



Website: SitesProject.org

Meeting: **Joint Sites Reservoir Committee &  
Authority Board**

**October 20, 2023  
9:00 a.m. – 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 17 representatives, 83.75% 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 Mr. Vanderwaal, seconded by Mr. Cole, to approve the October 20, 2023, meeting agenda. **Motion carried unanimously.**

**ACTION AB:** Moved by Director Allen, seconded by Director Azevedo, to approve the October 20, 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, 5.2 and 5.3.

### PERIOD FOR PUBLIC COMMENT:

Chair Durst called for a period of public comment. Hearing none, he closed the period for public comment.

1. CONSENT AGENDA:

Chair Pryor and Chair Durst made time to consider consent agenda items 1.1 through 1.3 as follows:

- 1.1 Reservoir Committee and Authority Board consider approval of September 22, 2023, Joint Reservoir Committee and Authority Board Meeting Minutes. **(Attachments A & B)**
- 1.2 Reservoir Committee and Authority Board consider acceptance of the Sites Project Authority Treasurer's Report. **(Attachment A & B)**
- 1.3 Reservoir Committee and Authority Board consider approval of the Sites Project Authority Payment of Claims. **(Attachment A & B)**

**ACTION RC:** It was moved by Mr. Tincher, seconded by Ms. Traynham to approve Consent Agenda items 1.1 through 1.3. **Motion carried unanimously.**

**ACTION AB:** It was moved by Director Sutton, seconded by Director Allen to approve Consent Agenda items 1.1 through 1.3. **Motion carried: All Directors present voted yes.**

2. ACTION ITEMS:

- 2.1 Reservoir Committee and Authority Board consider the following actions related to the Amendment 3 Work Plan Update **(Attachments A, B & C):**
  - a) Adoption of a 7-year Construction Schedule incorporated into an initial overall Program baseline schedule.
  - b) Approval of Amendment 3 Work Plan priorities update.
  - c) Approval of an extension of Amendment 3 to December 31, 2025.
  - d) Approval of FY24 Cash Call Amount.
  - e) Approval of FY24 Annual Budget.

ED Brown commended the plan being presented today, emphasizing that it had effectively integrated the feedback previously provided by the Board. He further stated that the total overall project construction schedule and identified goals related to completing the project have been established in this work plan. Notably, one of the four key areas of focus in the strategic plan is buildability, and this item marks a significant step forward in achieving the project goals within a reasonable timeframe.

Mr. Maltby presented an overview of the five components of the Amendment 3 Work Plan Update. He then delved into the Budget Principles, explaining these principals are grounded in prioritizing items that have the most substantial impact on the project's schedule and cost.

9:25 a.m. Director Evans entered the room.

Mr. Maltby provided a baseline schedule graphic, underscoring that this schedule dictated the decision making and sequencing of work in the reprioritized work plan.

He stressed the importance of focusing on critical path items, resulting in a noteworthy advancement in the substantial completion target, set for mid-2032. The previous target was late 2033. He mentioned that actions related to land acquisition would trigger subsequent activities, including biological and cultural clearing, Geotech work and detailed designs for long duration activities. Mr. Maltby stated that the schedule will continue to be updated, additional detail added, and the Board will be provided schedule updates.

Mr. Kunde sought clarification regarding the availability of diversions before the targeted mid-2032 substantial completion. In response, Mr. Robinette acknowledged that, at present, it cannot be assumed that diversions would be available before that date, but earlier filling would be explored.

Mr. Kunde also noted that the 2024 permitting line did not accurately reflect known permitting activities. Mr. Maltby stated this will be updated accordingly.

Director Sutton requested confirmation that the conveyance activity line represents the construction portion. Mr. Robinette confirmed that the graphic presented reasonable physical construction durations, with a detailed schedule encompassing all design and planning aspects.

Mr. Maltby reviewed the current Amendment 3 budget and the proposed 2023 work plan budget update, which included actual and forecasted values, and incorporated 2025.

The proposed 2024 Revenue budget was presented. Mr. Maltby noted the reduction in the 2024 cash call amount resulted from redistributing revenue into 2025. As a result, the cash call difference between the existing work plan and the proposed plan equals \$40 per acre-foot. The combined now four-year total will remain as what was originally approved, amounting to \$400.00 per acre foot over the entire work period.

Mr. Maltby provided compared expenses of the 3-year work plan with the proposed 2024 expenses. Notable changes include a decrease in Geotech and

Division of Safety of Dams fees due to the reprioritized approach. He highlighted increases in permitting planning efforts and real estate, for acquisition of properties not included in the original plan. He noted that totals shown include contingencies built into these items within the table.

A chart displaying the cash flow curve for the remainder of the work plan, illustrating cumulative revenue and expenses, was presented. This will be monitored closely as the work plan progresses, including semi-annual check-ins. Mr. Maltby reviewed budgeting and tracking expenses by sub-project and the reasoning behind this approach after completing the 30% design.

Mr. Robinette presented the Golden Gate Foundation Excavation sub-project including the value engineering process for this sub-project and how efforts have been reprioritized. This process includes performing focused Geotech exploration, data incorporation into an alignment evaluation, and the design engineering team utilizing this information to present a recommendation to the Board. Graphics were presented to showcase potential options. The reprioritizing of the work focuses on safety, lowest risk, constructability, and cost affordability.

ED Brown noted that this presentation is a follow-up to the Board's request from the previous month to provide additional graphics.

Ms. Maher commented on the graphics indicating a shifting upstream and inquired if there would be a reduction in the reservoir size with the options presented. Mr. Robinette responded that any reduction would be minimal, with no significant changes expected.

Mr. Vanderwaal requested confirmation of additional discussion with the Operations and Engineering Work Group. Mr. Robinette confirmed there will be further details provided. With the first Geotech program, the decision will follow the value engineering path and will be thoroughly vetted. This will be an important decision point.

Mr. Marsh requested confirmation that the last estimate was \$850 an acre foot. ED Brown confirmed that is correct.

Mr. Neudeck asked about the plan for the contingency funds shown in the expense budget. ED Brown explained that the contingency dollars were shown to be spent down, and if unspent, a surplus would be realized.

Mr. Cheng raised concerns about potential increased costs due to compression of the schedule and Mr. Robinette indicated that a detailed review of the schedule compared to the plan of finance cash flow would be conducted.

Mr. Cheng also commented on the Comparing Expenses Total table. Suggesting a different interpretation of the change in engineering costs.

Mr. Holley sought confirmation that the value engineering options were exploratory at this stage, and Mr. Robinette explained that further Geotech exploration would confirm the validity of these options.

Mr. Azevedo commented on the permitting item in the Comparing Expenses Totals table should have been decreased. Ms. Forsythe clarified that this represents progress towards construction and implementing our permit actions in the field. ED Brown added this is a total over the original 3-year period with reflections of all the adjustments including water quality control plan, reclamation participation, and comments on the environmental document, all culminating in increased costs.

Vice Chair Sutton raised the possibility of an improved Golden Gate Dam schedule. ED Brown noted that the original 8-year schedule had been reduced to 7 years, with confidence in achieving the 7-year construction schedule, although further fieldwork will be needed to aim for 6 years.

ED Brown emphasized that approval for the subject area lines of the budget would be addressed today, and task orders to the consultants reflecting these totals would be presented to the Board in December.

**ACTION RC:** It was moved by Mr. Vanderwaal, seconded by Mr. Cheng to approve agenda item 2.1. Motion carried unanimously.

**ACTION AB:** It was moved by Director Evans, seconded by Vice Chair Sutton to approve agenda item 2.1. **Motion carried: All Directors present voted yes.**

- 2.2 Reservoir Committee and Authority Board consider approval of the 2024 joint meeting calendar. **(Attachment A)**

**ACTION RC:** It was moved by Mr. Vanderwaal, seconded by Mr. Ruiz to approve agenda item 2.2. **Motion carried unanimously.**

**ACTION AB:** It was moved by Vice Chair Sutton, seconded by Director Marsh, to approve agenda item 2.2. **Motion carried: All Directors present voted yes.**

- 2.3 Reservoir Committee and Authority Board consider authorizing the Executive Director to post required public notices in accordance with SB149 should the Governor's certification of the Sites Project for the California Environmental Quality Act streamlining be received.

ED Brown communicated that the current authorization from the Boards will conclude on Monday, October 23, 2023. In light of this, he requested approval to enable him to post the necessary public notices in accordance with SB149, provided that the Governor's certification is received.

**ACTION RC:** It was moved by Mr. Cole, seconded by Mr. Vanderwaal to approve agenda item 2.3. Motion carried unanimously.

**ACTION AB:** It was moved by Vice Chair Sutton, seconded by Director Allen to approve agenda item 2.3. Motion carried: All Directors present voted yes.

**3. DISCUSSION AND INFORMATION ITEMS:**

**3.1 Receive an update on the Project's Section 106, cultural resources compliance efforts.**

Ms. Forsythe provided an overview of the Section 106 and Programmatic Agreement process for this project. The agreement is expected to outline the procedures for identifying, assessing, and resolving adverse effects. Reclamation, serving as the federal lead agency, will also address the Army Corps needs in the Programmatic Agreement. The challenge lies in not have access to the entire project area. is we do not have land access to the entire project footprint.

The authority will implement most of the measures in the Programmatic Agreement as they align with the EIR measure. However, there will be a few measures where Reclamation will take the lead. The agreement will specify who the Authority is to consult with in implementing these measures and provide a timeline for consultation. It was noted that the Board would be asked for approval in the December 2023 meeting for the Executive Director to sign the Programmatic Agreement when completed.

Mr. Marsh inquired whether it was necessary to survey the entire project footprint or just the disturbed areas to which Ms. Forsythe confirmed it would be the entire footprint.

Mr. King made public comment on this item.

**3.2 Receive an update on the Project's Clean Water Act 404 and 401 Permit Applications.**

Ms. Forsythe presented on the status of the Clean Water Act permit application. Relayed that monthly meetings are held with both the Army Corps and the State

Board staff. December 2023 is the target to submit permit applications and permit issuance is expected to take up to one year.

It is noted that for the 401 and 404 permits, TCCA and GCID would like to have their legal counsel's review prior to submittal.

Mr. Azevedo asked if there is any significant difference in the mitigation with state and federal. Ms. Forsythe responded that generally there is not.

3.3 Review and comment on the preparations for Phase 3/4/5 implementation related to contracting.

Mr. Robinette provided an overview of procurement strategy decisions made to date. A collaborative approach is proposed to procure the Construction Manager at Risk (CMAR) for the reservoir package. Before initiating procurement, a check in on water rights, key permits, CEQA and financing will be completed. The goal is that the CMAR will be on board to assist in developing 60% design and that the Owner to have a proactive role in CMAR delivery.

ED Brown spoke on the transition to a construction organization into eventually an operating organization. The Board identified in their strategic plan to build an effective organization. Conceptual construction and operations organization charts were provided that focused on mapping construction staff to operations of the project. This will bring the capabilities into operations to implement more efficiently and effectively meet the needs of the users.

ED Brown conveyed that the next step is to meet with the Governance Ad Hoc Committee for input and return to the Board with a conceptual level of owner-employee representation for construction before the CMAR procurement process is initiated.

4. REPORTS:

4.1 Chairs' Reports:

Chair Fritz noted the State Directors' meeting did not occur last month and is to be rescheduled. He recognized that timing is critical and thanked the Sites team on having SB149 documents ready in time.

4.2 Committee & Workgroup Chairs' Reports:

Mr. Kunde provided an update on the Operations and Engineering Work Group meeting held on October 11, 2023. The Amendment 3 budget, planning and schedule were reviewed with input provided that was reflected in the presentation today. A review was held on the updated information on the



Dunnigan pipeline design and the Colusa Basin Drain considerations on capacity. There is a hydraulic modeling update that now incorporates a daily model. Staff briefed on southern construction access road with three options being evaluated and local input was provided. The next meeting will include reviewing the emergency drawdown analysis and engineering perspective.

Mr. Azevedo commented that this will be of great interest to the local community. Director Fritz asked what the flow capacity is with an emergency drawdown. Mr. Robinette and Mr. Luu responded that the project will assume a 10% hydraulic 10-day draw down.

Mr. King made public comment regarding the drawdown design. Mr. Kunde replied that the early feedback is appreciated.

#### 4.3 Authority Board & Reservoir Committee Participant Reports:

Mr. Vanderwaal relayed that Ms. Forsythe joined RD108 for a meeting with a community member that submitted a protest. It was a very productive meeting and appreciate Ms. Forsythe attending.

#### 4.4 Executive Director's Reports:

Executive Director Brown spoke to the following:

Extended an invitation to all Authority Board and Reservoir Committee members to attend the upcoming Board meeting in person for the final approval presentation of the Environmental Impact Report.

Provided an update on the preliminary certification of SB149 from the Governor, stated that the posting of the final document is set to take place in the Federal Register no later than November 3, 2023. There are planned outreach activities in the pipeline regarding the progress being made on the project.

Chair Durst declared a recess at 10:52 a.m. and convened into Closed Session.

#### 5. CLOSED SESSION:

- 5.1 Negotiations concerning water right permit terms and conditions (Govt. Code §54956.9(c) and §54956.9(d)(4)).
- 5.2 Conference with legal counsel regarding significant exposure to litigation (Gov. Code §§54956.9(d)(2))1 Item.
- 5.3 Public Employee Performance Evaluation, Executive Director (Govt. Code §54957).



Chair Durst adjourned Closed Session at 12:44 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, November 17, 2023 (9:00 a.m. – 12:00 p.m.)

Maxwell Project Office & Virtual

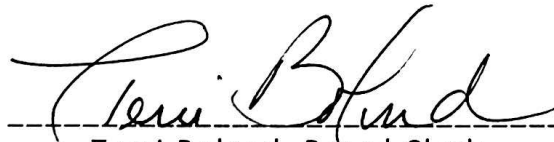
Chair Durst adjourned the Joint Reservoir Committee and Authority Board Meeting at the hour of 12:50 p.m.



Fritz Durst, Authority Board Chair



Valerie Pryor, Reservoir Committee Chair



Terri Boland, Board Clerk