and therefore cannot be the LEDPA.

c. On-site Alternative 1: This was eliminated from further detailed consideration because it had similar impacts to the Proposed Project.

d. On-site Alternative 4: This was eliminated from further detailed consideration because it had greater impacts to the aquatic ecosystem.

Based upon this initial screening Off-site Alternative 1, Off-site Alternative 2, On-site Alternative 2, and On-site Alternative 3 were carried forward through the evaluation process. Off-site Alternative 2, and On-site Alternative 3 were found to be practicable.

Alternative(s) Considered to be Environmentally Preferable:

Off-site Alternative 2 while practicable, was determined to be not the LEDPA because it would result in substantially greater adverse impacts to higher-value aquatic resources, including fish-bearing streams, when compared to the On-site alternative 3. On-site Alternative 3 (Proposed Project) was found to be environmentally preferable.

Corps Determination of the LEDPA

Based on this comparative evaluation of practicable alternatives, the Corps has determined that On-Site Alternative 3 represents the Least Environmentally Damaging Practicable Alternative (LEDPA). This determination is based on the Corps' independent evaluation of the available information and reflects consideration of both the extent and type of impacts to aquatic resources.

On-Site Alternative 3 meets the Overall Project Purpose while resulting in fewer adverse impacts to the aquatic ecosystem than the other practicable alternatives identified in the ROD. Although Off-site Alternative 2 would result in a lower total acreage of impacts to waters of the United States, the Corps determined that it would result in greater adverse effects to certain aquatic resource types, including perennial stream systems and special aquatic sites, which are generally more difficult to replace or restore. These resource types are afforded particular consideration under the Section 404(b)(1) Guidelines (40 CFR 230.10(c) and 230.11). Impacts to these resources are considered more environmentally damaging based on the type and persistence of the affected aquatic resources than impacts to aquatic resources that are more readily replaced or of shorter duration. These aquatic resources include stream systems that provide habitat for native fish species, including salmonids, which further underscores the ecological importance of these resource types within the affected watershed.

The Corps evaluated alternatives using both baseline desktop delineations and adjusted impact estimates that incorporate a 30 percent contingency to account for observed differences between desktop and field-verified delineations. This evaluation demonstrated that the relative ranking of alternatives does not change under conditions of delineation uncertainty. Off-site Alternative 2 does not represent the LEDPA under either baseline or adjusted impact scenarios.

This determination reflects the Corps' independent evaluation of the information and the comparative analysis of practicable alternatives conducted pursuant to the Section 404(b)(1) Guidelines. Accordingly, the Corps determined that On-Site Alternative 3 achieves the overall project purpose while resulting in the least adverse impact to the aquatic ecosystem, consistent with the requirements of the Section 404(b)(1) Guidelines. This determination reflects the Corps' application of the Section 404(b)(1) Guidelines to avoid and minimize impacts to aquatic resources to the maximum extent practicable.

Accordingly, the Corps concludes that On-Site Alternative 3 satisfies the requirements of the Section 404(b)(1) Guidelines.

4. Comments on the Final Environmental Impact Statement: On March 14, 2024, the Corps issued a Public Notice for the proposed project, providing the project's location and description and solicited public comment. The initial 30-day comment period was extended by an additional 30 days in response to public

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requests, creating a total 60-day comment period that closed on May 14, 2024. During this period, the Corps received a total of seven comment letters.

a. U.S. Environmental Protection Agency (USEPA): On March 25, 2024, the EPA requested to extend the comment period.

Corps Response: The Corps extended the comment period to May 14, 2024.

b. Soluri Meserve: On April 6, 2024, the Soluri Meserve requested to extend the comment period.

Corps Response: The Corps extended the comment period to May 14, 2024.

c. USEPA: On April 11, 2024, the EPA submitted comments in accordance with the 1992 Clean Water Act Section 404(q) Memorandum of Agreement (MOA). Under the provisions of Section 3(a) of this MOA, the EPA formally identified the Sacramento River, the Delta, and the wetlands and streams in the StoneCorral Creek watershed as aquatic resources of national importance (ARNIs). The EPA based this determination on the following rationale:

The Sacramento River is California's longest river and supports its largest Chinook salmon fishery.

The Sacramento-San Joaquin Delta is one of the largest estuaries on the west coast, is a critical location for rearing and migrating fish and waterbirds and is the center of the state and federal water projects.

The Stone Corral Creek watershed contains hundreds of acres of aquatic resources, including historically impacted wetlands that provide important fisheries habitat and water quality benefits.

The EPA cited the importance of these resources and the geographic scale of the proposed project's potential impacts as the basis for the ARNI designation. The letter also requested the following information:

(1) A complete (field-verified) delineation of all aquatic resources that would be impacted by the construction of the reservoir and appurtenant facilities, including but not limited to the aquatic resources in the Stone Corral Creek watershed that are located in the reservoir footprint.

(2) A formal and reproducible conditional and/or functional assessment of aquatic resources in the reservoir footprint.

(3) A robust analysis of all secondary and cumulative water quality effects of the discharges of dredged or fill material associated with the project.

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(4) An assessment of practicable project alternatives and their effects on aquatic resources.

(5) A comprehensive mitigation plan to prevent significant degradation of waters of the United States located in the Sacramento River watershed

Corps Response: In response to the EPA's letter and as part of the overall project review, the Corps worked with the SPA to address outstanding information requests. The Corps has reviewed the submitted information (described below) and determined it is sufficient to support the conclusions within this Record of Decision.

Delineation of Aquatic Resources: The Corps acknowledges that the SPA has not yet acquired access to the entire project area, precluding a complete field verification of the aquatic resource delineation at this time. The Corps has determined that the existing delineation, based on extensive remote sensing and verified with field surveys on accessible parcels, is sufficient for characterizing the extent and location of waters of the U.S. for the purposes of the alternatives analysis and the findings in this ROD. The approval of the proposed Permit Strategy within this ROD does not authorize the discharge of fill material into waters of the U.S. If permits are issued in the future, the Corps will consider adding special conditions as applicable. Although complete field verification has not yet occurred across the entire study area, the Corps has accounted for delineation uncertainty by applying a conservative project-level impact estimate that includes up to a 30 percent increase in aquatic resource impacts. This approach supports the Corps' analysis and ensures that potential impacts are appropriately considered at this stage of review.

Characterization of Aquatic Resources: The Corps reviewed the applicant's analysis and the extensive environmental information compiled in the FEIR/EIS. The Corps determined that the FEIR/EIS provides a comprehensive description of the functions and values of the aquatic resources within the project area. This information is sufficient to support a thorough comparison of alternatives and to identify the LEDPA. Therefore, a separate, new functional assessment was not deemed necessary to inform the decision documented in this ROD.

Analysis of Proposed Project Effects: The Corps has reviewed the applicant's updated alternatives analysis and concurs that potential indirect and cumulative effects of the proposed project are described in detail throughout the Final EIR/EIS. Specific chapters within the FEIR/EIS address effects on water quality, circulation patterns, and municipal water supplies, and evaluate the efficacy of proposed avoidance and minimization measures. The Corps finds that the FEIR/EIS, which this ROD adopts, provides a sufficient and comprehensive analysis of these effects for the purpose of making its decision.

Alternatives Analysis: The Corps has conducted an independent evaluation of project alternatives, informed by the final alternatives' information submitted by the applicant and the extensive analysis contained within the Final EIR/EIS and other

planning documents referenced herein. This ROD identifies the applicant's proposed project as the Least Environmentally Damaging Practicable Alternative (LEDPA) that meets the overall project purpose.

Compensatory Mitigation: The Corps has reviewed the applicant's comprehensive conceptual mitigation strategy and the specific final mitigation plan for the initial phase of work (Work Package 1). The Corps has determined that the conceptual plan provides a sufficient framework to ensure that all unavoidable impacts to waters of the U.S. can be offset through a combination of permitteeresponsible mitigation and/or the purchase of mitigation bank credits. The approval of final mitigation plans for subsequent work packages would be addressed under a separate regulatory process and is not considered in this ROD.

d. Yocha Dehe Wintun Nation: On April 12, 2024, the Yocha Dehe Wintun Nation provided a request to initiate formal consultation with the lead agency and requested the project timeline, detailed project information and the latest cultural study.

Corps Response: On May 10, 2024, the Corps forwarded this request to the USBR as they are the lead federal agency for the proposed project and notified the tribe of the appropriate lead agency. The Corps requested clarification if the tribe still wanted formal consultation with the Corps; however, no response was received from the tribe.

e. Soluri Meserve: On April 6, 2024, the Soluri Meserve requested clarification on the enclosures for Public Notice and requested the application and 404(b)(1) Compliance Memorandum be provided.

Corps Response: On May 21, 2024, the Corps responded stating that the contents of the public notice satisfies the requirements of 33 CFR 325.3(c) and contains all information required by 33 CFR 325.3(a) and (c). 33 CFR 325.3(c) does not require an alternatives analysis or screening of alternatives be completed and incorporated into the public notice. The Sites Reservoir project will be evaluated in accordance with all applicable legal and regulatory requirements, including the guidelines found at 40 CFR 230.

f. Save California Salmon: On May 14, 2024, Save California Salmon requested a public hearing and provided additional information regarding potential impacts resulting from the construction of Sites Reservoir.

Corps Response: The USBR conducted public meetings on December 5, 2017, and December 7, 2017, for draft EIS and two additional virtual public meetings were held on December 15, 2021, and December 16, 2021, for the supplemental EIS. On March 13, 2026, the Corps responded to the comment denying the public hearing request based upon previous opportunities for public

comment and involvement. The Sites Reservoir project will be evaluated in accordance with all applicable legal and regulatory requirements.

g. Defenders of Wildlife, et. Al.: On May 14, 2024, the Defenders of Wildlife, Friends of the River, California Sportfishing Protection Alliance, San Francisco Baykeeper, the Bay Institute, and Golden State Salmon Association requested the Corps reject the SPA's 404 application and delay issuance of the 404 permit until the SPA has provided all legally required information and other regulatory processes are complete. They stated that the proposed project would cause unreasonable environmental harm to species and for this reason the project should be denied. They also stated that the project had an insufficient project description and that there were discrepancies regarding proposed impacts to aquatic resources. They also stated that there is not sufficient information to adequately assess the sufficiency of required mitigation.

Corps response: In response to a request from the Corps, the SPA provided additional information including an updated project description, alternatives analysis, and a conceptual mitigation plan. The Corps has determined this information is sufficient to conclude the NEPA process and identifies the Least Environmentally Damaging Practicable Alternative (LEDPA) in this Record of Decision. This ROD does not authorize construction or make a final permit decision.

5. Consideration of Applicable Laws and Policies

a. National Environmental Policy Act (NEPA): The USBR acted as the lead federal agency for the NEPA process for the Sites Reservoir Project, and the Corps participated as a cooperating agency.

The environmental review documents for the project, including the FEIR/FEIS, were prepared when the Council on Environmental Quality's (CEQ) former NEPA regulations and the Corps' former NEPA implementation regulations (33 CFR Part 230 and 33 CFR Part 325, Appendix B) were in effect. The Corps actively fulfilled its cooperating agency responsibilities throughout this process, providing input to ensure the analysis would be sufficient to support its future decision-making responsibilities under the Clean Water Act.

For the purpose of documenting its decision in this ROD, the Corps is acting in accordance with the NEPA implementation procedures as outlined in 33 CFR Part 325, Appendix B which were the procedures in place in 2024. In accordance with 33 CFR Part 325, Appendix B, para. 8.c., the Corps has independently reviewed the FEIR/FEIS prepared by the USBR and finds that it provides a comprehensive and adequate analysis of the environmental impacts of the proposed project and its alternatives.

b. Section 401 of the Clean Water Act Section 401 of the CWA: The proposed Permit Strategy does not itself require compliance under Section 401 of

the CWA, as there is no direct authorization for the discharge of fill material into waters of the U.S. associated with approval of the Permit Strategy. On September 15, 2025, the SPA submitted a WQC application, and it was deemed complete on October 24, 2025. The reasonable period of time is 365 days and will end on September 15, 2026. Pursuant to 33 U.S.C. 1341(d), special conditions of the Section 401 WQC will be added as a special condition of any DA permits, if issued.

c. Endangered Species Act of 1973 (ESA): The proposed action is in compliance with Section 7 of ESA. Chapter 10 and 11 of the Final EIS identifies the impacts of the proposed action on Federally listed threatened and/or endangered species.

On July 16, 2025, the U.S. Fish and Wildlife Service (USFWS) issued a Biological Opinion (BO) (USFWS #2024-0125050-S7-001). Compliance with the BO would be added as a special condition of any DA permits, if issued. The BO is located in Appendix B.

No effects resulting from construction activities are anticipated to species that would require consultation with the National Marine Fisheries Service (NMFS); therefore, the USBR is not consulting with NMFS for the activities related to construction. They are currently consulting with NMFS regarding the operations of Sites Reservoir. If consultation for construction would be needed in later phases/work packages, the Corps or USBR would consult as needed.

d. Fish and Wildlife Coordination Act (FWCA): The proposed action is in compliance with the FWCA. The approval of the proposed Permit Strategy does not affect fish or wildlife species, as the Permit Strategy does not authorize the discharge of fill material into waters of the U.S. Decisions on individual future CWA 404 Permit Strategy actions pursuant to the Permit Strategy would comply with the FWCA based on the Corps'/USBR's ongoing coordination with the USFWS.

e. Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA): The proposed action is in compliance with the MSFCMA. The approval of the proposed Permit Strategy does not affect essential fish habitat (EFH), as the Permit Strategy does not authorize the discharge of fill material into waters of the U.S. If consultation for construction would be needed in later phases/work packages, the Corps or USBR would consult as needed.

f. Section 106 of the National Historic Preservation Act (NHPA): The proposed action is in compliance with Section 7 of the NHPA. Chapter 22 of the Final EIS identifies impacts of the proposed action on cultural resources.

The USBR has determined that the proposed action would have an adverse effect on resources listed on or eligible for listing on the National Register of Historic Places and the Corps concurs with this determination. The USBR, State Historic

Preservation Officer (SHPO) and the Advisory Council of Historic Preservation (ACHP), executed a Programmatic Agreement (PA) on January 23, 2026. Compliance with the requirements of the PA will be added as a special condition of any DA permit(s), if issued. The PA is located in Appendix C.

g. Section 176(C) of the Clean Air Act (CAA) General Conformity Rule

Review: The proposed action has been analyzed for conformity applicability pursuant to regulations implementing Section 176(c) of the Clean Air Act. The Corps has determined that direct emissions from the proposed activities that require a DA permit will not exceed de minimis levels of a criteria pollutant or its precursors and are exempted by 40 CFR 93.153. Any later indirect emissions are generally not within the Corps' continuing program responsibility and generally cannot be practicably controlled by the Corps. For these reasons, a conformity determination is not required for this action.

h. Executive Order 11988: Floodplain Management: The approval of the proposed Permit Strategy does not authorize the discharge of fill material into waters of the U.S. and therefore would not affect floodplains. The Corps would conduct a case-specific analysis as needed on the effects of the proposed work packages on the stream system and floodplains and would ensure compliance with EO 11988.

i. Executive Order 13175: Consultation with Indian Tribes, Alaska Natives, and Native Hawaiians: The proposed action is in compliance with Executive Order 13175. The USBR conducted tribal coordination. See Appendix D for the summary of tribes contacted and follow-up coordination that was conducted.

On December 5, 2024, the Corps conducted tribal coordination regarding tribal treaty and trust rights with the following tribes: Cachil Dehe Band of Wintun Indians of the Colusa Indian Community, Chicken Ranch Rancheria of Me.Wuk Indians, Enterprise Rancheria-Estom Yumeka Maidu Tribe, Enterprise Rancheria-Estom Yumeka Maidu Tribe, Greenville Rancheria of Maidu Indians, Grindstone Indian Rancheria of Wintun-Wailaki Indians of California, Kletsel Dehe Wintun Nation of the Cortina Rancheria, Mechoopda Indian Tribe of Chico Rancheria, Mooretown Rancheria of Maidu Indians, Paskenta Band of Nomlaki Indians, Redding Rancheria, Robinson Rancheria, United Auburn Indian Community of the Auburn Rancheria, Wilton Rancheria, and Yocha Dehe Wintun Nation. Follow-up phone calls were conducted on January 10, 2025. The Yocha Dehe tribe responded and requested formal consultation with the lead federal agency and requested cultural documents be submitted. The Corps notified the Yocha Dehe tribe that USBR is the lead federal agency and referred their request to USBR. The Corps also notified the tribe the requested documents would be submitted once the Corps has received them from SPA. The Paskenta tribe requested to have a meeting to discuss the proposed project. The Corps attempted to schedule a meeting; however, the tribe did not respond to coordination efforts. The Big Valley Band of Pomo Indians stated the proposed project was outside of their aboriginal boundaries and would not request tribal consultation. No other

comments were received from the tribes regarding tribal treaty and trust rights in response to the Corps coordination efforts.

j. Other - Effects on Corps Civil Works Projects Under Section 14 of the River and Harbors Act (33 USC 408): The approval of the proposed Permit Strategy does not authorize the discharge of fill material into waters of the U.S. and therefore would not affect Corps Civil Works Projects under Section 14 of the RHA. However, activities that may affect a Corps Civil Works Project under the proposed work packages would be required to request and obtain a Section 408 permission from the Corps prior to finalizing any decision under the Corps' Permit Strategy.

6. Consideration of Mitigation Measures:

To the extent practicable, the SPA would avoid and minimize impacts on wetlands and non-wetland waters during construction. Avoidance and minimization measures would be incorporated into contract specifications and implemented by the construction contractor.

The SPA drafted a conceptual mitigation plan for the entirety of the project. The conceptual mitigation plan is located in Appendix F. Upon the submittal of work package applications, a final mitigation plan would be submitted.

This mitigation plan provides a comprehensive mitigation planning strategy and implementation approach based on anticipated and permitted Project impacts on regulated biological resources. Because complete field verification has not yet occurred across the full project area, impact estimates include a conservative planning assumption to account for delineation uncertainty. Final compensatory mitigation requirements for each work package will be based on field-verified delineations and the confirmed extent of impacts. Where verification identifies impacts greater than previously quantified, mitigation requirements will be adjusted accordingly to ensure full compensation for losses to waters of the United States. The SPA is assuming that approximately 5% of Proposed Project impacts would be mitigated through the purchase of mitigation bank credits and in-lieu-fee program credits. The remaining 95% of Proposed Project impacts to wetland and non-wetland resources would be proposed to be compensated through various methods, including permittee-responsible mitigation. Proposed compensatory mitigation for the loss of waters of the U.S. associated with Work Package 1 would be through the purchase of mitigation bank credits and/or in-lieu fee credits. Compensatory mitigation for the loss of waters of the U.S. associated Work Packages 2 through 5 would be proposed to be compensated through mitigation bank and/or in-lieu fee credits if available, or, if not available, through permittee-responsible mitigation.

Any permits issued in accordance with the Permit Strategy would incorporate a special condition to ensure all appropriate and practicable measures are incorporated to reduce adverse effects.

7. Compliance with 404(b)(1) Guidelines

The Corps' factual determinations and compliance framework are informed by the project-level impact assumptions described in this ROD, including consideration of delineation uncertainty.

a. Restrictions on Discharge: Any future permits processed in accordance with this Permit Strategy would evaluate restrictions on discharge, as applicable.

b. Factual Determinations: The below determinations apply to the proposed CWA Section 404 Permit Strategy for the Sites Reservoir Project. These findings establish the framework for the evaluation of future work packages. Final binding factual determinations for individual work packages under this Permit Strategy would be confirmed at the time a permit decision is made for each specific work package.

(1) Substrate Determination: The 404(b)(1) Compliance Memorandum (Appendix A, Section 4.1.1) and the FEIR/EIS (Chapter 7 identify the nature and degree of effect that the discharges associated with the overall project would have on the substrate. The direct effect is the permanent replacement of substrate, while the primary secondary effect is the conversion of soils from inundation. The Permit Strategy establishes that the applicant would be required to submit site-specific avoidance, minimization, and compensatory mitigation measures to address these effects for the Corps' review and approval with each future authorization. Each work package would be evaluated to ensure compliance with the Section 404(b)(1) Guidelines and that unavoidable impacts are appropriately avoided, minimized, and compensated.

(2) Water circulation, fluctuation, and salinity determinations: The 404(b)(1) Compliance Memorandum (Appendix A, Sections 4.1.4 - 4.1.6) and the FEIR/EIS (Chapter 6 & 8 identify the effects the proposed project would have on water patterns. The discharges for the dams would directly block flow, while the secondary effect of impoundment would convert riverine systems to a lake system. The proposed project includes a proposed Operations Plan to manage these effects. The Permit Strategy ensures that the applicant would be required to submit final operational details alongside site-specific avoidance and mitigation measures for review with each future authorization. Each work package would be evaluated to ensure compliance with the Section 404(b)(1) Guidelines and that unavoidable impacts are appropriately avoided, minimized, and compensated.

(3) Suspended particulate/turbidity determinations: The 404(b)(1) Compliance Memorandum (Appendix A, Section 4.1.2) and the FEIR/EIS (Chapter 6 identify that discharges of fill material would cause temporary and localized increases in turbidity. The Permit Strategy requires that the applicant would be required to submit site-specific avoidance and minimization measures, including Best Management Practices (BMPs), for Corps review and approval with each work package.

Compliance with the Section 401 Water Quality Certification would also be required. No work package would be authorized that would result in more than minimal adverse effects.

(4) Contaminant determinations: The 404(b)(1) Compliance Memorandum (Appendix A, Section 4.5.2) and the FEIR/EIS (Chapter 6 identify the potential for contamination from accidental spills. The Permit Strategy requires that the applicant would be required to submit site-specific avoidance and minimization measures for Corps review and approval with each work package. No work package would be authorized that would result in the introduction of contaminants.

(5) Aquatic ecosystem and organism determinations: The 404(b)(1) Compliance Memorandum (Appendix A, Sections 4.2 - 4.4) and the FEIR/EIS (Chapter 11) identify the effects on the aquatic ecosystem. The Permit Strategy establishes that for all future authorizations, the applicant would be required to submit site-specific avoidance, minimization, and compensatory mitigation measures to address both direct effects from fill and the significant secondary effect of habitat loss from inundation. Each work package would be evaluated to ensure compliance with the Section 404(b)(1) Guidelines and that unavoidable impacts are appropriately avoided, minimized, and compensated.

(6) Proposed disposal site determination: As described in the 404(b)(1) Compliance Memorandum (Appendix A), the discharges for the proposed project are for structural fill. The effects of these discharges are evaluated throughout this section. The Permit Strategy ensures that the applicant would be required to submit site-specific avoidance and minimization measures for Corps review and approval with each future authorization.

(7) Determination of cumulative effects on the aquatic ecosystem: The 404(b)(1) Compliance Memorandum (Appendix A, Section 4.9) and the FEIR/EIS (Chapter 31) describe the cumulative effects of the overall project. The Permit Strategy requires that the applicant would be required to submit site-specific avoidance, minimization, and compensatory mitigation measures with each work package to ensure the effects of each authorization are not more than minimal, cumulatively, to the aquatic ecosystem after offsetting unavoidable impacts.

(8) Determination of secondary effects on the aquatic ecosystem: The 404(b)(1) Compliance Memorandum (Appendix A, Section 4.10) and the FEIR/EIS (Chapter 11) describe the significant secondary effects on the aquatic environment. The Permit Strategy establishes that if a proposed work package would result in more than minimal adverse secondary effects that cannot be offset by compensatory mitigation, it would not be authorized. For each work package, the applicant would be required to submit an analysis of secondary effects, which the Corps would evaluate to ensure they are not contrary to the public interest.

8. Public Interest Review

Pursuant to 33 CFR 320.4(a), the Corps evaluates permit applications by balancing the reasonably foreseeable benefits of a proposed activity against its reasonably foreseeable detriments to determine whether the activity would be contrary to the public interest. The Corps has conducted a comprehensive, programmatic Public Interest Review to evaluate the probable impacts of the overall project and the proposed Permit Strategy, consistent with the requirements of 33 CFR 320.4. This review is based on the extensive information contained in the FEIR/EIS and the CWA Section 404(b)(1) Compliance Memorandum (Appendix A).

This Public Interest Review evaluates the overall project and its reasonably foreseeable effects; however, it does not authorize any specific construction activity within waters of the United States. Authorization of work requiring Department of the Army permits would occur only after the Corps reviews individual permit applications for specific work packages and makes a permit decision based on the reference documents for that action.

The Corps has considered all public interest factors, as follows:

a. Public and Private Need for the Project: The Corps has determined that a significant public and private need for the project exists, which is the foundational consideration for this review.

(1) Public Need: The public need is extensive and addresses critical state and federal interests. The Proposed Project directly addresses projected statewide water supply shortages by providing 1.8 MAF of new storage, enhancing California's water security. A primary public purpose is environmental enhancement, including preserving 250,000 to 300,000 acre-feet of cold water in Shasta Lake to support endangered salmon and providing dedicated water to Pacific Flyway refuges. The Proposed Project also fulfills a direct public safety need by providing new flood control for the currently uncontrolled Funks and Stone Corral Creeks, protecting downstream communities and infrastructure.

(2) Private Need: The private need is substantial, providing a more reliable water supply to agricultural and municipal partners whose demands often exceed their current supplies. This directly supports the regional agricultural economy by providing a more reliable source of irrigation water, which is essential for farming operations and regional economic stability.

b. Conservation, Wetlands, and Fish and Wildlife Values: The Proposed Project presents a significant environmental trade-off. As detailed in the FEIR/EIS, detriments include the permanent loss of approximately 14,800 acres of habitat, featuring a significant and unavoidable contribution to the cumulative loss of blue oak woodland and impacts to wildlife connectivity. The Proposed Project would also result in significant, but mitigable, impacts to approximately 445 acres of potentially jurisdictional wetlands. These detriments are weighed against the Proposed Project's conservation benefits, such as improving cold-water storage for salmon, as

described above. Unavoidable impacts to wetlands and other aquatic resources would be addressed through compensatory mitigation plans developed, reviewed, and approved with each individual work package permit application.

b. Economics: The Proposed Project involves a substantial economic trade-off. The multi-billion-dollar construction cost is weighed against significant long-term economic benefits derived from a more reliable water supply, which reduces the economic consequences of water shortages.

c. Aesthetics: The Proposed Project would permanently and significantly alter the visual character of the Antelope Valley, converting a landscape of rolling hills and rangeland into a large, open-water reservoir.

d. General Environmental Concerns: The primary environmental concerns are the adverse impacts to terrestrial habitats and wildlife connectivity, the aquatic ecosystem. These impacts are balanced against the Proposed Project's stated environmental benefits.

e. Historic Properties: The FEIR/EIS identifies adverse impacts to historic and prehistoric cultural resources from permanent inundation. A Programmatic Agreement (PA) has been executed by the USBR, the SHPO, and the ACHP, which establishes the specific process for consultation and the development of treatment plans that would occur as each work package is developed.

f. Water Supply and Water Quality: The Proposed Project would have a long-term beneficial effect on water supply reliability. Potential temporary adverse impacts to water quality during construction would be managed through site-specific BMPs submitted with each work package and compliance with the Section 401 Water Quality Certification.

g. Flood Hazards and Floodplain Management: As noted in the Public Need determination, the Proposed Project would have a beneficial effect on flood hazards by providing new flood control capacity.

h. Land Use: The Proposed Project would permanently change land use from predominantly undeveloped rangeland and agricultural grazing to water storage, infrastructure, and recreation.

i. Recreation: The Proposed Project would have a beneficial effect on recreation by creating a new reservoir with facilities for boating, fishing, and camping.

j. Food and Fiber Production: The Proposed Project would convert some rangeland from use but is expected to have a net long-term beneficial effect on food and fiber production by providing a more reliable irrigation water supply.

k. Energy Needs: The Proposed Project would have a net adverse effect on energy needs due to the additional energy required for pumping, which would not be fully offset by its hydropower generation capabilities.

l. Safety: All dams and infrastructure for the Proposed Project would be designed and constructed to meet all applicable state and federal dam safety standards.

m. Considerations of Property Ownership: The Proposed Project would require the acquisition of private property. All acquisitions would be conducted in accordance with applicable federal and state laws.

n. Navigation, Shore Erosion and Accretion, and Structures in Navigable Waters: These factors are not applicable as the project is not located on a commercially navigable waterway.

o. Air and Noise Quality: The Proposed Project would have temporary adverse impacts from construction activities on air quality and noise, which would be managed through site-specific measures submitted with each work package.

Public Interest Determination

After considering all relevant public interest factors, the Corps has balanced the Proposed Project's reasonably foreseeable benefits and detriments. The Proposed Project would result in unavoidable adverse impacts, most notably to terrestrial habitats, wildlife connectivity, cultural resources, and waters of the United States.

However, the Proposed Project also addresses a critical public and private need for water and provides benefits that are strongly aligned with federal (WIIN Act) and state policy objectives, including statewide water supply reliability, legally mandated environmental enhancements for endangered species, and public safety via flood control.

Based on the information currently available, the Corps has determined that the benefits of the overall project concept outweigh its detriments. Therefore, establishing the Permit Strategy for the Proposed Project is not contrary to the public interest.

This determination does not constitute approval of future permit applications. A final public interest determination would be made for each individual work package permit application to ensure that the proposed activity is not contrary to the public interest based on the information available after review of the specific project details, mitigation plans, and any new information relevant to the Corps' decision.

9. Special Conditions

This Record of Decision (ROD) on the Final EIS for the proposed project does not authorize the discharge of fill material into waters of the U.S. Any Department of the Army permits that may be issued for individual Work Packages associated with the proposed project would be evaluated through separate permit decisions in accordance with applicable laws and regulations.

Future permits may include project-specific special conditions, as appropriate, to ensure compliance with the Corps' Regulatory Program and to address avoidance, minimization, and compensation for impacts to waters of the United States associated with each Work Package. Such conditions may include, but would not be limited to, requirements for field verification of aquatic resource delineations within the Work Package project area, confirmation of impacts to waters of the United States based on field surveys, and development and approval of compensatory mitigation, as appropriate.

These and any other permit conditions would be determined during the Corps' evaluation of each Work Package permit application based on the information available at the time of review.

10. Findings and Permit Strategy for Future Actions

a. The Corps recognizes that implementation of the proposed project will require multiple Department of the Army permit decisions for activities occurring at different locations and times during project construction. The analyses contained in this ROD evaluate the proposed project at a programmatic level and provide the framework for future permit reviews. Individual permit applications submitted for specific components of the Proposed Project will be evaluated through separate permit decisions based on the information available at the time of review and in accordance with applicable laws and regulations governing the Corps' Regulatory Program.

This section documents the Corps' final findings based on the analyses contained in this ROD and establishes the process for evaluating future permit applications for individual WPs associated with the Sites Reservoir Project.

b. The Corps served as a cooperating agency during development of the Sites Reservoir Project Final EIR/EIS. As a cooperating agency, the Corps coordinated with the lead federal agency (USBR) to ensure the environmental document included the necessary information directly related to the Corps' regulatory action. The Corps has independently reviewed USBR's Final EIR/EIS and determined that it provides a comprehensive and sufficient analysis of environmental impacts such that the Corps can rely on it as part of the regulatory decision-making process. On that basis, the Corps adopts the USBR's Sites Reservoir Project Final EIR/EIS. However, in accordance with Executive Orders

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14151 and 14154 the Corps is not adopting the Environmental Justice or Climate Change analyses in the Final EIR/EIS reference documents

The purpose of this adoption and this ROD is to conclude the Corps' responsibilities under the National Environmental Policy Act for this action and to document the Corps' determination of the Least Environmentally Damaging Practicable Alternative (LEDPA) under the Clean Water Act Section 404(b)(1) Guidelines.

c. This ROD does not authorize construction or constitute a Department of the Army permit decision. Any authorization for construction activities would require a separate regulatory action and permit decision based on the information available at the time of permit review.

d. Based on the comprehensive alternatives analysis documented in Section III and the Section 404(b)(1) Compliance Memorandum (Appendix A), the Corps has determined that the applicant's proposed project, On-Site Alternative 3, represents the Least Environmentally Damaging Practicable Alternative (LEDPA) that meets the Overall Project Purpose based on the information currently available regarding project design and aquatic resource impacts.

The Corps' determination of the Least Environmentally Damaging Practicable Alternative is based on the referenced documents related to this action, including the Final EIR/EIS, the Section 404(b)(1) Compliance Memorandum, the Final Feasibility Report, and other technical information. This determination reflects the Corps' independent evaluation of practicability and environmental effects in accordance with the Clean Water Act Section 404(b)(1) Guidelines.

This determination is based on the finding that all other alternatives were either not practicable because they failed to meet the project purpose or were more environmentally damaging to the aquatic ecosystem.

e. The Corps' findings and determinations contained in this Record of Decision reflect the Corps' independent review of the referenced documents and consideration of all relevant factors required under applicable law. The Corps has relied on the analyses contained in the Final EIR/EIS, the Section 404(b)(1) Compliance Memorandum, and other technical documentation to inform its judgment and decision-making for this action.

f. The Corps recognizes delineation uncertainty within portions of the study area and has identified a conservative planning estimate that includes up to a 30 percent increase in aquatic resource impacts. This estimate informs the Corps' understanding of potential impacts and mitigation planning but does not alter the comparative alternatives analysis supporting the LEDPA determination. Future permit decisions will require field verification of aquatic resources and adjustment of

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authorized impacts and compensatory mitigation, as appropriate, to ensure compliance with applicable regulations.

g. After thorough review of the reference documents, the Corps has identified On-Site Alternative 3 as the least environmentally damaging practicable alternatives. This alternative minimizes environmental harm and the potential adverse impacts of discharges on both the aquatic ecosystem and the human environment while achieving the Overall Project Purpose.

h. For future permit applications associated with the Sites Reservoir Project, the Corps anticipates that evaluation of off-site alternatives will not be necessary where proposed work is consistent with the LEDPA identified in this ROD. Instead, future permit evaluations are expected to focus on on-site alternatives and project design modifications that further avoid and minimize impacts to waters of the United States through alignment adjustments, construction methods, and other measures that reduce adverse effects.

i. The Corps has fulfilled its responsibilities under Section 106 of the National Historic Preservation Act at the programmatic level through the execution of the Programmatic Agreement among the Bureau of Reclamation, Interior Region 10 California–Great Basin, the Advisory Council on Historic Preservation, and the California State Historic Preservation Officer regarding the planning and construction of the Sites Reservoir Project, executed on January 23, 2026.

The Corps finds that this agreement establishes an appropriate framework for the identification, evaluation, and treatment of historic properties during subsequent site-specific reviews.

j. The U.S. Bureau of Reclamation completed consultation with the U.S. Fish and Wildlife Service under Section 7 of the Endangered Species Act for the Proposed Action. This consultation resulted in issuance of a Biological Opinion dated July 16, 2025, addressing the effects of the overall project.

Future permit applications will be reviewed to ensure consistency with the analysis and conclusions of the Biological Opinion, including any applicable reasonable and prudent measures and terms and conditions.

k. Compliance with Section 401 of the Clean Water Act will be required for any future permit applications associated with the project. The applicant must obtain Water Quality Certification from the California State Water Resources Control Board, or the State must waive certification, prior to issuance of any Department of the Army permit for discharges into waters of the United States.

l. This ROD establishes the permit path for the Sites Reservoir Project but does not authorize the discharge of dredged or fill material into waters of the

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United States or the commencement of construction. Authorization for specific construction activities will be evaluated through this Permit Strategy.

Under this Permit Strategy, the applicant will submit separate Department of the Army permit applications for Work Packages or other discrete project components requiring Department of the Army authorization.

For each future permit application, the Corps will conduct an independent evaluation of the proposed activity, including review of potential impacts to waters of the United States and compliance with applicable laws and regulations. Each permit application will be evaluated based on the information available at the time of review.

Future permit evaluations will tier from the analyses contained in the Final EIR/EIS and this ROD, and additional environmental review will be conducted as appropriate to address site-specific effects and ensure compliance with applicable environmental statutes and regulations.

m. The Corps recognizes that additional site-specific requirements may be necessary to ensure compliance with the Corps' Regulatory Program requirements during future permit reviews. As described in Section IX of this ROD, any Department of the Army permits issued for individual Work Packages may include special conditions designed to ensure compliance with applicable laws and regulations and to address avoidance, minimization, and compensatory mitigation for impacts to waters of the United States.

Such conditions may include, but are not limited to, field verification of aquatic resource delineations, confirmation of jurisdictional waters within the permit area, and development or refinement of compensatory mitigation measures as appropriate.

The need for and content of any permit conditions will be determined during the Corps' evaluation of each permit application based on the information available at the time of review.

n. Nothing in this ROD predetermines the outcome of any future Department of the Army permit decision. The Corps retains full authority and discretion to evaluate each permit application independently and determine whether to issue, condition, or deny authorization based on the information available at the time of review and compliance with applicable laws and regulations.

Nothing in this ROD predetermines the outcome of any future Department of the Army permit decision, and the Corps retains full discretion to evaluate each permit application based on the information available at the time of review.

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Appendices

Appendix A – 404(b)(1) Compliance Memorandum

Appendix B – USFWS Biological Opinion

Appendix C – Programmatic Agreement

Appendix D – USBR Tribal Consultation Summary

Appendix E – Avoidance and Minimization Measures and BMPs

Appendix F – Mitigation and Monitoring Proposal

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