



Meeting: **Reservoir Committee & Authority Board Agenda** **January 19, 2024**
Item 3.3

Subject: **Lower Colusa Basin Drain (CBD) System Initial Assessment and Potential Agreements**

Requested Action:

Review and comment on the Lower Colusa Basin Drain System’s list of potential long-term agreements and related near-term actions to support the Benefits and Obligations Contract development process.

Detailed Description/Background:

The Sites Reservoir Project (Project) plans to utilize existing conveyance systems as part of the operations of the Project, including the lower portion of the Colusa Basin Drain (CBD) and associated facilities (“Lower Colusa Basin Drain System” or “Lower CBD System”; see Attachment A). In September 2023, the Sites Authority authorized Board Resolution #2023-01 to adopt the Principles of Use (Principles), which establish guidelines for the Project’s planning activities related to the use of the Lower CBD System.

In accordance with the Principles, the Sites Authority formed the Lower CBD Working Group in 2023 to work in collaboration with agencies and the local community, including landowners and their representatives, to address opportunities and concerns with Project operations in the Lower CBD System. A Cooperative Agreement between Sites Authority and Reclamation District No. 108 (RD 108) was also executed in August 2023 to support planning efforts on the Lower CBD System.

Potential areas of concern and opportunities have been identified through existing document reviews, discussions among the Engineering, External Affairs/Real Estate, and Environmental/Water Rights teams, discussions with RD 108, and feedback received from agencies and the local community through forums such as the Lower CBD Working Group. These concerns and opportunities informed the list of potential agreements required for use of the Lower CBD System by the Project. Board feedback and reactions to this list would be appreciated.

System-wide issues include flowage agreements, water rights, water quality monitoring, future operation and maintenance, and communication and coordination. Some issues are specific to certain reaches of the Lower CBD System, including flooding and any potential bank/equipment improvements, impacts on conservation easements, potential Knights Landing Outfall Gates (KLOG) and Wallace Weir operational adjustments, and drainage and seepage impacts. Within each of these areas of concern, there are opportunities for Sites

Authority, agencies, and the local community to work together towards improvements and solutions.

Based on the issues described above, Attachment B presents the potential agreements needed to address the use of the Lower CBD System by the Project. The term “agreements” is used broadly here—agreements can take different forms including, but not limited to formal contracts, letter agreements, real estate actions, and principles and procedures that parties agree should be included in operations of the Project.

The agreements will be needed during various phases as the Project proceeds through planning, design, construction, and operation and maintenance. Attachment B presents the agreements based on the parties involved, type of agreement, and the Project phase. Many of the agreements require further development of the Project design before terms can be developed for the Sites Authority’s consideration. Note that water rights issues are being addressed separately through the water right permitting process.

As studies, planning, and design are refined and finalized, the types of agreements and terms may require adjustments based on continued engagement with agencies and the local community. This current list of agreements is intended to lay the groundwork for further discussions, to identify next steps for continued advancement of the Project’s use of the Lower CBD System, and to inform development of these agreements.

The ability to use the Lower CBD System is key to Project operations; to provide confidence in the Project’s ability to make water deliveries to Participants, significant progress on the following agreements will be prioritized and advanced by July 2024 to support the Benefits and Obligations Contract process:

- Land rights for temporary construction/permanent facilities - conservation easement.
- Flowage agreements. To flow Sites water within the Lower CBD System, the Authority will work with the landowners, agencies, and others who own the underlying lands. The Sites Authority Real Estate Team is actively engaged with these entities to establish the foundation for future land permissions pending the advancement of engineering design.
- Term sheet with DWR for KLOG operations and RD 108 for Wallace Weir. Terms for operational setpoints and operations should be settled with both DWR and RD 108 to ensure cooperative operations of KLOG and Wallace Weir, respectively, to allow Sites water to flow through the Lower CBD System to Participants. This will also involve engagement of landowners affected by operational modifications.

Prior Action:

September 2023: Adoption of principles establishing guidelines for the Sites Project's Use of the Lower Colusa Basin Drain System.

Fiscal Impact/Funding Source:

There are sufficient funds in the Amendment 3 work plan to pay the costs related to this effort. It is expected that the expenditure of funds will run through the end of the Amendment 3 Work Plan, currently Dec 31, 2025.

Staff Contact:

JP Robinette

Primary Service Provider:

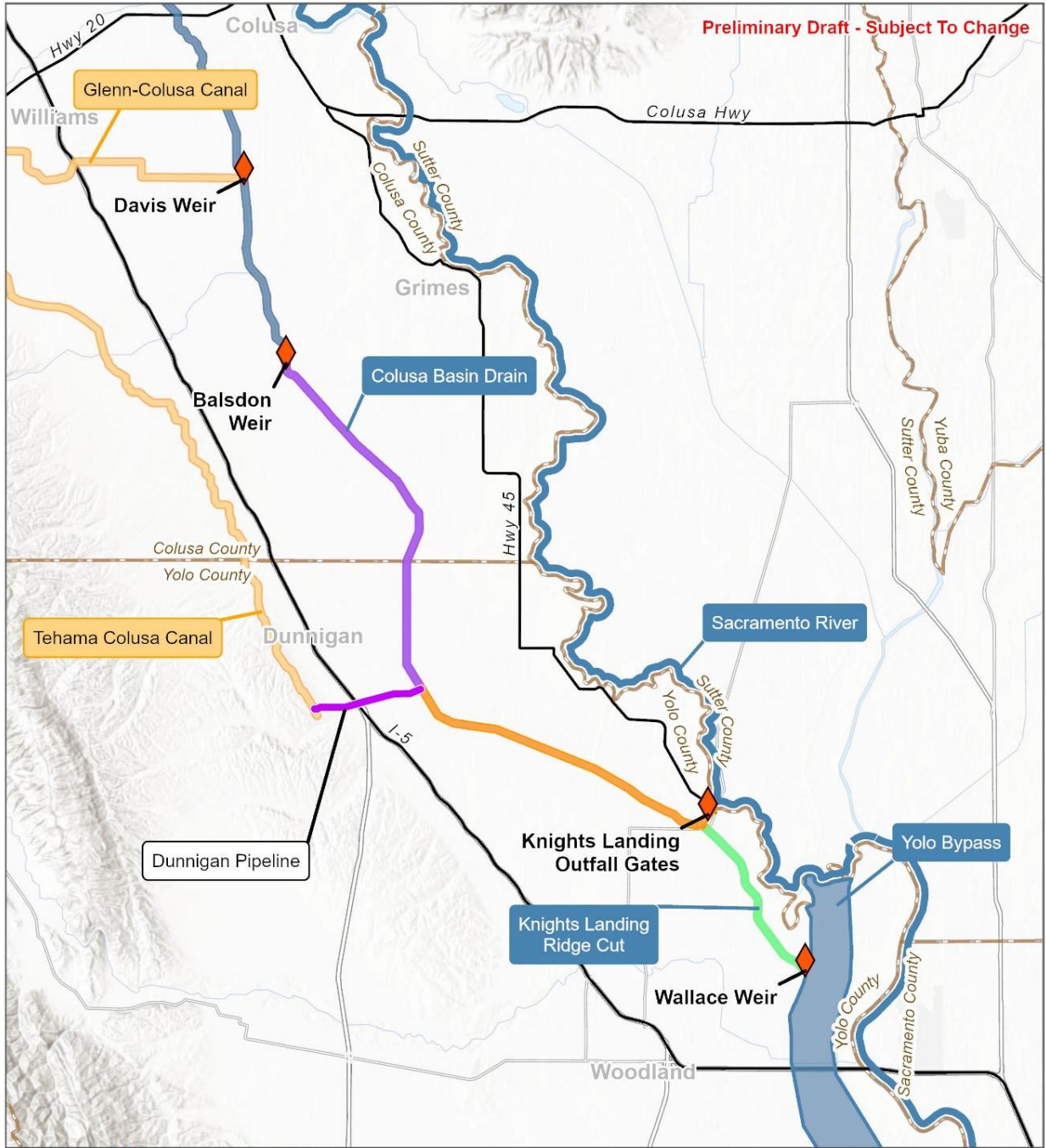
Brown & Caldwell/HDR

Attachment:

Attachment A: Map of Lower Colusa Basin Drain System

Attachment B: Potential Agreements for the Project's Use of the Lower Colusa Basin Drain System

Attachment A: Map of Lower Colusa Basin Drain System



Preliminary Draft - Subject To Change



Existing Control Structures and Potential Measurement Location	
Dunnigan Pipeline	
<u>Reach Areas</u>	
Upper	
Middle	
Lower	

LOWER COLUSA BASIN DRAIN SYSTEM

REACHES AND INFRASTRUCTURE COMPONENTS

Map Date: 1/4/2024

**Attachment B:
Potential Agreements for the Project's Use of the Lower Colusa Basin Drain
System**

Potential Parties and Agreements	PLANNING/ DESIGN	CONSTRUCTION				OPERATION & MAINTENANCE			
	Access Agreements for field studies	Land rights for temporary construction needs	Land rights for permanent facilities	Design & Construction Agreements*	Levee Permits* ⁺	Flowage Agreements	KLOG Operations	Wallace Weir Operations	Maintenance Agreement*
Individual Landowners									
Upper Reach	x								
Middle Reach	x	x	P	x		P			
Lower Reach	x			x		P			
Agencies									
Colusa Basin Drainage District									x
Central Valley Flood Protection Board					x				
Department of Water Resources							P		
Knights Landing Ridge Drainage District									x
Reclamation District 108						P		P	x
US Army Corps of Engineers					x				
US Department of Agriculture			x						

*Subject to results of additional studies and discussions. ⁺Permit for work on Federal levees on the east side of the Middle Reach and encroachment permit for levee work on non-Federal levees on the west side of CBD (if needed).

X = Agreement needed

P = Agreement needed, priority for Amendment 3 work period