

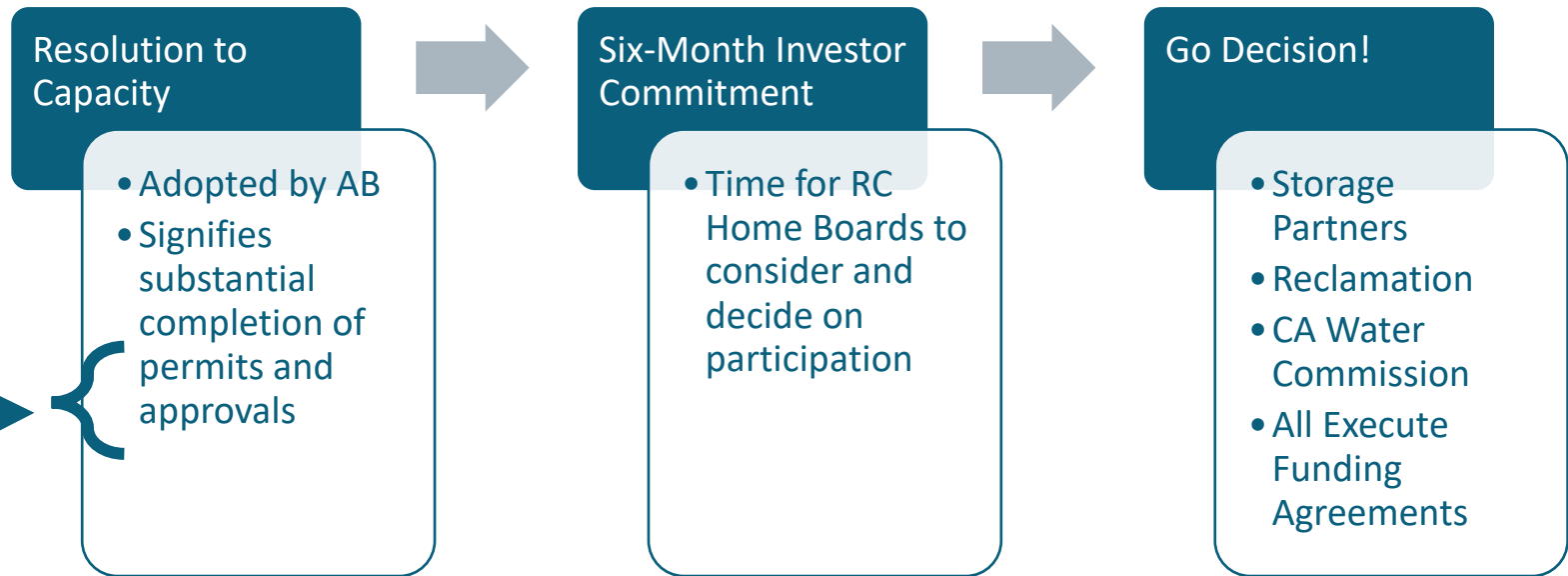
Reservoir Committee and Authority Board Meeting

Agenda Item 3.4: Conditions Precedent, Three
Key Schedule Challenges

December 20, 2024



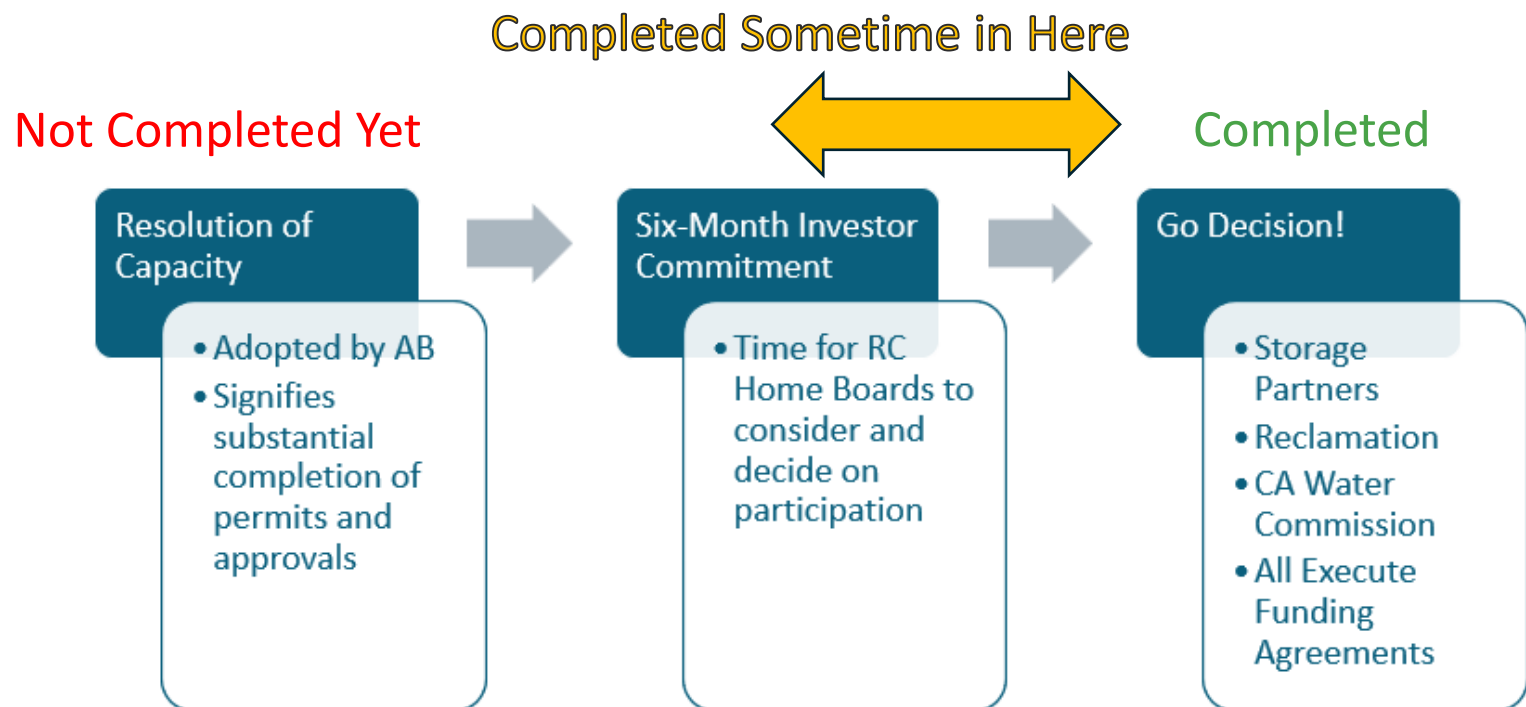
Conditions Precedent Reporting



Conditions Precedent Reporting focuses attention on permits and approvals Storage Partners identified as important to sign-off for participation commitment

Three Conditions Precedent Will Not be Completed Prior to Resolution of Capacity

1. Reclamation Reimbursement Agreements
2. Project-specific Operations Biological Opinions
3. Clean Water Act Section 404 and 401 Permits



Reclamation Reimbursement Agreements

- Agreements necessary for Reclamation to enter into for reimbursement of its Sites Project costs
 - Assuming some Reclamation costs are non-reimbursable
- Condition Precedent for Storage Partner and Reclamation
- Unclear if Reclamation will complete these prior to the 6-month escrow period
 - Will need to be completed (if determined needed) prior Reclamation signing Participation Agreement
- Participants will need to consider how this uncertainty will affect their Participation decision
 - Greatest uncertainty for our CVP Participants

Project-specific Operations Biological Opinions

- Project-level Biological Opinions expected in late calendar year 2025
 - Sites Project covered programmatically in LTO BiOp
 - Operations ITP obtained
- Condition Precedent for all Parties
- Will not be complete prior to the 6-month escrow period
 - But would be completed prior to the END of the 6-month period
- Participants will need to consider how this uncertainty will affect their Participation decision

Clean Water Act Section 404 and 401 Permits

- CWA Section 404 and 401 permits expected in late calendar year 2025 or early 2026
- Only “conditional approval” is a Condition Precedent for the CA Water Commission
- Authority staff working with CWC staff to define an acceptable conditional approval (e.g., application deemed complete)

Considering These Uncertainties

- Participants should consider how these uncertainties will affect their Participation decision
- What can/might Authority do to reduce uncertainty?
- What can you do within your Agency to address uncertainty?
- How do we collectively prepare to make participation decisions in light of these uncertainties?

Questions?