

Website: SitesProject.org

Meeting: Joint Sites Reservoir Committee & March 17, 2023

Authority Board 9:00 AM - 12:00 PM

Authority Board Chair: Fritz Durst (Reclamation District 108)

Authority Board Vice Chair: Jeff Sutton (Tehama-Colusa Canal Authority)

Reservoir Committee Chair: Valerie Pryor (Zone 7 Water Agency)

Reservoir Committee Vice-Chair: Mike Azevedo (Colusa County)

Treasurer: Jamie Traynham (Davis Water District)

MINUTES

CALL TO ORDER/PLEDGE OF ALLEGIANCE:

Authority Board Chairman Durst called the Joint Authority Board (AB) and Reservoir Committee (RC) Meeting to order at the hour of 9:00 a.m., followed by Roll Call and the Pledge of Allegiance.

ROLL CALL/ATTENDANCE:

Roll call of the Authority Board equaled 7 eligible voting members, which resulted in a quorum.

Roll call of the Reservoir Committee equaled 16 representatives, 81%, which resulted in a quorum.

INTRODUCTIONS:

The Sites Staff, Consultants, and members of the public introduced themselves.

AGENDA APPROVAL:

It was moved by Director Allen, seconded by Tincher to approve the March 17, 2023, Joint Reservoir Committee and Authority Board Meeting Agenda. **Motion carried unanimously.**

ANNOUNCEMENT OF CLOSED SESSION:

Counsel Doud announced the Authority Board of Directors, and the Reservoir Committee Members would consider Closed Session matters 5.1 and 5.2.

PERIOD FOR PUBLIC COMMENT:

Authority Board Chairman Durst called for a period of public comment. Hearing none, he closed the period for public comment.

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1. **CONSENT AGENDA**:

Reservoir Committee Chair Pryor and Authority Board Chair Durst made time to consider consent agenda items 1.1 through 1.4 as follows:

- 1.1 Reservoir Committee and Authority Board consider approval of February 17, 2023, Joint Reservoir Committee and Authority Board Meeting Minutes.
- 1.2 Reservoir Committee and Authority Board consider acceptance of the Sites Project Authority Treasurer's Report.
- 1.3 Reservoir Committee and Authority Board consider approval of the Payment of Claims.
- 1.4 Reservoir Committee and Authority Board consider authorization to submit the Master Lake and Streambed Alteration Agreement Application and pay associated fees.

ACTION RESERVOIR COMMITTEE:

It was moved by Bettner, seconded by Cheng to approve Consent Agenda Item Numbers 1.1 through 1.4. **Motion carried unanimously**.

ACTION AUTHORITY BOARD:

It was moved by Director Dennis, seconded by Director Evans to approve Consent Agenda Item Numbers 1.1 through 1.4. **Motion carried**: **All Directors present voted yes.**

2. **ACTION ITEMS**:

2.1 Reservoir Committee and Authority Board consider authorizing the submittal of the Environmental Protection Agency's (EPA) Water Infrastructure Finance and Innovation Act (WIFIA) application and pay the non-refundable application fee of \$100,000.

Executive Director Brown spoke to the EPA's WIFIA application scheduled for submittal on March 31, 2023. He explained the application is not a commitment to a loan, but a formal application to the EPA and the WIFIA loan is proposed to include a "line of credit" allowing for up to 20% (or ~\$899M) at no additional cost, to account for potential increases.

Chairman Durst confirmed with Mr. Brown that Sites could apply for a line of credit increase if there is a future necessity.

ACTION RESERVOIR COMMITTEE:

It was moved by Cheng, seconded by Tincher to authorize the submittal of the EPA's WIFIA application and pay the non-refundable application fee of \$100,000. **Motion carried unanimously**.

ACTION AUTHORITY BOARD:

It was moved by Director Sutton, seconded by Director Evans to authorize the submittal of the EPA's WIFIA application and pay the non-refundable application fee of \$100,000. Motion carried: All Directors present voted yes.

2.2 Reservoir Committee and Authority Board consider authorizing the Executive Director to 1) Execute the short-term Eagle Take permit when issued, and 2) Enter a contract with Eagle Electrocution Solutions, LLC to provide the compensatory mitigation anticipated to be required by the permit with a total four-year authority of \$450,000.

Executive Director Brown spoke to the Short-Term Eagle Permit and noted the following:

- Geotechnical work has been planned to avoid and minimize impacts to eagles to the extent possible and if effects are unavoidable, the Authority will take mitigation.
- Conditions of the permit include a 4-year term, authorization of one nest for all four years and an additional active nest for two years, avoidance, and minimization of activities within the buffer areas of active nests during the breeding season to the extent possible.
- If activities need to occur within the buffer area of an active nest during the breeding season, then the Authority will need to monitor the nest to minimize disturbance to the eagles and determine if the nesting season was successful (if the eggs hatched and the eaglets successfully fledged).
- Compensatory mitigation is required on an annual basis in advance of potential impacts to eagles occurring.

Discussion was held on carryover credits into the construction period after the initial 4-year term and Ms. Forsythe clarified the permit is exclusive to Geotechnical activities, so it doesn't guarantee carryover into construction, but the intent from discussions with US Fish and Wildlife Service is that they would be open to the carryover of unused credits into the project-level eagle permit should we request it.

ACTION RESERVOIR COMMITTEE:

It was moved by Tincher, seconded by Bettner to authorize the Executive Director to 1) Execute the short-term Eagle Take permit when issued, and 2) Enter into a contract with Eagle Electrocution Solutions, LLC to provide the compensatory mitigation is anticipated to be required by the permit with a total four-year authority of \$450,000. **Motion carried unanimously.**

ACTION AUTHORITY BOARD:

It was moved by Director Sutton, seconded by Director Dennis to authorize the Executive Director to 1) Execute the short-term Eagle Take permit when issued, and 2) Enter into a contract with Eagle Electrocution Solutions, LLC to provide

the compensatory mitigation anticipated to be required by the permit with a total four-year authority of \$450,000. **Motion carried**: **All Directors present voted yes.**

2.3 Reservoir Committee and Authority Board consider authorizing submittal of the California Independent System Operator (CAISO) Interconnection request and paying an initial deposit fee of \$650,000, of which up to \$500,000 is refundable.

Executive Director Brown discussed the details of the CAISO application and noted the following:

- The proposed interconnection request is the initial step to get the Authority into a long line of requests and initiate a lengthy study process that can take more than 2 years to complete.
- Interconnecting with CAISO directly allows the Project to engage in the wholesale market, which can potentially be more cost-effective than going directly through PG&E.
- The initial budgeted amount was \$400,000 so the extra \$250,000 will come out of an engineering contingency account.

Mr. Luu explained the checklist for the application is procedural, so if the checklist steps are satisfied, the application will be accepted.

Discussion was held on exploring options and opportunities with Western Area Power Administration (WAPA).

ACTION RESERVOIR COMMITTEE:

It was moved by Kunde, seconded by Weghorst to authorize submittal of the CASIO request and pay an initial deposit fee of \$650,000, of which up to \$500,000 is refundable.

Motion carried unanimously.

ACTION AUTHORITY BOARD:

It was moved by Director Evans, seconded by Director Sutton to authorize submittal of the CASIO request and pay an initial deposit fee of \$650,000, of which up to \$500,000 is refundable. **Motion carried**: **All Directors present voted yes.**

3. DISCUSSION AND INFORMATION ITEMS:

3.1 Review and comment on the Final Environmental Impact Statement/Environmental Impact Report (EIR/EIS), Part 2 of 3 status briefing in preparation for approval of the Project.

Mr. Ruiz, Westside Water District representative, entered the room and was seated at 9:51 a.m.

Ms. Forsythe presented on the Final EIR/EIS, Part 2 of 3 Status Briefing in Preparation for Approval of the Project and spoke to the following:

- Overview of key comments and master responses including Water Quality, Aquatic Biological Resources, Trinity River, and Alternatives Development.
- Public and local outreach, Local Community Working Group, and one-on-one discussions with agencies, local organizations, and landowners.
- Tribal outreach and coordination include AB 52 consultation, formal consultation with Yocha Dehe and Cachil Dehe, and Tribal Government Working Group.
- Non-governmental Organization Outreach, Project's water quality and water temperature effects, and mitigation measures.
- June 2023 Board Hearing to include the decision to approve the project and Final EIR Certification.

Kunde asked about the Cumulative Impact comments and Ms. Forsythe explained the Cumulative Impact comments were responded to individually.

Director Sutton gave recognition to Ms. Forsythe, Mr. Spranza, and the rest of their team for all the work they put into writing the Final EIR/EIS report and expressed appreciation for their well-thought-out responses.

Brief discussion was held on working with legal counsel for potential future lawsuits.

3.2 Receive an update on the Project's Winter-Run Salmon Life Cycle Model (WRLCM) effects analysis provided by the University of California at Santa Cruz and the Southwest National Marine Fisheries Science Center.

Ms. Forsythe presented on Winter-run Chinook Salmon Life Cycle Model Results and spoke to the following:

- The model evaluates the effects of water operations on the population dynamics of Sacramento River winter-run Chinook salmon.
- WRLCM key results include a positive effect on winter-run with the
 potential to increase the overall population, benefits are associated with
 periodic reductions in late summer water temperatures in critical water
 years that decrease salmon egg mortality.
- Project results in positive mean change in abundance of in-river spawners when averaged across all years of the model.
- Results will be incorporated into Biological Opinion and Operations ITP application.

Bettner asked for an estimate on the amount of water exchanged that is creating the positive benefits in the WRLCM for winter-run salmon and suggested requesting the model itself.

Azevedo commented that the word "slightly" should be removed when referring to positive results.

Brief discussion followed.

3.3 Receive an update on the Procurement Strategy.

Pat Tangora presented on Procurement Strategy and spoke to the following:

- Procurement strategy considerations, early contractor input to design, improved cost, schedule certainty, maximizing the value of contractor outreach by leveraging market input, and selection of first CMAR.
- Process to develop procurement strategy, procurement strategy builds on contract strategy but is focused on CMAR contracts.
- The adopted contract strategy identified two significant CMAR packages.
- Typical CMAR Process, pricing under CMAR Contracts.

Director Sutton asked about considerations for engaging a construction attorney and Executive Director Brown noted there would need to be a discussion with the board or appropriate committee prior to issuing the procurement for the construction attorney scope.

Tincher expressed appreciation for all the careful analysis that went into the Procurement Srategy.

3.4 Receive an update on the current thinking of the Governance Ad Hoc Committee with regard to governance adjustments to be implemented at the initiation of Phases 3 and 4.

Charles Gardiner presented the Update on a Governance Discussion and spoke to the following:

- Ad Hoc Committee 6-month Objective, develop term sheet to guide legal team update of governance documents to conduct business through Design and Construction (Phases 3 and 4).
- Establish Benefits & Obligations Contract terms related to governance, refine bylaws, and refine JPA Agreement.
- Overarching existing Governance Roles, Authority Board project proponent, Reservoir Committee represents participant interests, Joint AB and RC represents joint viability.

 Core governance roles & assumptions, Phases 3&4 governance concept, project obligations including legal compliance, project finance, and local community relations, design & construction, shared decision making, and discussion questions.

Neudeck spoke to the specifics of debt and legal obligations of the Authority Board vs. the responsibility of the Reservoir Committee.

Executive Director Brown confirmed that AB is the legal holder of the debt, but through contracts, RC members are compelled to pay. Similarly, AB will hold permits and operations, but the responsibility of the RC will be held to the conditions of the permits.

Mr. Gardiner explained that legal commitment is the responsibility of the Authority Board, and managing commitments is the responsibility of the Reservoir Committee.

Kunde noted that legislative affairs and outreach have been primarily AB, not RC. Director Sutton expressed that legislative affairs and outreach should be shared between the AB and RC. Chairman Durst agreed that sharing legislative and outreach between the Authority Board and Reservoir Committee seems more logical.

Kunde requested that the presentation questions go out to participants for individual responses.

Bettner explained there needs to be a process in place that allows flexibility for changes that may present themselves along the way.

Brief discussion was held on the consideration of future adjustments and governance flexibility.

3.5 Receive an update on the status of Amendment 3 2023 cash call funds received to date.

Executive Director Brown gave a quick update that all participants are in good standing on cash call payments.

4. <u>REPORTS</u>:

4.1 **Chairpersons' Reports**:

Chair Pryor expressed appreciation to the team and gave recognition to Ms. Traynham and Mr. Robinette.

4.1 Committee & Workgroup Chairpersons' Reports:

Legislative and Outreach

Director Sutton spoke to the planned legislative day on Monday, April 24 in Washington, DC.

Mr. Spesert spoke to the upcoming Community Working Group Meeting on March 23rd noting it will be the 3rd Community Working Group meeting.

4.3 Authority Board & Reservoir Committee Participant Reports:

None.

4.4 Executive Director's Reports:

Executive Director Brown spoke to the following:

- 2022 Annual Report, Form 700 deadline due April 1st.
- Updated blog piece on if Sites were able to divert water, rain projected to be 500,000-acre feet by mid-April. The projection is based on rain, not snow, so it's important to use the opportunity to understand the project to be able to explain it to individual boards.
- Portal updated message platform to include how common questions are addressed.
- Schedule slippage critical path, no response from the state board, now showing 6-week delay as lack of response to Water Right Permit.

Authority Board Chairman Durst declared a recess at 11:30 a.m. and convened into Closed Session.

5. **CLOSED SESSION:**

- 5.1 Negotiations concerning Sites Project operation terms, conditions, and agreements with the United States Fish & Wildlife Service and the National Marine Fisheries Service (Govt. Code §§54956.9(c)).
- 5.2 Negotiations concerning water rights permit terms and conditions (Govt. Code §54956.9(c) and §54956.9(d)(4)).

Chairman Durst adjourned Closed Session at 12:09 p.m. and reconvened into Open Session.

6. REPORT FROM CLOSED SESSION:

Counsel Doud stated that no reportable action was taken on Closed Session matters.

- 7. <u>RECAP</u>:
- 7.1 <u>Suggested Future Agenda Items</u>.
- 7.2 **Upcoming Meetings**:

Joint Reservoir Committee & Authority Board Friday, April 21, 2023 (9:00 am to noon) Maxwell Project Office & Virtual.

Maxwell Project Office & Virtual.	
Authority Board Chairman Durst adjo Authority Board Meeting at the hour of	ourned the Joint Reservoir Committee and 12:10 p.m.
Fritz Durst, Authority Board Chair	Valerie Pryor, Reservoir Committee Chair

Sandra Yarbrough, Board Clerk

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Current Voting Committee Participants (22):

	Pct	Participant
	3.47	American Canyon, City
	2.42	Antelope Valley-East Kern WA
	5.28	Coachella Valley WD
\boxtimes	5.28	Colusa County
\boxtimes	5.05	Colusa Co. WD
\boxtimes	2.41	Cortina WD (1)
\boxtimes	2.87	Davis WD
\boxtimes	4.22	Desert WA
	3.17	Dunnigan WD
\boxtimes	3.77	Glenn-Colusa ID
\boxtimes	2.57	Irvine Ranch WD
	2.57	LaGrande WD (1)

	Pct	Participant
\boxtimes	17.29	Metropolitan WD
	3.47	Reclamation District 108
	2.42	Rosedale-Rio Bravo WSD
\boxtimes	8.70	San Bernardino Valley MWD
	6.48	San Gorgonio Pass WA
\boxtimes	2.42	Santa Clara Valley WD
	3.77	Santa Clarita Valley WA
	3.89	Westside WD
	3.19	Wheeler Ridge-Maricopa WSD
	0.00	Department of Water Resources (non-voting)
\boxtimes	.00	US Bureau of Reclamation (non-voting)
\boxtimes	5.28	Zone 7 WA
	100.00	Total

16 Voting members represented at Meeting start \boxtimes

81% Represented participation percentage

Representation has been delegated as follows:

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

Current Voting Authority Board Participants:

Participant	? Representative	?	Alternate
Colusa County			Mike Azevedo
Colusa County Water District	Joe Marsh	\boxtimes	Hal Charter Shelly Murphy
Glenn County	Thomas Arnold		Jim Yoder
Glenn-Colusa Irrigation District	□ Logan Dennis		John Amaro
Reclamation District 108	Fritz Durst		Sean Doherty Hilary Reinhard
Placer County Water Agency	Gray Allen		Joshua Alpine
Tehama-Colusa Canal Authority	✓ Jeff Sutton		Halbert Charter
Sacramento County	Kerry Schmitz		Mike Peterson
Westside Water District	□ Doug Parker □ D		Zach Dennis Dan Ruiz

Associate Members (2 non-voting):

Participant	?	Representative	?	Alternate
Western Canal Water District		Ted Trimble		Greg Johnson

Current Voting Reservoir Committee Participants (22):

Participant	② Representative	? Alternate
American Canyon, City	Felix Hernandez	Jason Holley
Antelope Valley-East Kern Water Agency	Matt Knudson	Dan Flory
Coachella Valley Water District	Robert Cheng	Petya Vasileva
Colusa County	Mike Azevedo	☐ Gary Evans
Colusa County Water District	Halbert Charter	Shelly Murphy
Cortina Water District	☐ Jim Peterson	☐ Chuck Grimmer ☐ Jamie Traynham
Davis Water District	☐ Jamie Traynham	Tom Charter
Desert Water Agency	Mark Krause	Steve Johnson
Dunnigan Water District	Bill Vanderwaal	
Glenn-Colusa Irrigation District		Greg Krzys

Participant		2 Repr	esentative	?	Alternate
Irvine Ranch Water I	District		Weghorst		Kellie Welch
LaGrande Water Dis	strict	Zach	Dennis		Mike Urkov Jamie Traynham
Metropolitan Water	District	Rand	all Neudeck		Nina Hawk
RD 108		☐ Bill Va	anderwaal		Lewis Bair
Rosedale-Rio Bravo ' District	Water	Trent	Taylor		Dan Bartel
San Bernardino Valle	ey WD	⊠ Bob T	incher		Heather Dyer
San Gorgonio Pass V	WA	\(\) Lance	e Eckhart		Thomas Todd
Santa Clara Valley W District	Vater	Cindy	[,] Kao		Katherine Maher
Santa Clarita Valley ' Agency	Water	Steve	. Cole		Ali Elhassan
Westside Water Dist	trict	☐ Allen	Myers		Dan Ruiz
Wheeler Ridge-Mari	icopa WSD	⊠ Rob k	Kunde		Sheridan Nicholas
	~	⊠ Valer	io Dryor	\boxtimes	Lillian Via
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Sites Project Authority:

Jerry Brown	\boxtimes	Ali Forsythe		Kevin Spesert
JP Robinette	\boxtimes	Joe Trapasso	\boxtimes	Sandra Yarbrough

Consultants:

?	Name	Representing			
	Alexander, Jeriann	Fugro		Katz, Sara	Katz & Associates
	Arsenijevic, Jelica	HDR	\boxtimes	Kivett, Marcia	Brown & Caldwell
	Briard, Monique	ICF	\boxtimes	Luu, Henry	HDR
	Brown, Doug	Stradling		McDonald, Conner	CMD West
	Brown, Scott	LWA	\boxtimes	Maltby, Marcus	Brown & Caldwell
	Bruner, Marc/Laura Zagar	Perkins Coie		Montague, Doug	Montague DeRose Assoc.
	Doud, Alan	Young Wooldridge		Nielsen, Caitlin	HDR
	Floyd, Kim	Floyd	\boxtimes	Rude, Peter	Ch2m
	Harris, Cheyanne	Brown & Caldwell		Spranza, John	HDR
	Herrin, Jeff	AECOM		Warner Herson, Laurie	Phenix

Members of the Public

MWD Vanir Granite Construction Sites Project	Juleah Cordi Charles Gardiner Erin Huang	Assemblyman James Gallagher's Office Catalyst Group Jacobs
Granite Construction		, .
	Erin Huang	Jacobs
Sites Project		
1	Mike Smith	AECOM
Kiewit	Derek Gardels	HDR
TFG	George Hanson	Roseville
Arup	Dawn Edwards	HDR
McMillen Jacobs	Pat Tangora	Brown & Caldwell
SCVWA	530-812-6276	
Engeo	Linadria Porter	Catalyst Group
Kiewit	Ryan Nordvik	Arup
-	Kiewit TFG Arup McMillen Jacobs SCVWA Engeo	Kiewit Derek Gardels TFG George Hanson Arup Dawn Edwards McMillen Jacobs Pat Tangora SCVWA 530-812-6276 Engeo Engeo

Members of the Public

Name	Representing	Name	Representing
Laney Nelson	ARUP	Mark Shafer	Gcinc
818-262-1497		760-702-2336	
Summer Shadley	Maxwell	Michael Wingfield	ICF
Amy Young	cwc	562-577-8397	
913-701-3226			