

Website: SitesProject.org

Meeting: Joint Sites Reservoir Committee & September 22, 2023

Authority Board 9:00 AM - 12:00 p.m.

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:

Chair 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 8 members in attendance, which resulted in a quorum.

Roll call of the Reservoir Committee equaled 21 representatives, 97.58% in attendance, which resulted in a quorum.

INTRODUCTIONS:

The Sites staff, consultants and members of the public introduced themselves.

AGENDA APPROVAL:

ACTION RC: Moved by Ms. Murphy, seconded by Mr. Tincher, to approve the September 22, 2023, meeting. **Motion carried unanimously**.

ACTION AB: Moved by Director Dennis, seconded by Director Evans, to approve the September 22, 2023, meeting agenda. **Motion Carried: All Directors present voted yes.**

ANNOUNCEMENT OF CLOSED SESSION:

General Counsel (GC) Doud announced the Authority Board of Directors, and the Reservoir Committee Members would consider Closed Session matters 5.1 through 5.3.

PERIOD FOR PUBLIC COMMENT:

Chair Durst called for a period of public comment.

Mr. King made a comment on his protest of the water right application.

Executive Director (ED) Brown informed the board that Mr. King had sent an email earlier in the day, requesting that it be forwarded to the Board. The email will be transmitted to the Board after the meeting concludes.

Mr. Ornbaun commented on his protest of the water right application.

Chair Durst requested Ms. Forsythe to further comment on the water right application process.

1. CONSENT AGENDA:

Chair Pryor and Chair Durst made time to consider consent agenda items 1 through 5 as follows:

- 1.1 Reservoir Committee and Authority Board consider approval of August 18, 2023, Joint Reservoir Committee and Authority Board Meeting Minutes. (Attachments A & B)
- 1.2 Reservoir Committee and Authority Board consider approval of August 23, 2023, Special Joint Reservoir Committee and Authority Board Meeting Minutes. (Attachments A & B)
- 1.3 Reservoir Committee and Authority Board consider acceptance of the Sites Project Authority Treasurer's Report. (Attachment A & B)
- 1.4 Reservoir Committee and Authority Board consider approval of the Sites Project Authority Payment of Claims. (Attachment A & B)
- 1.5 Reservoir Committee and Authority Board to consider approval of an Amendment 3 budget transfer of \$340,250 from the Real Estate Subject Area to the Planning Subject Area to occur within the HDR Engineering, Inc. Integration task order, resulting in a net zero change to the overall task order cost ceiling.

ACTION RC: It was moved by Ms. Traynham, seconded by Ms. Murphy to approve Consent Agenda items 1.1 through 1.5. **Motion carried unanimously.**

ACTION AB: It was moved by Director Evans, seconded by Director Parker to approve Consent Agenda items 1.1 through 1.5. Motion carried: All Directors present voted yes. **Motion carried unanimously.**

2. ACTION ITEMS:

2.1 Reservoir Committee and Authority Board consider authorizing a Board Resolution #2023-01 which establishes guidelines for the Sites Project's use of the Lower Colusa Basin Drain and Knights Landing Ridge Cut. (Attachments A & B)

Mr. Robinette presented an overview of the three reaches on the Lower Colusa Basin Drain (CBD) system, illustrated as the Upper, Middle and Lower Reach. He provided the framework and a development timeline of the Principles for the Sites Reservoir project's use of the Lower CDB System. It is anticipated that these principles will be foundational to future negotiating agreements with others to secure the rights and protections for the Sites Authority's use of the Lower CBD system. The Principles address four areas: existing operation and uses of the Lower CBD System, partnership with local agencies and landowners, water rights and water accounting, and maintenance and capital improvements.

Mr. Robinette provided details on the mapping efforts to capture and define the geographic boundaries and anticipated operations extent on the Lower CBD System. The mapping efforts will assist with planning efforts, potential capital improvements and potential agreements, communication, and outreach efforts.

Mr. Robinette reviewed outreach efforts to date that includes meetings with Dunnigan Landowners and Lower CBD System Work Group. Input and concerns from these two meetings were noted to be discussed in future meetings. Mr. Robinette concluded his presentation with the next steps that are planned upon approval of this resolution item.

Mr. King made public comments on the region's history and the natural contaminants of the river. Chair Fitz requested that Mr. King limit his comments to this resolution item. Mr. King responded by stating the Principles are to create more natural contaminants and be a good neighbor to the delta.

9:26 a.m. Mr. Cheng vacated the room.

<u>ACTION RC</u>: It was moved by Mr. Azevedo, seconded by Mr. Tincher to approve agenda item 2.1. **Motion carried unanimously.**

<u>ACTION AB</u>: It was moved by Director Evans, seconded by Director Dennis to approve agenda item 2.1. **Motion carried**: All Directors present voted yes.

3. **DISCUSSION AND INFORMATION ITEMS:**

3.1 Review and comment on the Final Environmental Impact Report/Environmental Impact Statement status in preparation for public release of the document, approval of the Project, and certification of the administrative record.

Ms. Forsythe presented the status of the EIR/EIS and provided an overview of the Board decision process and associated actions. The final EIR/EIS is in review with Reclamation's DC office and the SB 149 application is still in preparation stages. The November Board meeting is targeted for EIR Action Item.

Ms. Forsythe reviewed the Board Hearing Process for this EIR/EIS special action which included staff presentation, a period for public comment, the responsibilities, and actions of both the Reservoir Committee and Authority Board. Mr. Forsythe concluded with an overview of the action prepared for the Authority Board that will be structured as one resolution.

Chair Durst announced a substantial amount of the record is currently on the website CEQA Record of Proceeding - Sites Reservoir (sitesproject.org)

- 3.2 Review and comment on the following updates related to the Amendment 3 Work Plan:
 - a) Amendment 3 Work Plan scope updates.
 - b) Extension of Amendment 3 to December 31, 2025.
 - c) Draft FY24 and FY25 Cash Call Amount.
 - d) Draft FY24 and FY25 Annual Budget.

ED Brown introduced Mr. Maltby, who will present on this item, and commented that the draft plan is presented today to gain input from the Board. Their feedback will be incorporated into the two-year budget preparation for October's Board meeting.

Mr. Maltby provided a status of the current work plan and reviewed the need to extend the Amendment 3 period to include 2025. The extension is based on the additional time needed to complete the execution of the Benefits and Obligations Contracts. Input was obtained from workgroups and Board meetings to develop an optimized schedule with identified critical path items for the proposed revised Amendment 3 Work Plan.

Mr. Maltby gave an example of the project hierarchy that includes package, project, and sub-project levels. ED Brown stepped in to note that the process of creating modules within the total work will increase efficiency and success in delivery of this process.

Mr. Maltby continued with the anticipated construction critical path and focus for 2024 and 2025, which includes the Golden Gate Dam in 2024.

Presentation shifted to the anticipated available funding for priority scope items identifying an estimated \$77M for the 2024 and 2025 Amendment 3 work. Mr. Maltby also provided a synopsis of fund sources for the estimated \$77M.

Mr. Maltby reviewed a revised plan for the expected revenue of \$77M, which includes programmatic environmental plans and compliance, onboarding of a Construction Manager at Risk (CMAR) and mitigation contractor, critical land acquisitions, and the Golden Gate Dam project. The Sites Dam foundation and Lodoga Road reroute work will occur when funding becomes available. A follow-up check-in is scheduled for mid-2024 to revisit working these items into the work plan. ED Brown noted that this is a significant shift to focusing on critical path elements and adjusting the schedule on non-critical path items until further into the construction schedule. This shift provides an opportunity for cost savings with an earlier project completion.

Mr. Kunde commented that an important point is the focus on critical path items to meet the timeline. This is not a delay; it is a refocusing to keep us on schedule and within our budget.

Mr. Holley asked for the impetus that was behind this change. ED Brown responded that a full analysis of the construction schedule had previously not been completed and this was requested by the Board as part of the Amendment 3 work.

Mr. Kunde noted a change from the original schedule due to the delay in the granting of a water right and this is factored in the updated project schedule. ED Brown responded that the water right would affect the start of construction and the focus now on shifting priorities is identifying at a more granular level exactly how this project will be built in the field.

10:00 a.m. Mr. Cheng returned to the meeting.

Mr. Maltby reviewed the preliminary cash flow summary and the cost tradeoffs from the original work including utilizing unallocated funds and a shift to a more concentrated focus on engineering and Geotech.

Mr. Maltby provided a map illustration showing the planned Amendment 3 work Geotech investigation locations. ED Brown stepped in to describe on the map the Geotech locations that are the focus of the schedule advancement locations; the Golden Gate Dam, the Sites Lodoga Road, and the Sites Dam. The plan is not to perform Geotech on the non-critical activities in the other areas.

Mr. Azevedo asked for the center circled location on the illustration to be identified. Mr. Luu noted that it is the Geotech investigation surrounding that area to advance the design of the temporary access road that will ultimately be a permanent road.

Mr. Maltby concluded the presentation with a draft recommendation of budget principles based on the schedule optimization efforts and next month's action to be brought to the Board.

Mr. Tincher requested a graphic to demonstrate the benefits of the new optimized schedule. ED Brown noted his request and suggested possibly creating a side-by-side comparison with the schedule presented a few months ago.

Mr. Holley requested the cost of the Geotechnical work for the non-critical activities that will be performed later. Mr. Maltby noted this request and confirmed this will be provided.

Mr. Kunde commented on the two key elements to accel early land acquisition and hiring a CMAR to have the project operational as soon as possible.

3.3 Reservoir Committee and Authority Board receive status update on the negotiation of the Benefits & Obligations (B&O) Contract with Participants. Review and comment on the Participant B&O Contract comments that would constitute change to the Board adopted Guiding Principles and Preliminary Terms.

Mr. Robinette reviewed that the B&O is based on the Adopted Guiding Principles and the importance of the B&O contract as it serves as a long-term commitment to the project and preserves participant capacity rights. Mr. Robinette provided the near-term steps and overall schedule of contract development activities to ensure this does not become a critical path item.

ED Brown explained the disruptive process to address significant revisions in the B&O that your agency's board may request. He encouraged members to review the Final Adopted Guiding Principles with their boards.

Mr. Vanderwaal requested input on districts with multiple partners involved in the approval process. ED Brown said we will work together on the timeline and schedule to accomplish this by the timeline.

Ms. Murphy addressed contracts with the landowner. ED Brown stated a starting point is for the landowner to understand and know the guiding principles and let it be known what the issues are.

Mr. Holley suggested engaging your respective legal counsel in the process now.

Mr. Azevedo asked if the contract will be slightly different for participants. ED Brown clarified that it may be different just in the payment annex.

10:30 a.m. Mr. Tincher vacated the building.

Mr. King made a public comment on this item urging direct contact with Colusa County counsel. Chair Durst suggested that if Mr. King has a specific issue with the county that he addresses it with them.

10:30 Mr. Tincher vacated the building.

3.4 Review and comment on the status of the Operations Plan, Version 2.0 preparation. Concur with proposed roles and responsibilities relative to Sites Project Water deliveries.

Ms. Forsythe reviewed the next version of the operation plan, which is targeted to be completed in Spring of 2024. This presentation included roles and responsibilities for delivery of Sites Project water.

Mr. Holley addressed a nomenclature issue requesting that the South of Delta Partners be renamed as the North Bay Aqueduct is not South of Delta. Ms. Forsythe agreed.

3.5 Review and comment on preparations for Phase 3/4/5 Implementation related to Contracting.

Due to time restraints, this item has been deferred to October's meeting.

4. REPORTS:

4.1 Chairs' Reports:

4.1 Committee & Workgroup Chairs' Reports:

Vice Chair Pryor encouraged others to participate in land management committee meetings and thanked Mr. Bettner for his service to this project.

Chair Durst shared that ED Brown will be issuing a request for the ED evaluation and communicated the importance of everyone participating. This Monday Chair Dust, Vice Chair Pryor, ED Brown, and Mr. Neudeck will be attending a State Directors' meeting to provide a project update.

4.3 <u>Authority Board & Reservoir Committee Participant Reports</u>:

Mr. Kunde gave an overview of the Operations and Engineering Workgroup special meeting that focused solely on the optimization of the schedule and early land acquisition.

Director Evans reported on the Land Use Committee Meeting which focused on relocating access roads.

Mr. Spesert provided an update on the Legislative & Outreach Committee's state and federal outreach plan. Next steps include a state and DC visit, and upcoming activities that include a virtual tour.

Mr. Cheng mentioned the State Water Contractors took a tour through Oroville and ended at Ludlow Farms. On behalf of the State Water Contractors, thank you for the participation by Sites representatives.

4.4 Executive Director's Reports:

Executive Director Brown spoke to the following:

Meeting scheduled this Monday with Secretary Crowfoot. The Secretary requested the meeting to receive a project update and for us to share our understanding on the status.

Reviewed the SB149 process and next steps.

Attended the Local Community Working Group meeting that was held on September 21, 2023. It was an active meeting with engaging conversation. Sarah Katz led us through an interactive session that created a better understanding of local community concerns. Next meetings are scheduled for November and December. Expecting to provide suggested policy actions providing direction to the Project regarding community concerns.

Thank you to Mr. Bettner from all the Sites staff.

Chair Durst encouraged everyone to share with their board the local outreach efforts that are being conducted.

Chair Durst declared a recess at 11:10 a.m. and convened into Closed Session.

5. <u>CLOSED SESSION</u>:

- Negotiations concerning water right permit terms and conditions (Govt. Code §54956.9(c) and §54956.9(d)(4)).
- Negotiations concerning closure of AB52 consultation process with the Colusa Indian Community Council (Govt. Code §54956.9(d)).
- 5.3 Conference with Real Property Negotiators (Gov. Code § 54956.8)
 Property: [Colusa County] APNs 011-130-004-000, 011-130-011-000, 011-150-017-000, 011-150-018-000, 011-150-020-000

Agency negotiators: Jerry Brown, Kevin Spesert

Negotiating parties: Shirley Jensen

Under negotiation: Price and terms of payment

Joint	Authority Board & Reservoir Committee Meeting September 22, 2023 Chair Durst adjourned Closed Session at 12:40 p.m. and reconvened into Open Session.						
6.	REPORT FROM CLOSED SESSION:						
	GC Doud stated that no reportable action was taken on Closed Session matters.						
7.	RECAP:						
7.1	Suggested Future Agenda Items.						
7.2	Upcoming Meetings:						
	Joint Reservoir Committee & Authority Board Friday, October 20, 2023 (9:00 a.m 12:00 p.m.) Maxwell Project Office & Virtual						
	Durst adjourned the Joint Reservoir Committee and Authority Board Meeting at our of 12:45 p.m.						
 Fritz	Durst, Authority Board Chair Valerie Pryor, Reservoir Committee Chair						
	 Terri Boland, Board Clerk						
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Agenda Item 1.1, Attachment A

9:00 AM - Noon

Current Voting Committee Participants (22):

%		%	
, ,	Participant	70	
3.47	American Canyon, City	2.57	LaGrande WD (1)
2.42	Antelope Valley-East Kern WA	17.29	Metropolitan WD
5.28	Coachella Valley WD	3.47	Reclamation District 108
5.28	Colusa County	2.42	Rosedale-Rio Bravo WSD
5.05	Colusa Co. WD	8.70	San Bernardino Valley MWD
2.41	Cortina WD (1)	6.48	San Gorgonio Pass WA
2.87	Davis WD	2.42	Santa Clara Valley WD
4.22	Desert WA	3.77	Santa Clarita Valley WA
3.17	Dunnigan WD	3.89	Westside WD
3.77	Glenn-Colusa ID	3.19	Wheeler Ridge-Maricopa WSD
2.57	Irvine Ranch WD	5.28	Zone 7 WA
•		100.00	Total

21 Voting members represented at the start of the meeting- \boxtimes

97.58% Represented participation percentage

Representation has been delegated as follows:

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

September 22, 2023 9:00 AM-Noon

Current Voting Authority Board (9)		Primary		Alternate	
Colusa County		Gary Evans		Mike Azevedo	
Colusa County Water District		Joe Marsh		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 (9:15)		Halbert Charter	
Sacramento County		Kerry Schmitz		Mike Peterson	
Westside Water District		Doug Parker	\boxtimes	Zach Dennis Dan Ruiz	
Associate Members (non-voting)		Primary		Alternate	
Western Canal Water District		Greg Johnson	\boxtimes	Ted Trimble	
Non-Voting Committee Participants (2)		Primary		Alternate/Other	
		Primary Rob Cooke		Alternate/Other Jagruti Maroney Itzia Rivera	
(2)		Rob Cooke Richard Welsh		Jagruti Maroney Itzia Rivera Don Bader	
Department of Water Resources		Rob Cooke		Jagruti Maroney Itzia Rivera	
Department of Water Resources		Rob Cooke Richard Welsh		Jagruti Maroney Itzia Rivera Don Bader	
Department of Water Resources Bureau of Reclamation Current Voting Reservoir Committee		Rob Cooke Richard Welsh Allison Jacobson		Jagruti Maroney Itzia Rivera Don Bader Natalie Taylor	
Department of Water Resources Bureau of Reclamation Current Voting Reservoir Committee (22)		Rob Cooke Richard Welsh Allison Jacobson Primary		Jagruti Maroney Itzia Rivera Don Bader Natalie Taylor	
Department of Water Resources Bureau of Reclamation Current Voting Reservoir Committee (22) American Canyon, City		Rob Cooke Richard Welsh Allison Jacobson Primary Jason Holley		Jagruti Maroney Itzia Rivera Don Bader Natalie Taylor Alternate	
Department of Water Resources Bureau of Reclamation Current Voting Reservoir Committee (22) American Canyon, City Antelope Valley-East Kern WA		Rob Cooke Richard Welsh Allison Jacobson Primary Jason Holley Matt Knudson		Jagruti Maroney Itzia Rivera Don Bader Natalie Taylor Alternate Dan Flory	
Department of Water Resources Bureau of Reclamation Current Voting Reservoir Committee (22) American Canyon, City Antelope Valley-East Kern WA Coachella Valley Water District		Rob Cooke Richard Welsh Allison Jacobson Primary Jason Holley Matt Knudson Robert Cheng		Jagruti Maroney Itzia Rivera Don Bader Natalie Taylor Alternate Dan Flory Petya Vasileva	
Department of Water Resources Bureau of Reclamation Current Voting Reservoir Committee (22) American Canyon, City Antelope Valley-East Kern WA Coachella Valley Water District Colusa County		Rob Cooke Richard Welsh Allison Jacobson Primary Jason Holley Matt Knudson Robert Cheng Mike Azevedo		Jagruti Maroney Itzia Rivera Don Bader Natalie Taylor Alternate Dan Flory Petya Vasileva Gary Evans	

September 22, 2023 9:00 AM-Noon

Desert Water Agency	\boxtimes	Mark Krause		Steve Johnson	
Dunnigan Water District		Bill Vanderwaal			
Glenn-Colusa Irrigation District		Thad Bettner		Greg Krzys	
Irvine Ranch Water District		Paul Weghorst	\boxtimes	Kellie Welch	
LaGrande Water District		Zach Dennis	\boxtimes	Mike Urkov	
Metropolitan Water District		Randall Neudeck		Nina Hawk Sam Smalls	
RD 108	\boxtimes	Bill Vanderwaal		Lewis Bair	
Rosedale-Rio Bravo Water District		Trent Taylor		Dan Bartel	
San Bernardino Valley WD		Bob Tincher		Heather Dyer	
San Gorgonio Pass Water Agency		Eckhart		Thomas Todd Emmett Campbell	
Santa Clara Valley Water District		Cindy Kao	\boxtimes	Katherine Maher	
Santa Clarita Valley Water Agency		Steve Cole	\boxtimes	Ali Elhassan	
Westside Water District		Allen Myers	\boxtimes	Dan Ruiz	
Wheeler Ridge-Maricopa WSD	\boxtimes	Rob Kunde		Sheridan Nicholas	
Zone 7 Water Agency		Valerie Pryor	\boxtimes	Lillian Xie	
Authority, Non-Signatory (6)		Primary		Alternate	
PCWA		Ed Horton		Ben Barker	
Roseville		George Hanson Scott Alvord		Sean Bigley Trevor Joseph	
City of Sacramento		TBD		Brett Ewart	
Sites Project Authority:					
☐ Jerry Brown		Ali Forsythe		Kevin Spesert	
☐ JP Robinette		Joe Trapasso		Marcia Kivett	
Alan Doud					

Members of the Public

Name	Representing	Name	Representing
Ann Newton	Katz & Associates	Laney Nelson	Arup
Charles Gardiner	Catalyst Group	Mike Smith	AECOM
Eric Patterson	Kiewit	Laney Nelson	ARUP
Erin Huang	Jacobs	Nik Sokol	Arup
Steve Grasha	Desert WA	Grace Lui	Aecom
Richard Newens	HDR	Loan Iqbal	Lane Construct
Jeff Kivett	Brown & Caldwell	Ryan Nordvik	Arup
Jennifer Peters	KKCS World	Marc Capetillo	Materra
Jelica Arsenijevic	HDR	Cindy Saks	SBVMWD
Juleah Cordi	Office of Assembly Member James Gallagher	Marcus Maltby	Brown & Caldwell
Sarah Katz	Katz & Associates	Scott Brown	LWA
Cheyanne Harris	Brown & Caldwell	Alex Shafer	Materra
Henry Luu	HDR	Conner McDonald	CMD West
Doug Montague	Montague DeRose Associates	Caitlin Nielsen	HDR
Laurie Warner Herson	Phenix	Angela Smelser	CCIC
Peter Thompson	AVEK	Loan Lam	Lane Construction
Molly West	Colusa NSN	Elizabeth Foss	Zone 7
Doug Brown	Stradling Law	David Tate	DWA
Margie Namba	GCINC	Scott Olson	Ghirardelli Associates
Melissa Dekar	Reclamation	John Spranza	HDR
Angela Bezzone	MBK Engineers	Steve Geiger	County of Colusa
Mark Shafer	GCINC	Dee Bradshaw	Metropolitan

Members of the Public

Name	Representing	Name	Representing
Derek Gardels	HDR	Andres Trauttmansdorff- Weinsberg	Delve Underground
Margo Gawelko	Guy F. Atkinson Construction	Linadria Porter	Catalyst Group
Alan Boyce	Matera	Quang Tran	Southland Holdings
Ben King		Clarke Ornbaun	Ornbaun Farms