

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 or Authority)

Date:

October 30, 2024

Reporting Period:

July 1, 2024, through September 30, 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 or 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 participating to receive a direct water supply benefit, combined with the conditional state participation and level of federal participation, 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 participating 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 litigation pertaining to the Authority’s compliance with the California Environmental Quality Act (CEQA), *Friends of the River, et al., v Sites Project Authority, et al.* On May 31, 2024, the Yolo Superior Court found in favor of the Sites Authority on all counts. On June 14, 2024, Friends of the River, et al., appealed the case. On September 20, 2024, the Third District Court of Appeals found that the Project’s environmental review fully complied with CEQA.
- Refer to [Attachment A](#) “Supplement for Reporting Period Ending September 30, 2024”.
- External links in this report were taken from the Sites Reservoir Project website at www.sitesproject.org.

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.

Refer to [Work Plan Schedule and Summary of Changes](#), dated October 18, 2024.

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

Refer to the Monthly Status Report, as approved by the Board, linked below:
[October 2024 Monthly Status Report](#)

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.

Refer to [Attachment A](#) “Supplement for Reporting Period Ending September 30, 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. | April 2026 (complete execution by all Participants) |
| Reclamation Partnership Agreement | In Progress. | April 2026 |

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. | April 2025 (Draft) |
| Department of Water Resources (DWR) (Flood Control and Recreation) | In Progress. | December 2024 (Draft) |

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 Spring 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 | Status ¹ |
|---|---|---------------------------|---|
| California Endangered Species Act – Incidental Take Permit (ITP) – Construction | CDFW | June 2023 | <u>Submitted.</u> Expected Q4 2024 |
| California Endangered Species Act – Incidental Take Permit (ITP) – Operations | CDFW | October 2023 | <u>Submitted.</u> Expected Q4 2024 |
| Clean Water Act, Section 401 Permit | State Water Resources Control Board (SWRCB) | March 1, 2024 | <u>Submitted.</u> Expected to re-submit in Q1 2025. Permit expected Q4 2025 |
| Clean Water Act, Section 404 Permit | U.S. Army Corps of Engineers (USACE) | March 1, 2024 | <u>Submitted.</u> Expected to re-submit in Q1 2025. Permit expected Q4 2025 |
| DWR Division of Safety of Dams (DSOD) | DSOD | October 2024 ² | <u>Submitted.</u> Expected Q3 2025 ² |
| Federal Endangered Species Act – Construction Biological Opinion | USFWS | October 2023 | <u>Submitted.</u> Expected Q4 2024 |
| Section 106 of the National Historic Preservation Act – Programmatic Agreement | State Historic Preservation Officer (SHPO) | April 2022 | <u>Submitted.</u> Expected Q1 2025 |
| Water Rights Application | State Water Resources Control Board | May 2022 | <u>Submitted.</u> Expected Q3 2025 |
| <p>1. Identifies if the item was formally submitted to Permitting Agency and when permit issuance is expected. 2. 30% design submitted in October 2024, with an anticipated DSOD permitability finding within Q3 2025. Final permit approval pending completion of final construction documents.</p> | | | |

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 financial audit for Fiscal Year 2023 (which ended on December 31, 2023). The audit report was approved by the Authority Board and was submitted to CWC staff. The Sites Authority anticipates having a Fiscal Year 2024 independent audit completed by 2Q 2025. (Change)

Refer to the 2023 Financial Audit Report, as approved by the Board, linked below:

[2023 Financial Audit Report](#)

| |
|---|
| <ul style="list-style-type: none"> • 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: <ol style="list-style-type: none"> 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 participation, which includes operational decisions that are on an equal footing as agencies managing their participation 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) |
| <ul style="list-style-type: none"> • Evidence of bilateral communications with operators and owners of potentially impacted facilities regarding potential: The Authority, 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, engineering/geotechnical coordination meetings, and environmental coordination meetings. (No Change) |
| <ul style="list-style-type: none"> • 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

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|--|
| • 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 Sources | \$ Amount | Status | Est Completion Date |
|---|------------------|--|----------------------------|
| Prop 1 WSIP Early Funding | \$43,769,818 | Prop 1 WSIP Early Funding Agreement. Agreement closed out. | 05/2024 |
| Bureau of Reclamation | \$6,554,922 | Federal Assistance Agreement (FAA1) WIIN Act Funding. Completed. Agreement closed out. | 06/2023 |
| Bureau of Reclamation | \$6,900,000 | Federal Assistance Agreement (FAA2) WIIN Act Funding. Agreement closed out. | 06/2023 |
| Bureau of Reclamation | \$30,000,000 | Federal Assistance Agreement (FAA3) WIIN Act Funding. In Progress. | 09/2026 |
| 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 Early Funding has been exhausted. The Project Completion Report was approved, and final retention received in May 2024. The WSIP Prop 1 Early Funding Agreement has been closed out. | 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 September 30, 2024

1.0 Items Required Prior to Scheduling a Final Award Hearing

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

Based on the following, the estimated completion date is April 2026. [See Table A.](#)

Local Project Participants (Participants): 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): April 2026

Reclamation: The Sites Authority is coordinating with Reclamation involving the benefits and obligations for their participation 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: April 2026

2) **Contracts for administration of public benefits (ongoing)**

Based on the following, the estimated completion date is April 2025. [See Table B.](#)

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

- Estimated Completion Date: April 2025 (Draft)

3) **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 ([Final Feasibility Report](#)) 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:

- Completion Date: November 2021

4) **Final Environmental Documentation (ongoing)**

Based on the following, the estimated completion date is Fall 2025. [See Table C.](#)

The Authority, as the state lead agency, and Reclamation, as the federal lead agency, completed the Revised Draft Environmental Impact Report / Supplemental Draft Environmental Impact Statement (RDEIR/SDEIS) in November 2021. The Authority and Reclamation prepared the Final EIR/EIS for the Project, including updated modeling and responses to comments on the RDEIR/SDEIS, and released the Final EIR/EIS on November 2, 2023. On November 17, 2023, the Authority certified the EIR, adopted the CEQA Findings, Statement of Overriding Considerations and MMRP, and approved the Project. A Notice of Determination was prepared and filed with county clerk-recorders and the State Clearinghouse on September 20, 2023. It is anticipated that Reclamation will sign the ROD in Spring-2025.

During the current reporting period, the Authority was engaged in successful defense of CEQA litigation (*Friends of the River, et al., v Sites Project Authority, et al.*). This was aided through the efforts undertaken to comply with California State Senate Bill 149 (SB 149) and its provisions for streamlining judicial review. On May 31, 2024, the Yolo Superior Court found in favor of the Sites Authority on all counts. On June 14, 2024, Friends of the River, et al., appealed the case. On September 20, 2024, the Third District Court of Appeals found that the Project’s environmental review fully complied with CEQA.

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:

- a) Estimated Completion Date: Spring 2025

5) 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 and resolved all outstanding comments from CDFW. 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:** During this period, the Authority and CDFW have continued bi-weekly technical and management team meetings to better understand and address CDFW’s request for additional information. 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 will prepare and submit the DSOD construction application in October 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 and the protest resolution period closed in February 2024. Over this period, the Authority has participated in the water right hearing process, including presenting the Authority’s case-in-chief and planning and leading a site visit. Under the revised schedule released by the SWRCB on September 27, 2024, the water right hearing process was updated and is anticipated to go through at least Q1 2025. Based on the revised schedule, the Sites Authority now anticipates completion of the water right hearing process in Q1 or Q2, 2025, with a water right decision in Q3, 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 U.S. Army Corps of Engineers (USACE), SWRCB, the U.S. Environmental Protection Agency (EPA), and Central Valley Regional Water Quality Control Board (CVRWQCB). The Authority submitted the 404 and 401 application packets to the USACE, CVRWQCB, and SWRCB on March 1, 2024. Under federal regulations, the 404 permit cannot be issued until consultations under Section 7 of the Endangered Species Act (ESA) and Section 106 of the National Historic Preservation Act are complete. As such, in April 2024 the USACE deemed the Section 404 permit application incomplete. Additionally, in September 2024, the SWRCB also withdrew the permit application, without prejudice, as with the withdrawal of Section 404 application, there is no federal action to pursue the issuing the Section 401 permit. The ESA process is expected to be complete in December of 2024, whereas Section 106 is expected to be complete by March 2025; therefore, the 404 and 401 permits are anticipated to be resubmitted in Q1 2025 and issued by end of 2025. During this reporting period, the Authority has continued

preparation of the associated 404(b)(1) alternatives analysis for the 404 permit and coordinated with all agencies regarding the additional requests for information.

- **Federal Endangered Species Act Biological Opinions** – Over this period, the U.S. Fish and Wildlife Service (USFWS), Reclamation and the Authority teams continued bi-weekly meetings to discuss and address USFWS’ questions and additional information needs as they review the Sites Project Biological Assessment previously submitted in October 2023. Reclamation has also 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:** The Authority team continues to assist Reclamation with Section 106 consultation efforts as needed. The Authority anticipates the Section 106 PA to be completed in Q1 2025.

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: Quarter 2, 2025

Water Right Application

- Estimated Completion Date: Quarter 3, 2025

Section 404 of the Clean Water Act

- Estimated Completion Date: Quarter 4, 2025

Section 401 of the Clean Water Act

- Estimated Completion Date: Quarter 4, 2025

Federal Endangered Species Act Biological Opinions

- Estimated Completion Date: Quarter 4, 2024

Section 106 Consultation

- Estimated Completion Date:

Quarter 1, 2025