



Topic: **Joint Reservoir Committee/Authority Board
Agenda Item 1.6**

2021 June 23

Subject: **Memorandum of Agreement with Reclamation for Pre-Construction**

Requested Action:

Consider authorizing the Executive Director to enter into a new Cost Sharing Memorandum of Agreement (MOA) with the United States Bureau of Reclamation (USBR).

Detailed Description/Background:

On July 14, 2015, the Authority entered into a Memorandum of Understanding for the Completion of the North of the Delta Offstream Storage Investigation and Sharing of Costs with the USBR describing coordination between the Authority and USBR. The agreement was amended on October 21, 2019. Following the determination of feasibility by the Secretary of the Interior in December 2020, the existing MOU is to be replaced by the proposed new MOA for pre-construction. The document will include the following key terms:

- Identifies Reclamation as the lead agency for NEPA, ESA Section 7 consultation for construction, and Section 106 National Historic Preservation Act process. The MOA acknowledges that ESA consultation for operations and maintenance is being discussed and will be agreed to separately by August 1, 2021.
- Acknowledges that the project has met the WIIN Act definition for construction, allowing Sites to remain eligible for additional WIIN Act appropriations in 2022 and beyond.
- Identifies continued coordination on operation term sheets, water rights, permitting, and agreements.
- Reclamation investment will not exceed 25% funding for actual project costs under the WIIN Act. The project alternatives being evaluated include a range of Reclamation investment with 25% being the upper bound.
- Commits to overall project coordination, collaboration, and sharing of materials and data.
- Any funds made available by Reclamation under the MOA are not subject to the Authority's Credit Reimbursement Policy.

The MOA is being finalized incorporating these key terms. Prior to executing the agreement, legal review and concurrence will be secured.

Prior Action:

October 21, 2019: The Authority Board Approved the First Amendment to the Memorandum of Understanding for Completion of the North-of-Delta Offstream Storage Investigations and Sharing of Costs. On

July 14, 2015: The original Memorandum of Understanding was executed by Reclamation's Mid-Pacific Region's Regional Director following Authority Board chairperson signature.

Fiscal Impact/Funding Source:

Allows the Authority to remain eligible for additional WIIN Act funds in 2022 and beyond due to a WIIN Act requirement that the project be in construction in by the end of 2021.

Staff Contact:

Jerry Brown/Erin Heydinger

Attachments:

None.