



Topic: **Joint Authority Board and Reservoir  
Committee Meeting Agenda Item 2.3**

**2021 February 19**

Subject: **Federal Legislative Priorities for 2021**

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**Requested Action:**

Consider Acceptance of the 2021 Sites Project Federal Government Affairs Priorities.

**Detailed Description/Background:**

At the May 2020 meetings, the Reservoir Committee and Authority Board approved several near-term Federal government affairs/legislative priorities to focus our activities in alignment with key project milestones and our state-level government affairs/legislative activities in a coordinated manner.

Staff has updated the priorities to reflect the project's current activities and to address emerging issues since the Authority Board/Reservoir Committee approval in May 2020. This document covers the revised priorities thru December 31, 2021. Any adjustments would be brought back to the RC and AB before being incorporated and updates will be provided on significant progress. The state legislative priorities for 2021 were accepted by the Board last month.

The Legislative and Outreach Committee has concurred with the proposed priorities.

**Prior Action:**

May 2020: Consider acceptance of the 2020-2021 Sites Project Federal Government Affairs Priorities.

**Fiscal Impact/Funding Source:**

Sufficient funds exist to support activities associated with these priorities within the Amendment 2 work plan.

**Staff Contact:**

Jerry Brown/Kevin Spesert

**Attachments:**

Attachment A: 2021 Federal Government Affairs Priorities Memo.

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**TO:** Ad Hoc Legislative & Outreach Committee

**DATE:** 11 February 2021

**SUBJECT:** Federal Government Affairs/Legislative Priorities

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At the June 2020 meetings, the Reservoir Committee and Authority Board approved a number of near-term Federal government affairs/legislative priorities to focus our activities to better align with key project milestones and align in a coordinated manner with our state-level government affairs/legislative activities.

Staff has updated the priorities to reflect the project's current activities and to address emerging issues since the Authority Board/Reservoir Committee approval in June 2020. This document covers the revised priorities thru December 31, 2021.

#### **OPERATIONS PARTICIPATION (RECLAMATION)**

- Continue efforts to complete post-feasibility analysis.
  - Continue efforts to reconcile the alternatives included in the feasibility report with the Authority's preferred alternative.
  - Achieve a commitment by September 2021 of the level of federal participation/investment in the project to support the Prop 1 criteria and avoid schedule impacts. Work collaboratively with the Bureau's Region Office on the project technical review and with our Congressional delegation on the policy and legislative level.
- Pursue development of a CVP Coordinated Operations Plan.
  - Term sheet whereby the parties agree on the key provisions by **July 2021** and continue pursuing a formal agreement to be signed following the ROD.
- Coordination with Reclamation on the development of the Authority's water right application.
  - Develop and submit Authority Water Rights Application by **December 2021**.
- Continuing partnership with Reclamation as the NEPA lead agency in developing the Environmental Impact Statement (EIS).
  - Completion of the Supplemental Draft EIS no later than **August 2021** in coordination with the Sites Authority Revised Draft EIR. Completion of the Record of Decision by **May 2022**.
  - Initiate Section 7 consultation with the submittal of a biological assessment no later than **November 2021**.

#### **WIIN ACT**

- Develop Financial Assistant Agreements with Reclamation for the \$13.7 million in WIIN Act funding appropriated in December 2020. Confirm "construction" initiated by the December 2021 WIIN deadline.



- Advocate for expanding and extending the authorization and funding of the WIIN Act storage account as part of the COVID-19 recovery package and/or the FY 2022 appropriations process.
- Pursue and secure FY 2022 WIIN Act storage account funding specifically for Sites.
  - Coordination with Reclamation to identify funding needs in FY2022 to advance the project including “post-feasibility” funding.
- Work to release WIIN Act-approved Sites construction funding.
- Pursue and secure language authorizing the Sites Project to receive up to the full 25 percent cost-share eligible under the WIIN Act storage account either under the current WIIN Act storage account authority (language that grandfathers in the Sites project regardless of limitations on access to WIIN Act authorized storage account funds imposed on other, future projects) or under a specific Sites Project construction authorization (based upon the approved Final Feasibility Report on the Sites Reservoir Project and the Secretarial determination of feasibility) that moves in tandem with the extension/expansion of the WIIN Act authorized storage account.

#### **OTHER FEDERAL FUNDING**

- Prepare and submit an EPA WIFIA Loan Letter of Interest (LOI) for the 2021 loan cycle.
  - Submittal of the LOI in **September 2021**.
- Continue to advocate for the authorization of the RIFIA program and pursue RIFIA funding if available.
- Work with the Corps of Engineers on the guidance for their WIFIA program and advocate for funding and direction to allow the Sites project to compete for the Corps’ WIFIA program funding.
- Continue to support Rep. Garamendi legislation to extend maximum WIFIA repayment period to 55-years.
- Support development and secure funding from a potential COVID-19 related infrastructure stimulus package for priority items that align with early project work (e.g. roads, communications, etc.).
  - Anticipate infrastructure legislation in the House sometime in early 2021.
- Track and pursue opportunities for appropriations/grants/loans as appropriate.
  - Roads/Bridges, Rural Broadband, flood control, infrastructure planning, operations & maintenance, etc.

#### **ELECTED OFFICIAL ENGAGEMENT**

- Ongoing engagement with federal elected officials and their staff, administration officials and federal agency leadership.
  - Prioritize engagement activities to members/staff that overlap the project participants service



areas, key Senate/House committee chairs, and newly appointed agency leadership and staff.

- Planning for a Federal Legislative Day in **March 2021**.
- Congressional Delegation Coalition letter in **3<sup>rd</sup> Quarter 2021**.

Other items that do not require legislative action but are administrative in nature are listed below. We will need to keep our legislators informed on progress of these items so that they can step in when/if needed to assist in keeping them on the timeline required to support the project schedule.

**Permitting** - Supportive consultation with federal agencies in securing; USFWS Biological Opinion, NMFS Biological Opinion, National Historic Preservation Act Section 106 Programmatic Agreement.

**Technical Coordination** –Ongoing technical coordination with Reclamation staff on project engineering and geotechnical activities to advance the project.

**Public Outreach** - Coordinate with appropriate federal agencies on any public outreach activities associated with a recirculated EIS. Support engagement with tribes and continued consultation activities. Conduct outreach with local non-English speaking communities in Spring 2021.