Meeting: Sites Reservoir Project

2020 November 19

Subject:	Reservoir Committee Meeting	1:00 PM - 4:00 PM
Location:	By Teleconference <u>WebEx Link</u>	Call in: 1-408-418-9388 Code: 146 985 5498
Chair:	Thad Bettner (Glenn-Colusa Irrigation District)	
Vice Chair:	Jeff Davis (San Gorgonio Pass Water Agency)	
Treasurer:	Jamie Traynham (Davis Water District)	

MINUTES

CALL TO ORDER:

Chairman Bettner called the Reservoir Committee Meeting of November 19, 2020 to order at 1:00 p.m., followed by the Pledge of Allegiance.

ROLL CALL:

Roll of the Reservoir Committee was called (Attachment A), which resulted in eligible representatives. This equated to 89.56% of the current participation percentage being in attendance, which is greater than the 50% needed to have a quorum of the Reservoir Committee.

INTRODUCTIONS:

The Sites Staff, Consultants and members of the public introduced themselves (Attachment B).

AGENDA APPROVAL:

It was moved by Davis, seconded by Vanderwaal to approve the November 19, 2020 Reservoir Committee Agenda. Motion carried unanimously.

ANNOUNCEMENT OF CLOSED SESSION:

Counsel Kuney announced the Reservoir Committee would consider Closed Session as follows:

1. <u>Closed Session</u>:

1.1 Negotiations concerning Sites Project construction and operation terms, conditions and agreements with the State of California, Department of Fish & Wildlife (Govt. Code §§54956.9(c), 54956.9(d)(4)).

PERIOD FOR PUBLIC COMMENT:

Chairman Bettner called for a period of public comment. Hearing none, he closed the period of public comment.

Chairman Bettner declared a recess at 1:11p.m., to convene into Closed Session to consider the following matter:

1. <u>Closed Session</u>:

1.1 Negotiations concerning Sites Project construction and operation terms, conditions and agreements with the State of California, Department of Fish & Wildlife (Govt. Code §§54956.9(c), 54956.9(d)(4)).

Chairman Bettner adjourned Closed Session at 2:11 p.m., to reconvene into Open Session.

REPORT OUT OF CLOSED SESSION:

Counsel Kuney stated as to Closed Session regarding the following matter:

1. <u>Closed Session</u>:

- 1.1 Negotiations concerning Sites Project construction and operation terms, conditions and agreements with the State of California, Department of Fish & Wildlife (Govt. Code §§54956.9(c), 54956.9(d)(4)), no reportable action was taken.
- 2. <u>Consent Agenda</u>: It was moved by Davis, seconded by Vanderwaal to approve Consent Agenda Item Numbers 2.1 through 2.3 as follows:
- 2.1 Approve the October 16, 2020 Reservoir Committee Meeting Minutes. (Attachments A & B)
- 2.2 Accept the Sites Project Authority Treasurer's Report. (Attachment A)
- 2.3 Approve the Payment of Claims. (Attachments A & B)

Motion carried unanimously.

3. <u>Action Items</u>:

3.1 Accept the Strategic Plan Permitting Action Plan defining approach and schedule for the Project's permitting efforts during Amendment 2 (through the end of 2021). (Attachment A)

Ms. Forsythe provided an overview of the Strategic Plan Permitting Action Plan and spoke to the following:

- Overview and Key Takeaways:
 - Embarking on a number of key permitting activities; important that Sites be aligned on approach as an organization.
 - Permitting activities will implement a collaborative, multi-level communications/negotiations approach for the five high priority permitting processes.
 - Regular progress reporting to the work group and prompt escalation of issues will be implemented to ensure efforts progress.
- Strategic Plan Permitting Goals (Goal 2. Permittable).
- Priority Permitting Processes and Inputs:
 - Federal ESA Biological Assessment.

- California ESA Incidental Take Permit applications for construction and operations.
- Clean Water Act Sections 404 and 401 applications.
- Water Right application.
- Section 106 Consultation Historic Preservation.
- Key Inputs:
 - Project description and alternatives.
 - Facilities design and footprints.
 - Diversion criteria and operations.
- Permitting Objectives & Strategy:
 - Objectives:
 - Consistent progress toward securing permits for a cost effective, affordable project.
 - Demonstrate progress and assurance that permits will be secured.
 - Maintain schedule for project approvals, funding and financing.
 - Strategy Implement a collaborative, multi-level communications /negotiations approach for the five high priority permitting process:
 - Work collaboratively with permitting and resource recovery staff at the fisheries agencies and operation staff at DWR and Reclamation to define project operations, benefits and acceptable permit requirements.
 - Brief state and federal agency leadership at permitting milestones to maintain commitment and agency alignment for successful permitting and resource recovery benefits.
 - Brief state and federal elected officials as needed to maintain project funding and schedule.
- Permitting Principles Successfully accomplishing a collaborative, multilevel permitting strategy will depend on the dynamic implementation of the following principles.
 - Interest-based negotiations within the framework established by the Authority Board and Reservoir Committee (June 2020). Interestedbased negotiations are based on seeking and supporting full understanding of the interest and desired outcomes for all parties (Authority Board (AB), Reservoir Committee (AB), regulatory agencies and other partners).
 - Regular progress reporting on issues, accomplishments and challenges. The permitting negotiations teams are committed to frequent and transparent communications with appropriate confidentiality, with all audiences on the topics that inform and support interest-based negotiations.
 - Prompt escalation of issues and challenges for discussion and resolution. During permit negotiations, some issues may warrant additional clarification and direction for agency and Authority leadership. The permitting negotiation teams will identify and escalate these issues in cooperation with agency staff.

- Permitting Timelines (2020 through 2022)
- Permitting Reporting Dashboard
- Action requested:
 - Accept the Strategic Plan Permitting Action Plan defining approach and schedule for the Project's permitting efforts during Amendment 2 (through end of 2021).

<u>Action:</u> It was moved by Davis, seconded by Flores to accept the Strategic Planning Permitting Action Plan defining approach and schedule for the Project's permitting efforts during Amendment 2 through the end of 2021. Motion carried unanimously.

4. <u>Discussion and Information Items</u>:

Executive Director Brown stated items 4.1 through 4.4 are in response to requested information from members.

4.1 Review and comment on the Water Right Application Key Parameters for the Sites Project Authority's water right application to the State Water Resources Control Board (State Board).

Ms. Forsythe provided an overview of the Water Right Application Key Parameters and spoke to the following:

- Water Right Application Key Parameters.
- Staff reinitiated efforts on water right application(s).
- Initial focus on developing key parameter for application:
 - Frames up initial discussions with State Board staff.
 - Informs and sets the foundation of our water right permit approach.
 - Ensures these components are covered in the Revised EIR/Supplemental EIS.

Purpose of Use:

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

Sources:

- Sources of water that the project seeks to "control":
 - Sources: Sacramento River, Stone Corral Creek and Funks Creek.

Diversion to Off-stream Storage:

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

Points of Diversion:

- Locations where the project would divert water (or take "control" of water)
- Points of diversion:

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 Tehama-Colusa Canal, Glenn-Colusa Irrigation District's Main Canal, Sites Dam and Golden Gate Dam.

Points of Re-diversion:

- Waterways where water previously diverted for the project could be rediverted.
- Points of re-diversion:
 - North Bay Aqueduc.t
 - Contra Costa's facilities.
 - Reclamation's Rock Slough Intake.
 - SWP Delta and South-of-Delta facilities.
 - CVP Delta and South of Delta facilities.

Place of Use:

- Area where water diverted to storage could subsequently be used.
- Place of Use:
 - Sites Reservoir, associated facilities and recreation areas.
 - Reservoir Committee member districts upstream of the Sacramento-San Joaquin Delta where water from Sites Reservoir can physically be delivered with existing or currently planned facilities.
 - All areas of Colusa County where water from Sites Reservoir can physically be delivered with existing or currently planned facilities.
 - Entire CVP and SWP place of use where water from Sites Reservoir can physically be delivered with existing or currently planned facilities, or otherwise served via exchange agreements with the CVP or SWP.
- Place of use includes Yolo Bypass.
- Next Steps:
 - Exploring need for additional points of re-diversion for Prop 1 water
 - Parameters will be refined based on:
 - Member input and discussions.
 - Refinements to the project description.
 - Discussions with State Board staff.
- Will return with any substantial changes.

Discussion followed regarding the Place of Use, purpose of use and points of diversion and re-diversion with no action taken.

Mr. Evans requested that he be included in any discussions regarding Stone Corral and Funks Creek.

4.2 Review and Comment on the proposed 2020 Delegation of Authority Matrix. (Attachment A)

Executive Director (ED) Brown provided an overview of the proposed 2020 Delegation of Authority Matrix. He stated Darling H2O Consulting was tasked with reviewing the existing Project Governance documents. He stated Darling H2O has completed that task and spoke to the following three Findings and Recommendations:

- <u>Finding 1</u>:
 - Revised Bylaws result in duplication and overlap between RC and AB.
 - All RC decision being brought to AB for approval.
 - RC, AB and staff delegation of authority not clearly defined.
 - No clear definition of material and non-material changes.
- Results in:
 - Extra staff work and costs.
 - Extra work for AB to understand non-policy decision such as technical, environmental and financial findings.
- <u>Recommendation 1</u>:
 - Direct staff draft revised 2018 Bylaws clearly define AB and RC roles and responsibilities and material and non-material changes.
 - RC direct technical, environmental and financial studies.
 - AB kept informed to certify environmental documents, adopt mitigation plan and accept permit terms and conditions.
- <u>Finding 2</u>:
 - Role of the ED (and staff) identified in the 2018 Bylaws has evolved.
 - Many administrative items are routinely brought to the Boards for approval.
 - Bylaws do not define the delegation to the ED in many areas.
- <u>Recommendation 2</u>:
 - Direct staff to create detailed responsibility matrix that will be approved by both the RC and AB as well as future amendments.
 - Attached is working draft delegation of authority matrix with areas of responsibilities for consideration and comment:
 - Budget management.
 - Grant and Loan applications.
 - MOUs with agencies and utilities.
 - CEQA compliance.
 - Purchasing of materials and supplies.
 - Insurance claims.
 - Travel and Training.
 - Professional Service Contract administration.
 - Progress payments.
 - Land acquisition and easements.
 - Managing staff.
 - Access
- <u>Finding 3</u>:
 - Processing service payments established initial phase of Project.
 - Today many more and complex payments to process.
 - Very tight processing deadline due to only monthly payments.
 - Impacts timely service payment and rushed processing.
- <u>Recommendation 3</u>:

- Adopt a commonly used public agency invoicing process allowing continuous processing of invoices and securing RC approval by warrant register in arrears.
- <u>Next Steps</u>:
 - November 2020:
 - Receive comments to working draft Delegation of Authority Matrix.
 - Receive comments to 3 recommendations to clarify delegated authority.
 - December 2020:
 - Request approval of Delegation Authority Matrix.
 - Request approval for staff to initiate work to incorporate the 3 recommendations to the Bylaws.

Executive Director Brown stated the proposed matrix is being presented to get reactions and feedback which would be consider before bringing the final matrix for approval in December 2020. Discussion followed regarding various issues/subjects within the Bylaws with no action taken.

4.3 Review and comments on the preliminary draft project schedule through construction completion (2021 to 2030 schedule). (Attachment A)

Ms. Forsythe and Mr. Robinette provided an overview of the preliminary draft project schedule through construction completion 2021 to 2030 schedule and spoke to the following:

Master, Cost-loaded Schedule Development:

- Master project schedule being developed to:
 - Outline timing and sequencing of activities through construction.
 - Think through, sequence and plan out all of the steps for final permitting, design, acquisition and construction.
 - Cost load and provide annual cost projections.

Project Delivery Assumptions in Master Schedule:

- Project activities, sequencing and activity duration are generally based on experience of staff and the consultant teams on other construction projects
- Alternative delivery procurement methods were not considered during this exercise, but there is time in the schedule to consider these in the future

Cost Assumption in Master Schedule:

- Based on the construction cost estimate in the April 2020 Value Planning Report for VP-7 (2019 dollars.
- Grouped into four categories, non-contract, construction, mitigation and contingency cost curve was then applied to each group to spread costs over the expected period of activity.
- Activities in 2022 and 2023 were assumed limited by funding: Cash Call, Interim Financing, WSIP Funding, WIIN Act.
- Financing and WSIP construction funding assumed after obtaining water right permit (mid-2023).

Sites Reservoir Project Cash Flow to Construction Completion (2020 - 2030):

Outcomes from this Early Effort:

- WSIP early funding will be exhausted in 2022.
- WSIP construction funding is expected in mid-2023 (after obtaining water right permit).
- Limiting activities to the assumed funding amounts in 2022 and 2023 allows for additional time to secure project financing.
- Obtaining financing after mid-2023 is likely to delay property acquisition and construction actions.
- An increase in WIIN Act funding is needed in 2022 and 2023 (\$15 million and \$22 million, respectively).
- Completion constraint of Jan 2030 will receive further review.
- Rapid completion of the project is important but needs to be balanced with cost impacts and other considerations.

<u>Next Steps</u>:

- Incorporate updated construction schedule and cost estimates, both of which will be available in Spring 2021.
- Seek to optimize activities.
- Updated master project schedule and cost loading in Spring 2021.
- Continue to implement project financing action plan and the permitting action plan.

Lengthy discussion followed regarding the next cash call, interim financing and WSIP Funding with no action taken.

Chairman Bettner stated there are still a couple of vacancies on the Budget and Finance Committee should anyone be interested.

4.4 Review and comment on the approach for updates to the Sites Water Storage Policy.

Ms. Heydinger provided an update on the status of the Water Storage Policy, which was referred to the Adhoc Engineering and Operations Workgroup by the RC and AB in July 2020 and spoke to the following:

- The Storage Policy High-level or policy-level including principles related to diversion storage, releases and exchanges/transfers.
- Water Storage and Supply Contract Would identify specific requirements for both the RC participants and the Authority members related to participation, diversions, storage, releases and exchanges/transfers and would be legally binding.
- Water Operations Plan Provides the detailed operational mechanics for implementing the Water Service Contracts. Would include specific details to operationalize diversions, storage, releases and exchanges/transfers and would also be consistent with the Storage Policy.
- Clarifying the priority of the environmental water.
- Clarifying how to maximize diversions to the project.
- Confirmation of Funks Reservoir and the Terminal Regulating Reservoir as points of delivery with clarification of responsibilities for water movement beyond these points.

Next Steps:

- Continue to work with the small working group to make changes identified to the Storage Policy.
- Return to the Reservoir Committee and the Authority Board with revised Policy in early 2021.

Brief discussion followed with no action taken.

5. <u>Reports</u>:

5.1 <u>Member's Reports</u>:

5.1.1 <u>Chairpersons' Report</u>:

This time is set aside to allow the Chair/Co-Chair an opportunity to disclose/discuss items related to the Sites Project.

Vice-chairman Davis expressed his appreciation to staff for keeping them informed/updated on matters or concerns that come up.

Chairman Bettner echoed Vice-Chairman Davis' comment and also expressed his appreciated to individuals on the various workgroups who have dedicated their time and efforts to participate in a workgroup. He also stated there are still some vacancies on the various workgroups.

5.1.2 <u>Workgroup Chairpersons' Report</u>:

This time is set aside to allow the Workgroup Chairpersons' an opportunity to disclose/discuss items related to the Sites Project.

<u>Reservoir Operations and Engineering Committee</u>

Mr. Kunde provided an update of the various matters/concerns discussed at the meetings held in October and November 2020.

Budget and Finance Committee

Ms. Traynham informed the participants of a new account being setup for receipt of federal funds.

Environmental and Permitting Committee

Chairman Bettner provided an update on matters/concerns discussed at a meeting held on November 16, 2020.

5.1.3 <u>Reservoir Committee Participant Reports:</u>

This time is set aside to allow Representatives or their Alternates an opportunity to disclose/discuss items related to the Sites Project.

Santa Clara Valley Water District

Ms. Kao provided a brief update regarding their decision to decrease their need for water from the Sites Project from 16,000 acre feet to 500 acre feet.

Ms. Flores inquired as to how the decrease would affect the Sites Project Budget. Discussion followed with no action taken.

5.2 <u>Executive Director's Reports</u>:

Executive Director Brown spoke to the following:

• Provided an update on payment of first cash call and those participants still needing to make their payment.

Executive Director Brown stated due to time constraints he would be sending an email to all participants regarding the below noted items.

- Monthly status report. (Attachment A)
- Work Progress Plan Reporting. (Attachment B)
- Action Items from Reservoir Committee and Board Meetings. (Attachment C)

6. <u>Future Meetings and Schedules</u>:

6.1 Suggested Future Agenda Items.

None.

6.2 <u>Proposed Upcoming meeting</u>:

Authority Board

Monday, November 23, 2020, 1:30 PM (Virtual Information will be provided prior to the meeting.)

Joint Authority Board & Reservoir Committee (note change to joint meeting from last month's report)

Friday, December 18, 2020, 9:00 AM

(Virtual Information will be provided prior to the meeting.)

The meeting adjourned at 4:07 p.m.

Thad Bettner, Chairman

Jerry Brown, Executive Director

Subject:

Reservoir Committee Roll Call 1:00 PM

1:00 PM - 4:00 PM

Current Voting Committee Participants (21):

	Pct	Participant		Pct	Participant
\square	3.42	American Canyon, City		2.64	LaGrande WD (1)
	2.51	Antelope Valley-East Kern WA	\boxtimes	15.34	Metropolitan WD
\square	2.46	Carter MWC	\boxtimes	3.42	Reclamation District 108
	4.97	Coachella Valley WD		7.93	San Bernardino Valley MWD
	4.97	Colusa County		6.01	San Gorgonio Pass WA
	5.49	Colusa Co. WD	\boxtimes	6.53	Santa Clara Valley WD
	2.50	Cortina WD (1)	\boxtimes	3.67	Santa Clarita Valley WA
	2.90	Davis WD	\boxtimes	6.27	Westside WD
	0.00	Department of Water Resources (non-voting)	\boxtimes	3.17	Wheeler Ridge-Maricopa WSD
	4.06	Desert WA	\boxtimes	0.00	US Bureau of Reclamation (non-voting)
	3.09	Dunnigan WD	\boxtimes	4.97	Zone 7 WA
	3.68	Glenn-Colusa ID		100.00	Total

19 Voting members represented at Meeting start igtimes

89.56% Represented participation percentage

Representation has been delegated as follows:

- (1) To Jamie Traynham, Davis WD
- (‡) Not present after _____

Subject: Reservoir Committee Attendance

1:00 PM - 4:00 PM

Current Voting Reservoir Committee Participants (21):

Participant	\checkmark	Representative	\checkmark	Alternate	Others
American Canyon, City	\boxtimes	Rick Kaufman		Felix Hernandez III Jason Holley	
AVEK WA		Dwayne Chisam		Dan Flory	
Carter MWC	\boxtimes	Ben Carter		Ann Carter	
Coachella Valley WD	\boxtimes	Robert Cheng		Ivory Reyburn	
Colusa County.		Mike Azevedo	\boxtimes	Gary Evans	
Colusa Co. WD	\boxtimes	Shelley Murphy		Joe Marsh	
Cortina WD		Jim Peterson		Chuck Grimmer	I Jamie Traynham
Davis WD	\boxtimes	Jamie Traynham		Tom Charter	
Desert WA	\boxtimes	Mark Krause	\square	Steve Johnson	
Dunnigan WD	\boxtimes	Bill Vanderwaal			
Glenn-Colusa ID	\boxtimes	Thad Bettner	\square	Holley Dawley	
LaGrande WD		Zach Dennis		Ken LaGrande	🛛 Jaime Traynham
Metropolitan WD	\boxtimes	Randall Neudeck	\boxtimes	Nina Hawk	
RD 108	\boxtimes	Bill Vanderwaal		Blair Lewis	
San Bernardino V MWD		Bob Tincher		Heather Dyer	
San Gorgonio Pass WA	\boxtimes	Jeff Davis	\square	Lance Eckhart	
Santa Clara Valley WD	\boxtimes	Cindy Kao	\boxtimes	Eric Leitterman	🛛 Katrina Jessop
Santa Clarita Valley WA	\boxtimes	Dirk Marks		Steve Cole	
Westside WD	\boxtimes	Allan Myers	\boxtimes	Dan Ruiz	
Wheeler Ridge-Maricopa WSD	\bowtie	Rob Kunde			
Zone 7 WA	\boxtimes	Amparo Flores		Carol Mahoney Jarnail Chahal Valerie Pryor	Dee Bradshaw

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Non-Voting Committee Participants (2):

Participant	\checkmark	Representative/Other	\checkmark	Alternate/Other			
Dept of Water Resources		Rob Cooke		David Sandino	A	lex Vdovichenko	
		Ajay Goyal		Jim Wieking		Dave Arrate	
Bureau of Reclamation		Richard Welsh		Don Bader		Chris Duke	
	\boxtimes	Ryan Davis Natalie Wolder		Derya Sumer Mike Mosley		Shana Kaplan	
Authority, Non-Signatory (6):							
Participant	\checkmark	Representative	\checkmark	Alternate			
Glenn County		John Viegas					
PCWA	\boxtimes	Ed Horton		Ben Barker Darin Reintjes			
Roseville		Sean Bigley	Trevor JosephJason Marks				
Sacramento, City of		Jeff Harris					
Sacramento County WA		Kerry Schmitz		Michael Peterson			
Tehama-Colusa Canal Authority		Jeff Sutton	Halbert Charter				
Staff:	Staff:						
✓ Name	Repr	esenting	\checkmark	Name	Repre	esenting	
Jerry Brown		utive Director		Trapasso, Joe		Project Authority	
🖾 Forsythe, Ali S		Project Authority	\geq	Tirado, Yolanda	Board	Clerk	
Spesert, Kevin S		Project Authority	\geq	Kivett, Marcia	Admir	ı	
Consultants:							
	Repre	esenting	\checkmark	Name		senting	
Alexander, Jeriann	Fugro)		Kuney, Scott	Young	Wooldridge	
Boling, Robert	HDR		\boxtimes	Luu, Henry	HDR		
Briard, Monique	ICF		\boxtimes	McDonald, Connor	CMD V	Vest	
🗌 Floyd, Kim	Floyd		\boxtimes	Robinette, JP	Brown	& Caldwell	
🛛 Herrin, Jeff	AECO	M		Rude, Peter	Ch2m		
🛛 Heydinger, Erin	HDR			Spranza, John	HDR		
🖾 Katz, Sara k		& Associates		Warner Herson, Laurie	Phenix	(

other Attendees.		
Name	Representing	Contact (Phone & E-mail)
Laura Nicholson	Office of Senator Nielson	
Juleah Cordi	Office of Assemblyman James Gallagher	
Kellie Welch	Irvine Ranch Water District	
LaVerne Bill	Yocha Dehe Wintun Nation	
Scott Brown	Larsen Wurzel	
Eric Averett	Rosedale-Rio Bravo Water Storage District	
Andy Hitchings	Somach	
Charles Gardner	Catalyst Group	
Lauren Bean		
Kellie Welch	IRWD	

Other Attendees: