

Meeting: **Sites Reservoir Project**

November 19, 2021

Subject: **Reservoir Committee Meeting**

9:00 AM – 12:00 PM

Location: [Click here to join the meeting](#)

Call in: **1-213-379-5743**

ID: **626 859 222#**

Chair: Jeff Davis (San Geronio Pass Water Agency)

Vice Chair: Bill Vanderwaal (Reclamation District 108 and Dunnigan Water District)

Treasurer: Jamie Traynham (Davis Water District)

MINUTES

CALL TO ORDER/PLEDGE OF ALLEGIANCE:

Chairman Davis called the Reservoir Committee Meeting of November 19, 2021 to order at 9:00 a.m., followed by the Pledge of Allegiance.

ROLL CALL:

Roll of the Reservoir Committee was called (Attachment A), which resulted in 19 eligible representatives. This equated to 89.74% 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.

AGENDA APPROVAL:

It was moved by Traynham, seconded by Tincher to approve the November 19, 2021 Reservoir Committee Agenda. Motion carried unanimously.

ANNOUNCEMENT OF PUBLIC MEETING ITEM AND CLOSED SESSION:

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

5. Closed Session:

- 5.1 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 Davis called for a period for public comment. Hearing none, he closed the period for public comment.

1. CONSENT AGENDA:

Chairman Davis made time to consider Consent Agenda Item Numbers 1.1 through 1.5. He asked whether anyone wanted to pull any of the Consent items for separate consideration.

Mr. Cheng stated he did not want to pull Consent Agenda Item 1.4, only wanted clarification on the terms/changes to these agreements.

Ms. Traynham stated the agreements in Consent Agenda Item 1.4 should not have been placed on the Consent Agenda. Brief discussion followed.

ACTION/CONSENT AGENDA:

It was moved by Tincher, seconded by Cheng to approve Consent Agenda Item Numbers 1.1 through 1.5 as follows:

- 1.1 Approve the October 22, 2021 Reservoir Committee Meeting Minutes. **(Attachments A & B)**
- 1.2 Accept the Sites Project Authority Treasurer’s Report. **(Attachment A)**
- 1.3 Approve the Payment of Claims. **(Attachments A, B & C)**
- 1.4 Approve a recommendation to the Authority Board to approve the consulting agreements with Agents including Forsythe Group, Trapasso Consulting Services, Spesert Consulting and the Executive Director, Waterology Consulting, as follows:
 - a) Set the agreement duration to a 3-year term coincident with the Amendment 3 work period and
 - b) Adjust the terms for compensation.
- 1.5. Authorize teleconference meetings, pursuant to Brown Act Provision provided under Assembly Bill 361, effective through December 19, 2021.

Motion carried unanimously.

2. Action Items:

- 2.1 Authorize the Executive Director to execute a Memorandum of Understanding with Colusa County regarding area of origin water right claims to Funks and Stone Corral Creeks.

Ms. Forsythe provided a brief overview of the MOU Colusa County regarding County of Origin water right claims and spoke to the following:

State Assignment and County of Origin Considerations

- Project water right application is anticipated to:

- Request assignment of previously filed State application.
- Request releases from priority of two previously filed State applications.
- State Water Board may not release from priority, or assign, a state-filed application, when, in its judgment, it would deprive the county in which the water covered by the application originates of water necessary for development of the county (Water Code, 10505).
- Colusa County's desire is not to move creek water outside of the region.
- Staff proposing the Authority enter into a MOU with Colusa County to address concerns and county of origin finding.

Summary of MOU Terms

- Sites Authority will generally:
 - Measure/quantify inflows from the creeks.
 - Allocate net flows from creeks to the County's Storage Allocation.
 - Net flows =Inflows from creeks minus any releases into creeks downstream of the Project that are required to meet applicable laws.
 - Allocate evaporation and seepage losses to County's Storage Allocation (including creek water) in a manner consistent with all other water.
- County will generally:
 - Have available Storage Allocation, including leased storage to store net creek flows.
 - When no available Storage Allocation, net inflows allocated to all other Storage Partners consistent with Storage Principles.
 - Will use creek water consistent with Authority's water right and environmental approvals.
- With these terms:
 - County agrees to not pursue county of origin water rights to Funks and Stone Corral creeks for as long as the Project is in development and operation.
 - County will provide a letter to SWRCB supporting Sites water right application.
 - County will make reasonable efforts to secure Glenn County's concurrence and support letter and enter into any agreement with Glenn County to address any county of origin concerns.
 - County will make reasonable efforts to work with any other party to address county of origin concerns on the creeks.

Effects to Other Members

- Do not see any impacts or effects to other Project members
 - Creek inflows not accounted for in the CALSIM modeling does not reduce yield to other members.

Requested Action

- Authorize the Executive Director to execute an MOU with Colusa County regarding county of origin water right claims to Funks and Stone Corral Creeks consistent with the proposed terms.

Discussion followed.

ACTION: It was moved by Cheng, seconded by Flores to approve a recommendation to the Authority Board to authorize the Executive Director to execute a Memorandum of Understanding with Colusa County regarding area of origin water right claims to Funks and Stone Corral Creeks. Motion carried unanimously, except for Michael Azevedo (Colusa County) and Randall Neudeck (Metropolitan Water District) who abstained.

Chairman Davis stated Action Items 2.2 through 2.9 would be discussed at the same time.

Mr. Maltby provided a brief overview of Agenda Items 2.2 through 2.9, Amendment 3 Key Consultant Task Order Summary for the period January 1, 2022 through December 31, 2024. Brief discussion followed.

- 2.2 Consider approval of the Executive Director to authorize the HDR’s Amendment 3 Task Order No. 4 scope of work for integration services with a not-to-exceed contract authority of \$10,009,288.23 for the period of January 1, 2022 through December 31, 2024.

ACTION: It was moved by Marks, seconded by Traynham to recommend to the Authority Board to authorize the Executive Director to approve HDR’s Amendment 3 Task Order No. 4 scope of work for integration services with a not to exceed contract amount of \$10,009,288.23 for the period of January 1, 2022 through December 31, 2024. Motion carried unanimously.

- 2.3 Consider approval of the Executive Director to authorize the Brown and Caldwell’s Amendment 3 Task Order No. 4 scope of work for controls support with a not-to-exceed contract authority of \$9,283,621 for the period of January 1, 2022 through December 31, 2024.

ACTION: It was moved by Flores, seconded by Kunde to recommend to the Authority Board to authorize the Executive Director to approve the Brown and Caldwell’s Amendment 3 Task Order No. 4 scope of work for controls support with a not to exceed contract amount of \$9,283,621.00 for the period of January 1, 2022 through December 31, 2024. Motion carried unanimously.

- 2.4 Consider approval of the Executive Director to authorize the Katz and Associates Amendment 3 Task Order No. 4 scope of work for communications support with a not-to-exceed contract authority of \$1,398,284.80 for the period of January 1, 2022 through December 31, 2024.

ACTION: It was moved by Tincher, seconded by Vanderwaal to recommend to the Authority Board to authorize the Executive Director to approve the Katz and Associates' Amendment 3 Task Order No. 4 scope of work for communications support with a not to exceed contract amount of \$1,398,284.80 for the period of January 1, 2022 through December 31, 2024. Motion carried unanimously.

- 2.5 Consider approval of the Executive Director to authorize the CH2M's Amendment 3 Task Order No. 3 scope of work for operations support with a not-to-exceed contract authority of \$3,251,161.94 for the period of January 1, 2022 through December 31, 2024.

ACTION: It was moved by Kunde, seconded by Vanderwaal to recommend to the Authority Board to authorize the Executive Director to approve the CH2M's Amendment 3 Task Order 3 scope of work for operations support with a not to exceed contract amount of \$3,251,161.94 for the period of January 2022 through December 31, 2024. Motion carried unanimously.

- 2.6 Consider approval of the Executive Director to authorize the ICF Jones and Stokes, Inc.'s. Amendment 3 Task Order No. F003 scope of work for planning and permitting support with a not-to-exceed contract authority of \$8,745,510.53 for the period of January 1, 2022 through December 31, 2024.

ACTION: It was moved by Flores, seconded by Marks to recommend to the Authority Board to authorize the Executive Director to approve the ICF Jones and Stokes, Inc.'s Amendment 3 Task Order No. F003 scope of work for planning and permitting support with a not-to-exceed contract amount of \$8,745,510.53 for the period of January 1, 2022 through December 31, 2024. Motion carried unanimously.

- 2.7 Consider approval of the Executive Director to authorize the CH2M Hill Engineers, Inc.'s (CH2M) (Engineering-Conveyance) Amendment 3 Task Order No. 3 scope of work for engineering design with a not-to-exceed contract authority of \$11,025,108.54 for the period of January 1, 2022 through December 31, 2024.

ACTION: It was moved by Vanderwaal, seconded by Traynham to recommend to the Authority Board to authorize the Executive Director to approve the CH2M Hill Engineers, Inc.'s (CH2M) (Engineering-Conveyance) Amendment 3 Task Order No. 3 scope of work for engineering design with a not to exceed contract amount of \$11,025,108.54 for the period of January 1, 2022 through December 31, 2024. Motion carried unanimously.

- 2.8 Consider approval of the Executive Director to authorize the AECOM (Engineering-Reservoir) Amendment 3 Task Order No. 3 scope of work for engineering design with a not-to-exceed contract authority of \$16,009,364.64 for the period of January 1, 2022 through December 31, 2024.

ACTION: It was moved by Marks, seconded by Vanderwaal to recommend to the Authority Board to authorize the Executive Director to approve to approve the AECOM (Engineering-Reservoir) Amendment 3 Task Order No. 3 scope of work for engineering design with a not to exceed contract amount of \$16,009,364.64 for the period of January 1, 2022 through December 31, 2024. Motion carried unanimously.

- 2.9 Consider approval of the Executive Director to authorize the Fugro USA Land, Inc.'s (Geologic/Geotechnical Services) Amendment 3 Task Order No. 3 scope of work for geotechnical evaluations support with a not-to-exceed contract authority of \$20,250,000 for the period of January 1, 2022 through December 31, 2024.

ACTION: It was moved by Kunde, seconded by Vanderwaal to recommend to the Authority Board to authorize the Executive Director to approve the Fugro USA Land, Inc.'s (Geologic/Geotechnical Services) Amendment 3 Task Order No. 3 scope of work for geotechnical evaluations support with a not to exceed contract amount of \$20,250,000 for the period of January 2, 2022 through December 31, 2024. Motion carried unanimously.

- 2.10 Consider authorization of the Executive Director to approve the Terminal Regulating Reservoir Early Evaluation Geotechnical Investigations and file a Notice of Exemption under the California Environmental Quality Act.

Ms. Forsythe provided a brief overview of the Terminal Regulating Reservoir Early Evaluation Geotechnical Investigations and spoke to the following:

Background:

- Additional geotechnical investigations in the area of TRR West.
 - Determine the preferred location of the TRR facilities.
 - Inform comparative engineering analysis.
 - Inform TRR West costs.
- Anticipated to include
 - 6 borings
 - 7 cone penetration test probes
 - 2 seismic cone penetration test probes
 - Installation of up to 4 piezometers

- The proposed investigations are scheduled to take place in the first quarter of 2022.

CEQA and Permitting Approach:

- Authority lead activity.
 - Authority will be doing the drilling using Fugro.
- Avoiding all effects on resources.
 - Locations were selected to avoid effects.
 - Implementing same biological and cultural resource avoidance measures as previously.
 - Limited to areas previously disturbed or developed.
 - Limited by access granted by landowner.
- CEQA required, but no permits needed.
- Staff proposes that geotechnical investigations are categorically exempt under CEQA State Guidelines:
 - Section 15304, Class 4 (Minor Alterations to land).
 - Section 15306, Class 6 (Information collection).
- Notice of Exemption:
 - Colusa County Clerk.
 - State Clearinghouse.

Action Requested

- Authorize the Executive Director to approve the Terminal Regulating Reservoir (TRR) Early Evaluation Geotechnical Investigations and file a Notice of Exemption under CEQA

Discussion followed.

ACTION: It was moved by Kunde, seconded by Weghorst to recommend to the Authority Board to authorize the Executive Director to approve the Terminal Regulating Reservoir Early Evaluation Geotechnical Investigations and file a Notice of Exemption under the California Environmental Quality Act. Motion carried unanimously.

3. Discussion and Information Items:

- 3.1 Receive an update on the status of the California Endangered Species Act's Incidental Take Permit Application for the Project's Construction components.

Ms. Forsythe provided an update on the status of the California Endangered Species Act's Incidental Take Permit Application for the Project's Construction components and spoke to the following:

Incidental Take Permits

- California Endangered Species Act (CESA) prohibits the import, export, take possession, purchase or sale of species listed by the State.
- CDFW may authorize “take” of a state listed species.
- In issuing an Incidental Take Permit (ITP).
 - CDFW must find, among other things, that:
 - Applicant is implementing avoidance and minimization measures.
 - Applicant fully mitigates their take.
 - Applicant ensures adequate funding to implement measures required in the take permit.
 - CDFW must also comply with CEQA:
 - For the Sites Project, we expected CDFW to use our environmental documents to do this.
 - CDFW cannot issue a take permit for the Project until the Authority completes CEQA.
- Project pursuing a Construction ITP and Operations ITP:
 - Construction ITP application target submittal in December 2021.
 - Operations ITP application target submittal in February/March 2022.
- Species Models – Approach Considering No Land Access.

ITP Terrestrial Analysis

- Species list
 - Reviewed prior surveys (2000 timeframe), species occurrence data, scientific literature.
- Potential habitat areas (termed “modeled” habitat).
 - Reviewed land mapping, scientific literature.
- Impacts to listed species:
 - Assumed all potential habitat was occupied.
 - Conservative approach and likely overestimate.
- Post permit issuance will need to:
 - Conduct surveys of all “modeled” habitats and verify land cover and presence/absence of species.

- Amend ITP to decrease/increase take based on field surveys.

Species Covered

- Requesting take for:
 - Swainson’s hawk
 - Tricolored blackbird
 - Giant gartersnake
 - Palmate-bracted bird’s beak-extremely rare
- Not requesting take for palmate-bracted bird’s beak
 - Must avoid or re-consult if found

Take Minimization Measures

- Measures to reduce amount of take include:
 - Construction windows and buffer areas
 - Construction best management practices
 - Restoration on temporarily affected habitat
 - Preconstruction surveys
 - Habitat mapping and flagging
 - Avoidance of habitat
 - Biological monitoring

Proposed Mitigation Approach

- Compensatory mitigation for take is required.
- Diverse approach:
 - Sites-lead off-site habitat acquisition or restoration.
 - Conservation easements.
 - Conversation banks/mitigation banks.
 - On-site opportunistic habitat preservation/restoration.
- Each has different risks.
- Prepare detailed mitigation strategy in 2022/2023.

Next Steps

- December meeting:
 - Financial assurances discussion.
 - Mitigation cost estimate.

- Approval for Executive Director to submit the Construction ITP Application.

Discussion followed with no action taken.

3.2 Review and comment on the Amendment 3 Support Consultant task order summary. **(Attachment A)**

Mr. Maltby provided an update on Amendment 3 Support Consultant Task Order Summary and spoke to the following:

Work Plan and Task Order Schedule

- Nov 2021- Approve Key Consultant Task Order Summary, Review Support Consultant Task Order Summary, Revisit Budget Allocation

Draft Task Orders Summary-Support Consultant

- Subject Area/Firm
- Revised Budget* (Amendment 3) Support Consultant only
- Work Plan Budget-\$119,597,022

Draft Task Orders Summary – Support Consultant

- Support Consultant-Description of Work-Task Order Budget (Preliminary)

Subject Area Allocation – Presented in A3 Work Plan

- Subject Area Pie Chart – Work Plan

Subject Area Allocation – Updated with Task Orders

- Subject Area Pie Chart

Management Type – Presented in A3 Work Plan

- Management Type Pie Chart – Work Plan

Management Type – Updated with Task Orders

- Management Type Pie Chart

Annual Budget by Subject Area – Draft

- Amendment 3 – Annual Budgets by Subject Area
 - FY 2022 – FY 2023 -FY 2024 (Revised Budget -\$119,478,873)

Work Plan Check-in Points

- Late 2021 through 2024 – Assumes full 36 months Approved Work
- Period – No Interim Financing

Work Plan and Task Order Schedule

- December 2021-Approve Support Consultant Task Order Summary and Approve 2022 Annual Budget.

Discussion followed with no action taken.

- 3.3 Review and comment on Amendment 3 Project Agreement Approval Process including estimated participation levels, outreach and rebalancing, and schedule.

Executive Director Brown provided an update on Amendment 3 Status and Outreach and spoke to the following:

Soft Call Survey Results

- Pointed out
 - San Bernardino Valley has completed their process
 - Westside WD-dropped 2000 ac ft.
 - Mr. Kunde stated his board will be considering this matter in January 2022 instead of December 2021.
 - Mr. Marks stated his board will be considering this matter in February 2022 instead of March 2022.

Expressed Interest in re/new Participation:

- Bureau of Reclamation (increase from 7% to 25% investment).
- New source of funds -Enacted IJA includes \$1.15B for western states water storage.
- Woodland Davis Clean Water Agency (2,000-5,000 annualized AF).
- Glenn County (1,000 annualized AF).
- Madera County GSA (10,000 annualized AF) and sending letter of interest.

Under Evaluation:

- Cal AM Sacramento
- Westlands Water District
- City of Napa

Discussion followed with no action taken.

- 3.4 Review and comment on legal counsel update related to evaluating potential conflict areas for members with specific emphasis on upcoming Board decisions.

Counsel Doud provided an update with regard to conflict issues to ensure continued compliance with all laws, rules and regulations and to ensure all those involved with the Project uphold the values of the organization. He also spoke

to FPPC-form700s and designation of voting authority to Alternates if Primary cannot be present at a meeting. Discussion followed with no action taken.

4. **Reports:**

4.1 **Member's Reports:**

4.1.1 **Chairpersons' Report:**

Chairman Davis expressed his appreciation to Staff, Agents and Consultants for the great work they are doing.

4.1.2 **Workgroup Chairpersons' Report:**

Reservoir Ops and Engineering

Mr. Kunde provided an overview of the Workgroup's meeting held on November 10, 2021 and the various matters discussed/considered.

Environmental & Permitting

Mr. Bettner provided a brief update of the Workgroup's meeting held on November 17, 2021 regarding permitting issues.

Budget & Finance

None.

Communications

Ms. Katz provided an update on the various activities being done on behalf of the Sites Project. She also stated a Landowner/Community Meeting, will be held at the American Legion Hall, 230 Oak Street, Maxwell, CA at 6:00 p.m., for those interested in attending. Brief discussion followed with no action taken.

Coordination

Chairman Davis stated the Coordination Workgroup meets monthly and review the Agenda and any outstanding items.

4.1.3 **Reservoir Committee Participant Reports:**

Mr. Kunde gave a shout-out to San Bernardino Valley MWD, stating their Board approved/adopted their Amendment 3 MOU.

4.2 **Executive Director's Reports:**

Executive Director Brown provided a brief update on the following:

- Monthly status report. **(Attachment A)**
- Work Plan Key Deliverables Report. **(Attachment B)**
- Meetings Action Items Summary. **(Attachment C)**

Chairman Davis declared a recess at 11:23 a.m., to convene into Closed Session to

consider the following matter:

5. Closed Session:

- 5.1 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 Davis adjourned Closed Session at 12:31 p.m. and reconvened into Open Session.

6. Report from Closed Session

Counsel Doud stated no reportable action was taken regarding the following Closed Session matter:

- 5.1 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)).

7. Recap:

- 7.1 Suggested Future Agenda Items.

None.

- 7.2 Upcoming Meetings:

Authority Board

Monday, November 22, 2021 – 1:30 to 4:00 PM

Joint Reservoir Committee & Authority Board

Friday, December 17, 9:00 AM – 12:00 PM

Chairman Davis adjourned the Reservoir Committee Meeting at the hour of 12:33 p.m.

Jeff Davis, Chairman

Jerry Brown, Executive Director