

Water Storage Investment Program Quarterly Report

The Quarterly Reporting covered by this template documents applicants' progress toward complying with regulation section 6013 to receive a final WSIP funding hearing with the Commission as well as any changes to the physical quantity and type of public benefit being provided by the project. Applicants must provide an update of the project status for the requirements and milestones listed below. Applicants may deviate from this fill-in format, however, please provide the information requested in this template.

Project Information

Project Name:

Sites Reservoir Project (Project)

Applicant Name:

Sites Project Authority (Sites Authority)

Date:

April 30, 2024

Reporting Period:

January 1, 2024, through March 31, 2024

Provide a brief project description:

The Proposition 1 (Prop 1) Water Storage Investment Program (WSIP) Early Funding Agreement (Agreement) provides funding for activities related to the completion of environmental documentation and permitting for the Sites Reservoir Project (Project). The Agreement describes three (3) primary tasks that represent the work effort by the Sites Project Authority (Sites Authority). The Project also involves coordination, cooperation, and work efforts by the U.S. Department of the Interior, Bureau of Reclamation, Interior Region 10 California – Great Basin (Reclamation) and Local Project Participants (Participants). Participants include urban and agricultural water agencies located in the Sacramento Valley, Bay Area, San Joaquin Valley, and Southern California that are participating in the Project. Non-Program cost share for this Agreement is provided by Reclamation and Participants.

The Project continues to advance in parallel with other water management efforts throughout the State. The conditional commitments by the 30 local agencies from across the state in the Project, 22 of whom are investing to receive a direct water supply benefit, combined with the conditional state investment and level of federal interest, has identified that a "right sized" Project (i.e., 1,500,000 acre-feet of storage along with additional facility changes) is more cost-effective and permittable. This "right sized" Project continues to provide long-term annualized water supply benefits for both the local agencies and the State, in accordance with Prop 1 requirements, while also preserving the ability for a federal role. To advance this "right sized" Project, additional technical and environmental studies are being undertaken which will form the basis of the final Prop 1 award:

- Contracts for non-public cost share (ongoing)
- Contracts for administration of public benefits (ongoing)
- Completed Feasibility Studies (complete)
- Final Environmental Documentation (ongoing)
- All required federal, state, and local approvals, certifications, and agreements (ongoing)

Provide a brief description of public benefits:

Through the Water Storage Investment Program, the State of California is investing in the following public benefits for the Sites Project: ecosystem benefits (refuge water supply and Yolo Bypass flows), flood control, and recreation (through construction of 2 recreation areas and a day-use boat ramp).

Current total project cost:

\$3.9B in 2021 \$ (based on the Class 4 cost estimate approved by the Reservoir Committee and Authority Board in June 2021).

General Update and Key Issues

Provide a general update and describe any key issues that occurred during this reporting period. You may attach additional documents or pages if more space is needed:

- The Sites Authority continues to advance the permits, approvals, and agreements necessary for construction and operations in a reasonable timeframe and with Prop 1 requirements.
- Sites Project Authority is currently in CEQA litigation with Friends of the River.
- Refer to <u>Attachment A</u> "Supplement for Reporting Period Ending March 31, 2024".

Attach latest project schedule. In addition, describe below how the actual schedule is progressing in comparison to the schedule provided in the last reported schedule.

Current Work Plan Progress Report link, as approved by the Sites Authority & Reservoir Committee Board: Current Work Plan Progress Report (Current Schedule & Summary of Changes)

Additional Schedules: See Attachment B (March 2024 & Comparison to Prior Month)

Comments:

CWA 404/401 – Submit Final Permit Applications – Finish date pushed out 2 weeks (10 days). Project Team continued with their review of the Final Permit Applications through the end of February and the Permit Applications were submitted on March 1, 2024, now shown as complete.

Sites Reservoir Operations Plan, Version 2 – Completion date pushed out 3 weeks (15 days). The completion date was adjusted to reflect what was agreed to at the February Authority Board Meeting. Mid-July 2024 was agreed upon and not the "placeholder" date that was identified in June 2024.

1) Participant Specific Model Completed – Completion date pushed out 22 weeks (110 days). The Participant Specific Model has been extended to coincide with Sites Reservoir Benefits & Obligations Contract (Benefits & Obligations Contract) Ready to Execute, allowing for additional modeling to support decision processes of Participants.

B&O Contract Ready to Execute (Contract, Bylaws, Joint Powers Authority) – Completion date pushed out 7 weeks (34 days).

- Ops Plan needs to be done before the B&O is executed (Ops Plan will be an attachment to the B&O Contract)
- B&O Contract, JPA Agreement, and Bylaws are being developed together (so will also be finalized together)

Close US Department of Agriculture (USDA) Loan – Removed from this Schedule because the USDA Loan will not be closed until after the Maxwell Intertie is constructed. The timeframe for this is expected to be between 2028 and 2031.

Note any milestones or accomplishments that occurred since submittal of the prior Quarterly Report:

Monthly Status Reports as approved by the Board are linked below:

March 2024 Monthly Status Report

Comments:

Clean Water Act (CWA) 404/401 Permit Applications were submitted on March 1, 2024. The Protest Resolution period for the water right application was closed on March 1, 2024.

Items Required Prior to Scheduling a Final Award Hearing

The following items must be provided prior to scheduling a final award hearing. Please describe the status and include the estimated completion date for the following items. These dates should align with any attached project schedule (<u>Current Project Schedule</u>).

Refer to Attachment A "Supplement for Reporting Period Ending March 31, 2024".

1. Contracts for non-public benefit cost share:

List all required contracts for non-public benefit cost share, and provide the amount of associated funds, the status and estimated completion date. Please note any issues or concerns that have, will, or could affect the timing of executing contracts for non-public benefit cost share.

TABLE A

Contract Name	Status	Est Completion Date
Sites Reservoir Benefits & Obligations Contract	In Progress.	September 2025 (complete execution by all Participants)
Reclamation Partnership Agreement	In Progress.	March 2025

2. Contracts for administration of public benefits (CAPB):

Provide a status for each applicable administering agency Draft and Final CAPB and estimated completion date for both. The Draft CAPB completion date is when Commission receives the Draft CAPB for a subsequent Commission meeting. The Final CAPB completion date is when it will be executed. Please note any issues or concerns that have, will, or could affect the timing of executing CAPBs or could change the magnitude of the public benefits that could affect cost allocation.

TABLE B

CAPB Admin Agency	Status	Est Completion Date
California Department of Fish and Wildlife (CDFW) (Ecosystem)	In Progress.	February 2025
Department of Water Resources (DWR) (Flood Control and Recreation)	In Progress.	June 2024

3. Completed feasibility studies:

Completion Date: November 2021

4. Complete environmental documentation:

Provide the status and estimated completion date for all required environmental documentation (draft and final) for the project, including all Board resolutions adopting or certifying CEQA environmental documents, CEQA findings, mitigation monitoring and reporting program, Notice of Determination (NOD), and CEQA Addenda, and all NEPA completion documents, including the Record of Decision (ROD). Please note any issues or concerns that have, will, or could affect the timing of providing complete environmental documentation at the state or federal level.

TABLE C

Environmental Document	Status	Est Completion Date
State Document	Final Environmental Impact Report (EIR), Certification, Findings and Notice of Determination (NOD)	November 2023
Federal Document	Final Environmental Impact Statement (EIS), Record of Decision (ROD)	Final EIS is completed; ROD Jan 2025

5. All required federal, state, and local approvals, certifications, and agreements:

List permits needed for project to begin construction, describe status in acquiring them, and include estimated date to be acquired. Please note any issues or concerns that have, will, or could affect the timing of acquiring all federal, state, and local approvals, certifications, agreements, and permits necessary to begin project construction.

TABLE D

Permit / Approvals	Authorized Approver	Date Submitted	Status¹
California Endangered Species Act – Incidental Take Permit (ITP) – Construction	CDFW	June 2023	Submitted. Expected Q4 2024
California Endangered Species Act – Incidental Take Permit (ITP) – Operations	CDFW	October 2023	Submitted. Expected Q4 2024
Clean Water Act, Section 401 Permit	Corps	March 1, 2024	Submitted. Expected Q1 2025
Clean Water Act, Section 404 Permit	Corps	March 1, 2024	Submitted. Expected Q1 2025
DWR Division of Safety of Dams (DSOD)	DSOD	Target June 28, 2024 ²	Under Development
Federal Endangered Species Act – Construction Biological Opinion	USFWS	October 2023	Submitted. Expected Q4 2024
Section 106 of the National Historic Preservation Act	SHPO	April 2022	Submitted. Expected Q2 2024
Water Rights Application	State Water Resources Control Board	May 2022	Submitted. Expected Q1 2025

^{1.} Identifies if the item was formally submitted to Permitting Agency and when permit issuance is expected.

^{2. 30%} design to be submitted on June 28, 2024, with an anticipated DSOD permitability finding by December 31, 2024. Final permit approval pending completion of final construction documents.

Permitting issues and concerns:

There are no permitting issues to report.

Items Required to Execute a Funding Agreement

Provide an update on the following documents needed to execute a funding agreement for the project and indicate if any significant change has occurred. The Commission may request updated information prior to executing a funding agreement.

- Applicant's audited financial statements
- Final project costs, schedule, and scope of work
- Evidence of bilateral communications
- Limited waiver of sovereign immunity
- Applicant's audited financial statements: The Sites Authority had an accounting firm conduct an independent <u>financial audit for Fiscal Year 2022</u> (which ended on December 31, 2022). The audit report has been submitted to CWC staff. The Sites Authority anticipates having a Fiscal Year 2023 audit completed by mid-2024.

(No Change)

- Final project costs, schedule, and scope of work: Consistent with the draft feasibility and draft environmental documentation that include a range of project sizes, operations, benefits, and effects, the Sites Authority continues to advance the studies needed to define the "right size project" to build under current conditions. This includes an updated due diligence of the project that prioritizes the creation of:
 - 1) Eligible public benefits (as defined in Proposition 1, Section 79753(a)) and consistent with both the Water Commission's July 2018 determinations and the Authority's application (i.e., in accordance with the beneficiary pays principle; state's resource managers would manage the state's investment, which includes operational decisions that are on an equal footing as agencies managing their investment to create non-Prop 1 water supply reliability benefits; and having the ability to provide these benefits over the project's service life);
 - 2) Water supply reliability benefits that are not eligible for funding under Prop 1 but are funded by the agencies who have been funding the studies to date.

(No Change)

• Evidence of bilateral communications with operators and owners of potentially impacted facilities regarding potential: The Authority, Bureau of Reclamation (Reclamation) and Department of Water Resources (DWR) continue to maintain effective communication and collaboration. DWR and Reclamation are active in the Authority's Reservoir Committee. Additionally, the Authority and Reclamation participate in regular Project Integration meetings, Federal Feasibility Study meetings, engineering/geotechnical coordination meetings, and environmental coordination meetings.

(No Change)

• Limited waiver of sovereign immunity: Not applicable.

Status Update

Provide a status update for the following and indicate if any significant change has occurred. The Commission may request updated information prior to executing a funding agreement.

- Labor Compliance
- Urban Water Management Plans
- Agricultural Water Management Plans
- Groundwater Management or Groundwater Sustainability Plans
- Potential effect of other conditionally eligible projects on the applicant's public benefits
- Labor Compliance: No change
- Urban Water Management Plans: Not applicable
- Agricultural Water Management Plans: Not applicable
- Groundwater Management or Groundwater Sustainability Plans: No change
- Potential effect of other conditionally eligible projects on the applicant's public benefits: No change

Other Pertinent Information:

1. Sources of Funding

List sources of funding (e.g., Federal, State grants, local partnerships, rate payers, loans...) to move the project to construction and provide the associated amount of funds from that source and a status of obtaining that funding source below:

Pre-Construction Funding			Est Completion
Sources	\$ Amount	Status	Date
		WSIP Prop 1 Funding. Funding exhausted. Project	
Prop 1 WSIP Early Funding	\$43,769,818	Completion Report submitted March 29, 2024. Final	04/2024
		retention of \$1,136,103.47 has been approved.	
Duragu of Daglamation	¢6	Federal Assistance Agreement (FAA) 1 WIIN Act	06/2022
Bureau of Reclamation	\$6,554,922	Funding. Completed. Agreement closed out.	06/2023
Duragu of Daglamation	¢6 000 000	FAA2 WIIN Act Funding.	06/2022
Bureau of Reclamation	\$6,900,000	Completed. Agreement closed out.	06/2023
Bureau of Reclamation	\$30,000,000	FAA3 WIIN Act Funding.	09/2028
bureau of Reciamation	\$50,000,000	30% Complete.	09/2028
Local Participants	\$101,317,076	Total Committed Contribution to the Project	07/2025

2. Early Funding Agreement Status

Provide the status of the Early Funding Agreement (EFA), as applicable, and the percentage of EFA funds expended. If the EFA has been closed, describe how the remaining work needed to move the project to a final award hearing will be financed.

Status	% of EFA funds expended
WSIP Prop 1 Funding has been exhausted. Project Completion Report submitted March 29, 2024. Final retention of \$1,136,103.47 has been approved.	100%
Remaining work needed to move the project to a final award hearing will be financed through WIIN Act funding and Local Participant funding. See table above.	

Attachment A:



Supplement for Reporting Period Ending March 31, 2024

1.0 Items Required Prior to Scheduling a Final Award Hearing

2) Contracts for non-public cost share (ongoing)

Based on the following, the estimated completion date is September 2025. See Table A.

<u>Local Project Participants (Participants)</u>: Funding the Project beyond the planning phase and into detailed design, construction, and operation (Phases 3/4/5) will require developing a "Sites Reservoir Benefits & Obligations Contract" (B&O Contract) which will serve as the long-term commitment of the Sites Authority to provide each Participant with its capacity interest in the Sites Reservoir water storage system. It will represent what each Participant will need to take to its Board of Directors to secure the necessary authority committing to its capacity interest in the Project.

Sites Reservoir Benefits and Obligations Contract:

• Estimated Completion Date (execution by all Participants): September 2025

<u>Reclamation</u>: The Sites Authority is coordinating with Reclamation involving the benefits and obligations for their investment in the Project. These discussions will lead to negotiation of a Reclamation Partnership Agreement between the Sites Authority and Reclamation which will track along a similar timeline to the benefits and obligation contract with Participants.

Signed Cost Share Amendment:

• Completion Date: December 16, 2019

Financial Assistance Agreement (FAA1)

Amendment 01

• Completion Date: June 2022

Amendment 02

• Completion Date: June 2023

Financial Assistance Agreement (FAA2)

• Completion Date: June 2023

Financial Assistance Agreement (FAA3)

• Completion Date: September 2028

Reclamation Partnership Agreement

• Estimated Completion Date: March 2025

3) Contracts for administration of public benefits (ongoing) Based on the following, the estimated completion date is February 2025. See Table B.

<u>State of California (WSIP)</u>: Over the reporting period, the Authority has focused its efforts on continued development of administrative draft Adaptive Management Plans that would be attachments to the Recreation and Flood Control public benefits contracts. Development of the ecosystem public benefits contract is forthcoming.

• Estimated Completion Date:

February 2025

4) Completed Feasibility Studies (complete)

Based on the following, the completion date was November 2021.

Coordination efforts between the Authority and Reclamation culminated in the release of the Reclamation Compliant Feasibility Study (<u>Final Feasibility Report</u>) in December 2020. Completion of this study will allow for continued federal participation in the Project.

After responding to CWC staff and reviewers' comments, the Authority submitted the final WSIP Compliant Feasibility report in November 2021.

Reclamation Compliant Feasibility Study:

• Completion Date:

December 2020

WSIP Compliant Feasibility Study:

• Estimated Completion Date:

November 2021

5) Final Environmental Documentation (ongoing)

Based on the following, the estimated completion date is July 2024. See Table C.

The Authority and Reclamation released the Final Environmental Impact Report / Environmental Impact Statement (EIR/EIS) on November 2, 2023. The Authority certified the Final EIR and approved the Project on November 17, 2023. During this time period, the Authority has been coordinating with Reclamation in their efforts to finalize the Record of Decision for signature, currently anticipated in January 2025.

Draft EIR/EIS:

Completion Date:

August 2017

Revised Draft EIR/Supplemental Draft EIS:

Completion Date:

November 2021

Final EIR/EIS, Certification, Findings, and NOD:

Completion Date:

November 2023

ROD:

• Estimated Completion Date:

January 2025

- 6) All required federal, state, and local approvals, certifications, and agreements (ongoing) Based on the following, the estimated completion date is March 2025. See Table D. State:
 - California Endangered Species Act Incidental Take Permit (ITP) Construction:
 During this period, the Authority's team and CDFW have continued to hold regularly scheduled meetings to discuss the processing of the Construction ITP application. To date CDFW has provided a draft ITP Project Description for review and comment with the remainder of the Construction ITP under internal review by CDFW senior staff. The schedule for issuance of the Construction ITP has been adjusted to reflect that Authority staff anticipate CDFW to issue both the Construction ITP and the Operations ITP in a similar timeframe which is anticipated to be October 2024.
 - California Endangered Species Act Incidental Take Permit (ITP) Operations: Over
 this period, the Authority and CDFW have established bi-weekly technical and
 management team meetings to better understand and address CDFW's request for
 additional information. The Authority's team continues to address CDFW's
 information requests and coordinate on data needs. Currently, the Authority team
 anticipates that CDFW will issue the Operations ITP in October 2024.
 - **DWR Division of Safety of Dams (DSOD):** During this period, the Authority continued to engage with the DWR's DSOD to discuss the Project, the permit application process, an initial DSOD permitability finding that provides sufficient assurance to proceed with final Prop 1 award, and supporting information required to permit dam construction which would occur in a phased approach. The Authority estimates it will have its application prepared by December 2024.
 - Water Rights Application: The Authority submitted its Water Right Application to the State Water Resources Control Board (SWRCB) in May 2022. The SWRCB noticed the Authority's application on June 1, 2023, with protests due on August 31. The Authority received 15 protests on its application (the SWRCB has not indicated that all of these are valid protests but are treating them as such at this time). Over this period, the Authority has continued to meet with protestants in an attempt to resolve their protests. The Authority has also began preparing for the water right hearing process and Pre-conference meeting with the SWRCB Administrative Hearing Officer. Under the schedule released by the SWRCB the water right hearing is anticipated to conclude in Q4 2024. It is estimated that the SWRCB will issue the Water Rights Permit in Q1 2025.

Federal:

 Clean Water Act, Section 404 and 401 Permits: This task includes the submittal of the Clean Water Act 404 and 401 permits and working with the agencies to address questions and issue final permits. Over this period, the Authority team continued coordination with the United States Army Corps of Engineers (USACE), SWRCB, the United States Environmental Protection Agency (EPA), and Central Valley Regional Water Quality Control Board (CVRWQCB). The Authority also continued preparing the 404 and 401 permit applications. The Authority submitted the 404 and 401 application packets to the USACE, CVRWQCB, and SWRCB on March 1, 2024, and is continuing to prepare the associated 404(b)(1) alternatives analysis for the 404 permit which will be submitted in Summer 2024. Under federal regulations, the 404 permit cannot be issued until the Endangered Species Act (ESA) consultation is complete. The ESA process is expected to be complete in December of 2024 and the 404 and 401 permits are anticipated to be issued in early 2025.

- Federal Endangered Species Act Biological Opinions Over this period, the United States Fish and Wildlife Service (USFWS) provided comments on the Sites Project's 2023 Construction Biological Assessment (BA) under the Section 7 consultation process. Reclamation and Authority teams also began bi-weekly meetings with the USFWS in March 2024 to discuss and address USFWS' comments as they provide technical assistance during the Section 7 consultation. Reclamation included the Sites Project's operations as a programmatic action in their Coordinated Long-Term Operation of the Central Valley Project and State Water Project (LTO) reconsultation BA to USFWS and National Marine Fisheries Service (NMFS). Therefore, the issuance of Site's Construction (USFWS) Biological Opinion (BiOp) is expected to be issued shortly after the LTO BiOps. This results in an anticipated December 2024 issuance of the Sites Project's Construction BiOp.
- Section 106 of the National Historic Preservation Act: Over this period, the Authority completed a draft of the Programmatic Historic Properties Management Plan (PHPMP) and submitted the draft for concurrent Authority and Reclamation review. Authority staff also began drafting a number of the plans called for in the PHPMP, including preparing for field work necessary to develop these plans. The Authority team continues to assist Reclamation with Section 106 consultation efforts as needed. The Authority anticipates the Section 106 Programmatic Agreement to be completed in July 2024.

Construction Incidental Take Permit

• Estimated Completion Date: October 2024

Operations Incidental Take Permit

• Estimated Completion Date: October 2024

DWR Division of Safety of Dams (DSOD) permitability finding

• Estimated Completion Date: December 31, 2024

Water Right Application

• Estimated Completion Date: Quarter 1, 2025

Section 404 of the Clean Water Act

• Estimated Completion Date Quarter 1, 2025

Section 401of the Clean Water Act

• Estimated Completion Date: Quarter 1, 2025

Federal Endangered Species Act Biological Opinions

• Estimated Completion Date: December 31, 2024

Section 106 Consultation

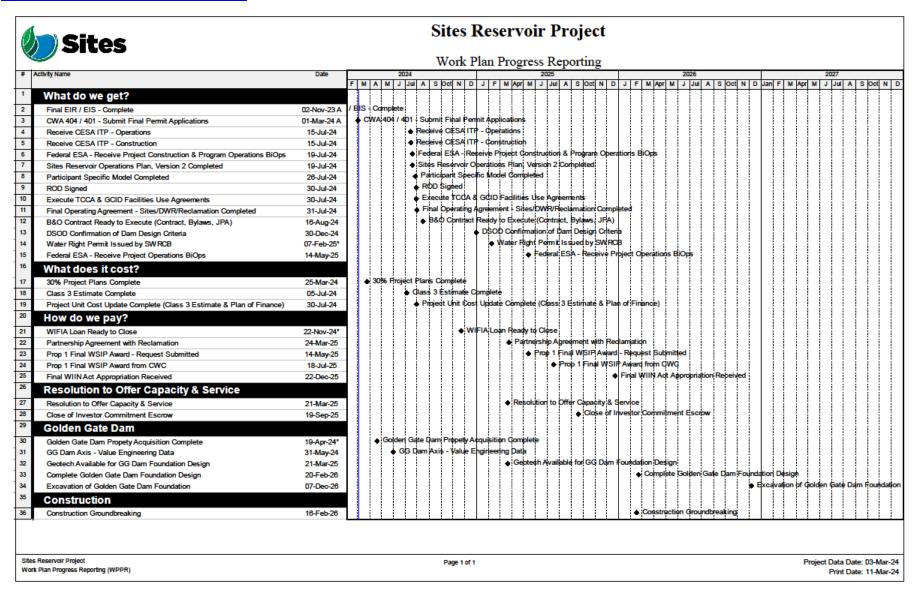
• Estimated Completion Date: July 30, 2024



Attachment B:

Work Plan Progress Reporting (Schedule-March 2024)

See comments to schedule on page 2



Work Plan Progress Reporting (Schedule Comparison to February 2024)

See comments to schedule on page 2

