



Meeting: **Reservoir Committee/Authority Board Agenda  
Item 3.3**

**April 18, 2025**

Subject: **Conditions Precedent Reporting**

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**Requested Action:**

Receive and comment on updated conditions precedent quarterly status report.

**Detailed Description/Background:**

For the past year, the conditions precedent report has been presented to the Board on a quarterly basis as a status update on the critical items the Board has identified as needed for their agency's execution of the B&O Contract. Also presented is a Storage Partner Approvals Coordination Table to represent the permits and approvals needs across all of the Storage Partners – Participants – RC members, State - California Water Commission, and Federal - Reclamation. Having a common list of expected deliverables ensures Sites Staff, consultants, and all Storage Partners prioritize efforts in the right places. These logic connections are incorporated into the Amendment 3 schedule update, Agenda Item 4.4C.

This report updates on the progress of items listed in Attachment A since the January 2025 report. Board members and state and federal representatives are requested to confirm any changes or additions to their needs for executing contracts during investor commitment escrow.

As expected, schedules for some of the items in the report have shifted. Of highest interest, the October 2025 start of Investor Commitment Escrow Period is bumped one month to November 2025 due to the AHO's recent closing briefs schedule update in the water right hearing process. There is still some uncertainty in the actual timing of the water right decision and a few other items which could cause further shift in this date, but nothing is anticipated that would push this out past Q4 of 2025. This means Storage Partners should be doing their own preparations through this year to set the stage for receiving decision maker authorizations sometime during Q4 2025 or Q1 2026.

**Prior Authority Board Action:**

January 2025 – Received a quarterly update.

**Fiscal Impact/Funding Source:**

The Amendment 3 Work Plan includes sufficient budget to cover required resources and activities to achieve the supporting deliverables as listed in the Storage Partners Approvals Coordination Table.

**Staff Contact:**

Ali Forsythe/JP Robinette/Jerry Brown

**Primary Service Provider:**

None.

**Attachments:**

Attachment A: Activities to be Completed Prior to Resolution of Offer of Capacity and During Investment Commitment Escrow, Status Update

Attachment B: Storage Partners Approvals Coordination Table – working draft dated April 18, 2025



**Activities to be Completed Prior to Resolution to Offer Capacity & Service and During Investor Commitment Escrow  
 Status Update as of April 18, 2025**

Activity / Agreement	Target Completion	Status	Notes / Critical Issues
<b>Contract and Supporting Documents:</b>			
• Benefits and Obligations Contract policy item resolution and final review	May 25	Covered under Agenda Item 3-1	Outcomes with other permits and approvals may affect document
• Phase 3, 4, 5 Bylaws	same as B&O		
• Amended Joint Exercise of Powers Agreement	same as B&O		
• Sites Reservoir Operations Plan (Version 2)	May 25	Conveyance Capacity Issue	Outcomes with other permits and approvals may affect document
<b>Actions:</b>			
• CEQA Notice of Determination	Nov 23	Completed	Nov 17, 2023
• NEPA Record of Decision	Jun 25	Dependent on Reclamation	Revised based on Programmatic Agreement and Construction BiOp schedule
• Preliminary Baseline Report including Updated Class 3 Cost Estimate and Updated Plan of Finance Forecast Tables	Jun 25	On Track	
• Resolution to Offer Capacity & Service	Nov 25	Revised	Revised based on schedule update
<b>Permits and Approvals:</b>			
• Water Right decision by SWRCB	Sept 25	Revised	
• State Construction and Operations Incidental Take Permits	Oct 24 Oct 24	Completed	
• Federal Project Construction Biological Opinion	Jun 25	Revised	
• Federal Programmatic Operations Biological Opinion (Step one)	Dec 24	Completed	
• National Historic Preservation Act – Section 106 Programmatic Agreement	May 25	Revised	
• DSOD Confirmation of Dam Design Criteria	Sep 25	On Track	
• County Developer Agreements	May 25	Revised	
• Clean Water Act – Section 401	Mar 26	Revised	
• Clean Water Act – Section 404	Jun 26	Revised	Mainly awaiting Section 106 PA completion and Construction BiOp to complete app
• Rivers and Harbors Act, Section 10	--	--	Not applicable based on adopted Project
• CVFPB Encroachment Permit	Jul 28	On Track	Need to advance engineering/design to 65%
• USC Section 408 Approval	Nov 28	On Track	Need to advance engineering/design to 65%
• Eagle Long Term Permit	Dec 25	On Track	



Activity / Agreement	Target Completion	Status	Notes / Critical Issues
<ul style="list-style-type: none"> <li>Memoranda of Understanding related to CEQA Compliance and Air Board permits</li> </ul>	Jun 25	On Track	
<ul style="list-style-type: none"> <li>Master Lake and Streambed Alteration Agreement</li> </ul>	May 25	Revised	
<b>Executed Agreements:</b>			
<ul style="list-style-type: none"> <li>Facilities Use Agreements – TC Canal System</li> </ul>	Oct 25	Revised	Revised based on progress to date
<ul style="list-style-type: none"> <li>Facilities Use Agreements – GCID System</li> </ul>	Oct 25	Revised	Revised based on progress to date
<ul style="list-style-type: none"> <li>Lower Colusa Basin Drain System Term Sheets</li> </ul>	Mar 25	Partially Completed	Completed KLOG; Waiting on Ecosystem Benefits Agreement to complete Wallace Weir
<ul style="list-style-type: none"> <li>Operating Agreement with DWR and Reclamation</li> </ul>	May 25	Revised	
<b>Conditions To Occur During Investor Commitment Escrow:</b>			
<ul style="list-style-type: none"> <li>B&amp;O Contract executed by all parties</li> </ul>	Apr 26	On Track	
<ul style="list-style-type: none"> <li>Executed Public Benefit Agreements with CDFW and DWR                             <ul style="list-style-type: none"> <li>Agreement with Reclamation for Pumping and Conveyance of Incremental Level 4 Refuge Water is anticipated to be on same timing with Public Benefit Agreement with CDFW</li> </ul> </li> </ul>	DWR – Oct 25 CDFW - Oct 25	Revised	Revised based on progress to date
<ul style="list-style-type: none"> <li>Prop 1 Resolution of Final Award by CWC</li> </ul>	Jul 26	Revised	CWC has clarified their schedule
<ul style="list-style-type: none"> <li>Final Prop 1 Funding Agreement executed by CWC Staff</li> </ul>	Sept 26	Revised	
<ul style="list-style-type: none"> <li>Reclamation Partnership Agreement executed. Complete negotiations and sign-off ready document NLT Oct 25</li> </ul>	Oct 25 Complete negotiations and sign-off ready document Apr 26 final sign-off	On Track	
<ul style="list-style-type: none"> <li>Execution of Loan Agreements for Project Financing</li> </ul>	Jun 26	On Track	
<ul style="list-style-type: none"> <li>Final Biological Opinion for project level operations (Step Two)</li> </ul>	Dec 25	On Track	B&O taking effect conditioned upon receiving this permit

Sites Project: Permits and Agreements by Agency  
 Status Update as of April 18, 2025

April 18, 2025, RC & AB Meeting  
 Agenda Item 3.3 Attachment B

Permit Issued or Agreement Ready for Execution	Needed for Resolution for Offer of Capacity	Needed for CWC Funding Agreement	Needed for Reclamation Partnership Agreement
Complete CEQA	Yes	Yes	No
Complete NEPA and Sign ROD	Yes	Yes	Yes
Sites / Reclamation / DWR Operations Agreement	Yes	Yes	Yes
Conveyance Agreement(s) (formerly called 'Warren Act' contract(s))	No	Partial, for refuge water deliveries	No
Land Lease/License Agreement for use of Federally Owned Property	No	No	No
Partnership Agreement	Yes	Yes	Yes
Reimbursement Agreements within the CVP	Yes	No	No
Agreements Necessary for Pumping and Conveyance of IL4 Refuge Water	No	Yes	No
Design and Construction Agreement to Add Pumping Capacity at Red Bluff PP	No	No	No
Power Agreement(s)	No	No	No
Sites Reservoir Benefits and Obligations (B&O) Contracts PLUS all Necessary Annexes	Yes	Yes	Yes

Sites Project: Permits and Agreements by Agency  
Status Update as of April 18, 2025

Permit Issued or Agreement Ready for Execution	Needed for Resolution for Offer of Capacity	Needed for CWC Funding Agreement	Needed for Reclamation Partnership Agreement
Revisions to JPA and Bylaws	Yes	Yes	Yes
Sites / GCID Facilities Use Agreements	Yes	Yes	Yes
Sites / TCCA Facilities Use Agreements	Yes	Yes	Yes
Sites / RD108 Lower Colusa Basin Drain Operations Agreement	No	No	No
Biological Assessment/Biological Opinion Construction and Programmatic Operations (Step 1)	Yes	Yes	Yes
Biological Assessment/Biological Opinion Project-level Operations (Step 2)	Yes	Yes	Yes
Eagle Take Permit / Eagle Conservation Plan	No	No	Yes
State Incidental Take Permit – Operations	Yes	Yes	Yes

Sites Project: Permits and Agreements by Agency  
Status Update as of April 18, 2025

Permit Issued or Agreement Ready for Execution	Needed for Resolution for Offer of Capacity	Needed for CWC Funding Agreement	Needed for Reclamation Partnership Agreement
State Incidental Take Permit – Construction	Yes	Yes	Yes
Section 106 Programmatic Agreement	Yes	Yes	Yes
Water Right Permit SWRCB Decision	Yes	Yes	Yes
Clean Water Act Section 404, wetlands and waters of the US (must have a Section 401 to get a 404)	No	Partial, based on conceptual approval	No
Clean Water Act Section 401 and Porter Cologne Water Quality Control Act	No	Partial, based on conceptual approval	No
Waste Discharge Requirements	No	No	No
USC Section 408, if needed	Partial, based on conceptual approval	Partial, based on conceptual approval	No
Central Valley Flood Protection Board Encroachment Permit	Partial, based on conceptual approval	Partial, based on conceptual approval	No
County General Plan and Zoning Changes	No	No	No

Sites Project: Permits and Agreements by Agency  
 Status Update as of April 18, 2025

Permit Issued or Agreement Ready for Execution	Needed for Resolution for Offer of Capacity	Needed for CWC Funding Agreement	Needed for Reclamation Partnership Agreement
County General Plan and Zoning Changes	No	No	No
County Developer Agreements – Agreements on Zoning Changes, Road Maintenance and Ownership, Taxes, Etc	Yes	Yes	Yes
County Developer Agreements – Agreements on Zoning Changes, Road Maintenance and Ownership, Taxes, Etc	Yes	Yes	Yes
County Developer Agreements – Agreements on Zoning Changes, Road Maintenance and Ownership, Taxes, Etc	Yes	Yes	Yes
WSIP Public Benefits – Ecosystem	Yes	Yes	Yes
WSIP Public Benefits – Flood and Recreation	Yes	Yes	Yes
WSIP Final Funding Resolution by CWC	Yes	Yes	Yes
WSIP Final Funding Agreement (CWC staff approval)	No	No	Yes



Sites Project: Permits and Agreements by Agency  
Status Update as of April 18, 2025

Permit Issued or Agreement Ready for Execution	Needed for Resolution for Offer of Capacity	Needed for CWC Funding Agreement	Needed for Reclamation Partnership Agreement
Lake and Streambed Alteration Agreement (Master)	No	Partial, based on conceptual approval	No
WIFIA Master and Loan Agreement(s)	Yes	No	No
MOUs related to CEQA compliance (Air Districts)	No	Yes (Construct) No (Operate)	No
Encroachment Permits	No	No	No
Transportation Permits	No	No	No
Permit to Construct/Operate	No	Partial, based on conceptual approval	No
Interconnection Agreement	No	No	No
Exemption from FERC	No	No	No
Lower Colusa Basin Drain – Knights Landing Outfall Gates Operations Term Sheet	Yes	Yes	No
Lower Colusa Basin Drain – Knights Landing Outfall Gates Operations Agreement	No	No	No
Lower Colusa Basin Drain - Wallace Weir Operations Term Sheet	Yes	Yes	No

Sites Project: Permits and Agreements by Agency  
 Status Update as of April 18, 2025

Permit Issued or Agreement Ready for Execution	Needed for Resolution for Offer of Capacity	Needed for CWC Funding Agreement	Needed for Reclamation Partnership Agreement
Lower Colusa Basin Drain - Wallace Weir Operations Agreement	No	No	No
Lower Colusa Basin Drain - White Paper Evaluation (Flowage Easements)	Yes	Yes	No
Lower Colusa Basin Drain - Real Estate Agreement (Flowage Easements)	No	No	No
Lower Colusa Basin Drain: Real Estate Term Sheet (Dunnigan Pipe Outlet Structure into CBD)	Yes	Yes	No
Lower Colusa Basin Drain: Real Estate Agreement (Dunnigan Pipe Outlet Structure into CBD)	No	No	No
Lower Colusa Basin Drain: Long Term Maintenance Agreement	No	No	No