



Meeting: **Reservoir Committee/Authority Board Agenda
Item 3.4**

April 17, 2026

Subject: **Conditions Precedent Reporting**

Requested Action:

Receive and comment on the updated conditions precedent quarterly status report.

Detailed Description/Background:

Since August 2023, 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 necessary for their agency's execution of the Benefits & Obligations Contract. Also presented was a Storage Partner Approvals Coordination Table to represent the permits and approvals needed across all of the Storage Partners, Participants/Reservoir Committee members, State/California Water Commission, and Federal/Bureau of 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 2026 report. Board members, state representatives and federal representatives are requested to confirm any changes or additions to their needs for executing contracts during investor commitment escrow.

The key activity to starting investor commitment continues to be the issuance of the water right order. This report incorporates receipt of the draft water right in March, a draft final order in July, and a final order issued in September 2026. This is consistent with the water right approval process laid out in the March transmittal of the draft decision and permit. In addition, the updated schedule assumes a four-month investor commitment period starting on August 1 and ending on December 1. There are two things of note here:

1. The start of the investor commitment is dependent upon the AHO's release of the final draft decision and permit being transmitted for SWRCB approval. Currently, this is assumed to occur by July 15.
2. The proposed investor commitment period is shortened by two months in an effort to conclude final State funding award and have a

groundbreaking before the end of 2026. Please note that it is expected that the final water right approval will occur within this period of time.

Prior Action:

January 2026 – 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. The current adopted 2026 budget projects all existing sources of funds being fully expended by December 2026.

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 17, 2026



**Activities to be Completed Prior to Resolution to Offer Capacity & Service and During Investor Commitment Escrow
 Status Update as of April 17, 2026**

Activity / Agreement	Target Completion	Status	Notes / Critical Issues
Contract and Supporting Documents:			
• Benefits and Obligations Contract	Jul 26	On Track	Remaining issues to be resolved via 2 upcoming workshops and the B&O to be conformed upon issuance of final water right.
• 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)	same as B&O	On Track	Outcomes with other permits and approvals may affect document.
Actions:			
• CEQA Notice of Determination	Nov 23	Completed	Nov 17, 2023
• NEPA Record of Decision	Feb 26	Completed	
• Preliminary Baseline Report including Updated Class 3 Cost Estimate and Updated Plan of Finance Forecast Tables	Jul 26	Revised	Revised based on schedule update.
• Resolution to Offer Capacity & Service	Jul 26	Revised	Revised based on schedule update.
Permits and Approvals:			
• Water Right decision by SWRCB	Sept 26	Revised	Draft received in March; Final Draft anticipated in July. Final anticipated in September.
• State Construction and Operations Incidental Take Permits	Oct 24 Oct 24	Completed	
• Federal Project Construction Biological Opinion	Jul 25	Completed	
• Federal Programmatic Operations Biological Opinion (Step one)	Dec 24	Completed	
• National Historic Preservation Act – Section 106 Programmatic Agreement	Feb 26	Completed	
• DSOD Confirmation of Dam Design Criteria	Aug 25	Completed	
• County Developer Agreements	Jun 26	Partial	Awaiting Yolo County approval
• Clean Water Act – Section 401	Jun 26	Revised	
• Clean Water Act – Section 404	Jul 26	Revised	
• CVFPB Encroachment Permit	Aug 28	On Track	Need to advance engineering/design to 65%.
• USC Section 408 Approval	Aug 28	On Track	Need to advance engineering/design to 65%.
• Eagle Long Term Permit	May 26	On Track	
• Memoranda of Understanding related to CEQA Compliance and Air Board permits	Apr 26	On Track	



Activity / Agreement	Target Completion	Status	Notes / Critical Issues
<ul style="list-style-type: none"> Master Lake and Streambed Alteration Agreement 	Jul 25	Completed	
Executed Agreements:			
<ul style="list-style-type: none"> Facilities Use Agreements – TC Canal System 	June 26	Revised	Revised based on progress to date.
<ul style="list-style-type: none"> Facilities Use Agreements – GCID System 	June 26	Revised	Revised based on progress to date.
<ul style="list-style-type: none"> Lower Colusa Basin Drain System Term Sheets 	Mar 25	Completed	Completed KLOG; No longer need to use Wallace Weir for Ecosystem Benefits Agreement.
<ul style="list-style-type: none"> Operating Agreement with DWR and Reclamation 	May 26	On Track	Agreement is in Final Legal Review.
<ul style="list-style-type: none"> Lower Colusa Basin Drain - Additional Information for Investor Commitment <ul style="list-style-type: none"> Letter of Mutual Understanding Technical Memorandum – Use of Lower Colusa Basin Drain vs. extending the Dunnigan Pipeline to the Sacramento River Sites Project Authority and RD108 Operations Agreement for Lower Colusa Basin Drain Operations Add assumption for losses in CBD to operations model Develop itemized cost estimate for CBD improvements rather than using a contingency (refined) Verify that modeled local facility capacity is adequate and understand opportunities for increased capacity at times to accommodate planned Sites releases. 	May 26	Revised	Revised based on progress to date.
Conditions To Occur During Investor Commitment Escrow:			
<ul style="list-style-type: none"> B&O Contract executed by all parties 	Oct 26	Revised	
<ul style="list-style-type: none"> Final Public Benefit Agreements with CDFW and DWR <ul style="list-style-type: none"> Acceptance Agreement with Reclamation for Pumping and Conveyance of Incremental Level 4 Refuge Water Exchange Agreement with DWR MOUs with Water Agencies conveying NOD Refuge water 	DWR – May 26 CDFW May 26	On Track	



Activity / Agreement	Target Completion	Status	Notes / Critical Issues
<ul style="list-style-type: none"> Prop 1 Resolution of Final Award by CWC 	Dec 26	Revised	CWC has clarified their schedule.
<ul style="list-style-type: none"> Final Prop 1 Funding Agreement executed by CWC Staff 	Mar 27	Revised	
<ul style="list-style-type: none"> Final Partnership Agreement with Reclamation. Complete negotiations and sign-off ready document 	Apr 26 Complete negotiations and sign-off ready document Nov 26 final sign-off	On Track	
<ul style="list-style-type: none"> Execution of Loan Agreements for Project Financing 	Nov 26	On Track	To occur after close of Investor Commitment Escrow
<ul style="list-style-type: none"> Final Biological Opinion for project level operations (Step Two) 	Nov 26	Revised	Continuing to coordinate with Reclamation

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 - DWR Conveyance Agreement and Reclamation Donation Agreement	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
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 Project: Permits and Agreements by Agency

Permit Issued or Agreement Ready for Execution	Needed for Resolution for Offer of Capacity	Needed for CWC Funding Agreement	Needed for Reclamation Partnership Agreement
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
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

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
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

Sites Project: Permits and Agreements by Agency

Permit Issued or Agreement Ready for Execution	Needed for Resolution for Offer of Capacity	Needed for CWC Funding Agreement	Needed for Reclamation Partnership Agreement
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
Lower Colusa Basin Drain - Wallace Weir Operations Agreement	No	No	No
Lower Colusa Basin Drain - Additional Information for Investor Commitment	Yes	No	No
Lower Colusa Basin Drain - White Paper Evaluation (Flowage Easements)	Yes	Yes	No

Sites Project: Permits and Agreements by Agency

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 - 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