

SITES PROJECT AUTHORITY  
P.O. Box 517  
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MAXWELL, CALIFORNIA 95955  
[www.SitesProject.org](http://www.SitesProject.org)

JERRY BROWN, EXECUTIVE DIRECTOR  
925.260.7417

YOLANDA TIRADO, CLERK  
530.438.2309  
Boardclerk@SitesProject.org

## Board of Directors

FRITZ DURST, RECLAMATION DISTRICT 108, CHAIR  
JEFF SUTTON, TEHAMA-COLUSA CANAL AUTHORITY, VICE-CHAIR  
GARY EVANS, COLUSA COUNTY SUPERVISOR  
KEN HAHN, GLENN COUNTY SUPERVISOR  
LOGAN DENNIS, GLENN-COLUSA IRRIGATION DISTRICT  
GRAY ALLEN, PLACER COUNTY WATER AGENCY/CITY OF ROSEVILLE  
DOUG PARKER, WESTSIDE WATER DISTRICT  
JOE MARSH, COLUSA COUNTY WATER DISTRICT  
JEFF HARRIS, CITY OF SACRAMENTO/SACRAMENTO COUNTY WATER AGENCY  
DON BADER, BUREAU OF RECLAMATION (*COST-SHARE PARTNER, NON-VOTING*)  
ROB COOKE, CA DEPARTMENT OF WATER RESOURCES (*EX-OFFICIO, NON-VOTING*)

### Associate Members (*NON-VOTING*)

GREG JOHNSON, WESTERN CANAL WATER DISTRICT  
JAMIE TRAYNHAM, TC 4 DISTRICTS

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## *February 23, 2022 1:30 p.m.* *Sites Project Authority - Minutes*

### **CALL TO ORDER/ROLL CALL & PLEDGE OF ALLEGIANCE:**

Chair Durst called the Sites Project Authority Board Meeting to order at the hour of 9:00 a.m., followed by Roll Call and the Pledge of Allegiance.

### **INTRODUCTIONS:**

Chair Durst asked those present to introduce themselves.

### **AGENDA APPROVAL:**

It was moved by Director Dennis, seconded by Director Evans to approve the February 23, 2022 Authority Board Agenda. Motion carried: All Directors present voted yes.

### **ANNOUNCEMENT OF CLOSED SESSION:**

Counsel Doud announced that the Authority Board of Directors would consider Closed Session matters as follows:

#### **6. Closed Session:**

6.1 Negotiations concerning water rights permit terms and conditions (Govt. Code §54956.9(c) and §54956.9(d)(4)).

6.2 Conference with Real Property Negotiators (Govt. Code §§54956.8).

Property: Colusa Basin Drain rights of way and associated conveyance facilities.

Agency Negotiator: Jerry Brown, Kevin Spesert, JP Robinette; Negotiating parties: various parties with interest in the facility.

Under Negotiation: Price and terms of payment for facilities lease/common use agreement.

### **PERIOD FOR PUBLIC COMMENT:**

Chair Durst called for a period for public comment. Hearing none, he closed the period for public comment.

**1. ACTION ITEMS:**

**1.1 Conduct 2022 Election of Officers:**

- a) Elect Authority Board Chair, Vice-Chair, Secretary, and Treasurer. Confirm current committee designations and participation. **(Attachment A)**

Chair Durst made time to consider nominations for the 2022 Authority Board Chair, Vice-Chair, Secretary and Treasurer.

Director Evans suggested one action to nominate the Authority Board Chair, Vice-Chair Secretary and Treasurer.

Brief discussion followed.

**ACTION/ELECTIONS:** It was moved by Director Evans, seconded by Director Marsh to elect the 2022 Year Chair, Vice-Chair, Secretary and Treasurer as follows:

- Chair: Director Fritz Durst
- Vice-Chair: Director Jeff Sutton
- Secretary: Director Logan Dennis
- Treasurer: Jamie Traynham

Motion carried: All Directors present voted yes.

**2. CONSENT AGENDA:** It was moved by Director Harris, seconded by Director Hahn to approve Consent Agenda Item Numbers 2.1 through 2.5 as follows:

- 2.1 Approval of the January 26, 2022 Authority Board Meeting Minutes. **(Attachments A)**
- 2.2 Acceptance of the Sites Project Authority Treasurer’s Report. **(Attachment A)**
- 2.3 Approval of the Payment of Claims. (Attachments A, B & C)
- 2.4 Authorization of teleconference meetings, pursuant to Brown Act Provision provided under Assembly Bill 361, effective through March 25, 2022.
- 2.5 Approval of a contract in the amount up to \$590,400 with the Yocha Dehe Wintun Nation to provide tribal/ cultural monitoring services in support of Amendment 3 Geotechnical Field Investigations for the period of February 23, 2022 through December 31, 2024.

Motion carried: All Directors present voted yes.

**3. Action Items:**

- 3.1 Consider authorization of the following activities related to the 2022-2024 Sites Reservoir Geotechnical Investigations: (1) the release of the Draft Environmental Assessment/Initial Study pursuant to California Environmental

Quality Act including authorizing the Executive Director to file a Notice of Completion with the State Clearinghouse and complete other noticing requirements to initiate the public review process; and (2) the Executive Director to sign and submit the necessary permit applications including associated application fees, if any.

Ms. Forsythe provided an update on the 2022-2024 Geotechnical Investigations,

Release of Draft EA/IS and Permit Applications and spoke to the following:

**2022-2024 Geotechnical Investigations**

- Necessary to refine engineering designs and cost estimates
- Activities:
  - Geologic mapping
    - Surface mapping, noninvasive
  - Geotechnical investigation
    - Subsurface drilling, invasive
  - Surface geophysical surveys
    - Surface mapping, non or minimally invasive
- Summer 2022 through 2024

**Roles and Responsibilities**

- Authority
  - Undertake all field activities
  - Obtain all land access
  - CEQA Lead Agency
  - Obtain all permits (except 2 Federal permits obtained by Reclamation)
- Reclamation
  - Funding partner, no field activities anticipated
  - NEPA Lead Agency
  - Complete Federal ESA and National Historic Preservation Act Compliance

**Project Development**

- Activity locations coordinated with engineering, environmental and realty teams
  - Avoided and minimized impacts to biological, cultural and Tribal Resources
  - Avoided and minimized activities in areas where landowners are less likely to be willing
- Activities only undertaken on willing landowner parcels and in public right of way (with permission)

**Impact Avoidance and Minimization**

- To avoid and minimize potential environmental impacts, Authority will implement:
  - Standard geotechnical protocols and procedures
    - Similar to prior geotechnical activities
  - Mitigation measures in Draft EA/IS
  - Permit requirements
- Pre-activity surveys for biological, cultural and Tribal resources
  - Do not drill at any site:
    - With known cultural or Tribal resources based on previous survey information and pre-activity surveys
    - Where we can not adhere to biological mitigation measures or measures in the anticipated permits
- On-site biological, cultural and Tribal monitoring

CEQA/NEPA Compliance Approach

- Initial Study under CEQA
  - Authority Lead Agency
  - Will determine whether Authority adopts a mitigated negative declaration
- Environmental Assessment under NEPA
  - Reclamation Lead Agency
  - Will determine whether Reclamation adopts a Finding of No Significant Impact
- Joint Draft EA/IS
  - 30 day public review period
- Currently reviewing/finalizing the document with Reclamation

Mitigation Measures Anticipated in Draft EA/IS

Resource Area Summary of Mitigation Measures

**Biological Resources** -Conduct mandatory biological resources awareness training; general measures to avoid and minimize effects on sensitive biological resources; measures to avoid and minimize effects on waters of the U.S./State; species-specific measures for state and federally-listed plant and animal species along with migratory birds and eagles; and decontamination of equipment for aquatic invasive species.

**Paleontological Resources** - Consult with qualified paleontologist if paleontological resources are discovered.

**Cultural Resources** - Avoid impacts on cultural resources; conduct pre-activity pedestrian survey; prepare a post-review Discovery Plan; conduct archaeological sensitivity training; conduct archaeological monitoring, and immediately halt ground-disturbing activities if cultural resources or human remains are found and implement appropriate plans.

**Tribal Cultural Resources** -Avoid or preserve in place; treat resources with culturally appropriate dignity and implement permanent conservation easements for any resources found.

Preliminary mitigation measures. These measures may change as staff and Reclamation continue review of the EA/IS.

**Federal Permits/Authorizations**

- USFWS Supplement Biological Assessment
  - Amending prior geotechnical Biological Assessment and associated Biological Opinion
  - Reclamation submitted amended BA to USFWS on February 15, 2022
- National Historic Preservation Act, Section 106
  - Finalize cultural sensitivity report
  - Tribal consultation by Reclamation will be initiated shortly
  - SHPO consultation will be initiated by Reclamation following tribal consultation

**Other Permits/Authorizations**

- With the careful selection of locations to avoid impacts, only a few locations trigger the need to obtain additional permits
- Four locations will need permits under:
  - Clean Water Act Section 404
  - Clean Water Act Section 401
- Three locations will need a Lake and Streambed Alteration Agreement
- Two locations will need permit from Central Valley Flood Protection Board

Discussion followed.

**ACTION:** It was moved by Director Hahn, seconded by Director Harris to authorize the following activities related to the 2022-2024 Sites Reservoir Geotechnical Investigations: (1) the release of the Draft Environmental Assessment/Initial Study pursuant to California Environmental Quality Act including authorizing the Executive Director to file a Notice of Completion with the State Clearinghouse and complete other noticing requirements to initiate the public review process; and (2) the Executive Director to sign and submit the necessary permit applications including associated application fees, if any. Motion carried: All Directors present voted yes.

- 3.2 Consider approval of the new Authority Standard Short Form Service Agreement for consultants for use in all existing and new consultant agreements for certain project consultants.

**ACTION:** It was moved by Director Evans, seconded by Director Allen to approve the new Authority Standard Short Form Service Agreement for consultants for use in all existing and new consultant agreements for certain project consultants. Motion carried: All Directors present voted yes.

**4. Discussion and Information Items:**

- 4.1 Review and comment on the status of the development of the Authority’s water right permit application, including the water right permit process, refinements to the proposed place of use and points of rediversion, and application fee amount. **(Attachment A)**

Ms. Forsythe provided a brief update on the status of the development of the Authority’s water right permit application and spoke to the following:

- Application fees which totaled \$594,952 and are non-refundable
- Place of Use and Points of re-diversion
- Stated the water right permit application is near completion and will be presented at the Joint Reservoir Committee and Authority Board Joint Meeting on March 18, 2022.

Brief discussion followed, with no action

4.2 Review and comment on the status of the development of the Project’s Clean Water Act Section 404 and 401 permit applications.

Ms. Forsythe provided an update on the development of the Project’s Clean Water Act Section 404 (Individual Permit) and 401 (Water Quality Certification) permit applications and spoke to the following:

- 401 and 404 permit applications (largely completed)
- Property access needed prior final mapping waters of the U.S.
- Prior to permit issuance, the Corps and the State Board require on-site surveys with their staff to verify accuracy of the aerial mapping.
- Submission of draft permit applications to both the Corps and State Board in March/April timeframe
- Final applications would be submitted around the time of the issuance of the Project’s Final EIR/EIS
- Mitigation required
- Mitigation cost estimates
- USEPA in process of revising the Clean Water Act Rules and may require the applications be revised

Brief discussion followed, with no action taken.

4.3 Review and comment on Amendment 3 Project Agreement Approval Process including estimated participation levels, outreach and rebalancing, and schedule.

Executive Director Brown provided a brief update on Amendment 3 Project Agreement Approval Process including estimated participation levels and rebalancing and spoke to the following:

- Report out on status of RC participants
- Re-balancing end of March

New Participation

- Westland Water District approved a letter of interest for 10,000 AF.
- Madera County approved a formal letter of interest for 10,000 AF.
- Bureau of Reclamation interested in increasing their participation level.

Mr. Azevedo stated the Reservoir Committee has discussed the opportunity of re-evaluating the Deadpool. Discussion followed with no action taken.

**4.4 Review and Comment on updated Charter Document- General Requirements for the workgroups/committees. (Attachment A)**

Executive Director Brown provided an update on the updated Charter Document – General Requirements for the workgroups/committees and spoke to the following:

The need for workgroups/committees to serve in a more significant advisory capacity to aid in the efficiency and decision-making process of the RC/AB.

- Change the Workgroup/committees from 100% ad hoc to regular standing workgroups/committees of the AB/RC with ad hoc activities assigned as needed.
- Effect of this change is that future meetings of workgroups/committees would be public meetings – requiring that each meeting be publicly noticed, and agendas posted 72 hours in advance to allow members of the public the opportunity to make comments.
- Voting and Consensus Building Approach.

Executive Director Brown stated the updated Charter Document would be brought to the March 18, 2022 Joint Reservoir Committee and Authority Board Meeting. He asked whether there were any comments regarding this matter.

Director Evans requested that the Legislative and Outreach Committee not be considered as a Standing Committee. Discussion followed with no action taken.

**4.5 Review and comment on the new Records Management Policy, including the records retention schedule, to guide oversight and retention of the Authority’s records and responding to public records requests with an effective date of July 1, 2022. (Attachment A)**

Mr. Maltby provided an update of the new Records Management Policy, including the records retention schedule, stating the proposed Policy had been reviewed by the Budget and Finance Committee and general and special counsels. He stated the Policy is to guide oversight and retention of the Authority’s records and responding to public records requests. He noted the Policy would have an effective date of July 1, 2022. Discussion followed regarding the retention schedule for emails, duplicate records, location of physical records and how often updates would be made to the retention schedule.

**5. Reports:**

**5.1 Chairpersons’ Report:**

Chair Durst provided a brief update on the following:

- CDFW negotiations
- Meeting with Assistant Secretary Trujillo

**5.2 Authority Board Committee Chairpersons’ Reports:**

**Budget and Finance**

None.

Director Evans stated he spoke to landowners regarding access for general operations.

Mr. Spesert provided a brief update on the following:

- TRR discussion
- Colusa Basin Drain presentation
- 2022-2024 Geotech program
- Mapping – surveying
- TC-March 7 or 8<sup>th</sup> Geotech work
- First Ad hoc Committee of the Land Management-right-of-way

**Legislative and Outreach**

Director Sutton provided a brief update on the various Federal/State, Legislative, outreach and local activities and/or concerns.

Mr. Spesert provided a brief update on the following:

- Federal and State Priorities
- Updated Message Platform
- Meeting with electeds-Federal/State-Legislative Days
- Meeting with staff of the following:
  - Senator Padilla
  - Congressman Thompson
  - Congressman Huffman - meeting to be scheduled
  - Congressman LaMalfa – to be scheduled
- Change-over in State representation

**5.3 Authority Board Participant Reports:**

Chair Durst provided an update on the NCWA conservation task force meeting.

**5.4 Executive Director's Reports:**

- Monthly status report. **(Attachment A)**
- Work Plan Key Deliverables Report. **(Attachment B)**
- Meetings Action Items Summary. **(Attachment C)**

He also spoke to the following:

- Form 700s due April 1, 2022
- JP Robinette's transition from Brown and Caldwell
- Update on California Water Commission meeting/activities regarding Sites Project

Ms. Forsythe provided a brief update on the ninety comment letters received regarding the Sites Project.

Chair Durst declared a recess at 2:57 p.m., to convene into Closed Session to consider Closed Session matters as follows:

**6. Closed Session:**

**6.1** Negotiations concerning water rights permit terms and conditions (Govt. Code §54956.9(c) and §54956.9(d)(4)).



6.2 Conference with Real Property Negotiators (Govt. Code §§54956.8). Property: Colusa Basin Drain rights of way and associated conveyance facilities.

Agency Negotiator: Jerry Brown, Kevin Spesert, JP Robinette; Negotiating parties: various parties with interest in the facility.

Under Negotiation: Price and terms of payment for facilities lease/common use agreement.

Chair Durst adjourned Closed Session at 4:16 p.m., to reconvene into Open Session.

**7. Report from Closed Session**

Chair Durst announced as to Closed Session, no reportable action was taken.

**8. Recap:**

8.1 Suggested Future Agenda Items.

None.

8.2 Upcoming Meeting:

**Joint Reservoir Committee & Authority Board**

Friday, March 18, 2022 - 9:00 AM to 12:00 PM

Chair Durst adjourned the Authority Board Meeting at the hour of 11:25 a.m.

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Fritz Durst, Chair

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Yolanda Tirado, Board Clerk

Meeting: **Authority Board**

**February 23, 2022**

Subject: **Attendance**

**1:30 – 4:00 PM**

**Current Voting Authority Board Participants:**

<i>Participant</i>	<input type="checkbox"/> <i>Representative</i>	<input type="checkbox"/> <i>Alternate/Delegate</i>
Colusa County	<input checked="" type="checkbox"/> Gary Evans	<input checked="" type="checkbox"/> Mike Azevedo
Colusa County Water District	<input checked="" type="checkbox"/> Joe Marsh	<input type="checkbox"/> Doug Griffen <input checked="" type="checkbox"/> Shelly Murphy
Glenn County	<input checked="" type="checkbox"/> Ken Hahn	<input checked="" type="checkbox"/> Thomas Arnold
Glenn-Colusa Irrigation District	<input checked="" type="checkbox"/> Logan Dennis	<input type="checkbox"/> Don Bransford
Reclamation District 108	<input checked="" type="checkbox"/> Fritz Durst	<input type="checkbox"/> Sean Doherty
City of Roseville / Placer County Water Agency	<input checked="" type="checkbox"/> Gray Allen	<input type="checkbox"/> Joshua Alpine
Tehama-Colusa Canal Authority	<input checked="" type="checkbox"/> Jeff Sutton	<input type="checkbox"/> Halbert Charter
City of Sacramento / Sacramento County Water Agency	<input checked="" type="checkbox"/> Jeff Harris	<input type="checkbox"/> Brett Ewart <input type="checkbox"/> Ann Sanger <input type="checkbox"/> Bill Busath
Westside Water District	<input type="checkbox"/> Doug Parker	<input checked="" type="checkbox"/> Zach Dennis

**Associate Members (2 non-voting):**

<i>Participant</i>	<input type="checkbox"/> <i>Representative</i>	<input type="checkbox"/> <i>Alternate</i>
TC4	<input checked="" type="checkbox"/> Jamie Traynham	<input type="checkbox"/> Tom Charter
Western Canal Water District	<input checked="" type="checkbox"/> Ted Trimble	<input checked="" type="checkbox"/> Greg Johnson

**Non-Voting Committee Participants (2):**

<i>Participant</i>	<input type="checkbox"/> <i>Representative/Other</i>	<input type="checkbox"/> <i>Alternate/Other</i>
Dept of Water Resources	<input checked="" type="checkbox"/> Rob Cooke <input checked="" type="checkbox"/> Jagruti Maroney <input type="checkbox"/> Ajay Goyal	<input type="checkbox"/> David Sandino <input type="checkbox"/> Jim Wieking <input type="checkbox"/> Alex Vdovichenko <input type="checkbox"/> Dave Arrate
Bureau of Reclamation	<input type="checkbox"/> Richard Welsh <input checked="" type="checkbox"/> Vanessa King <input checked="" type="checkbox"/> Natalie Taylor	<input checked="" type="checkbox"/> Don Bader <input type="checkbox"/> Chris Duke <input type="checkbox"/> Derya Sumer <input checked="" type="checkbox"/> Jessica Boyt <input type="checkbox"/> Michael Mosley <input type="checkbox"/> Shana Kaplan

**Authority, Non-Signatory (6):**

<i>Participant</i>	<input type="checkbox"/> <i>Representative</i>	<input type="checkbox"/> <i>Alternate</i>	<i>Alternate</i>
PCWA	<input checked="" type="checkbox"/> Ed Horton	<input type="checkbox"/> Ben Barker	<input type="checkbox"/> Darin Reintjes
Roseville	<input type="checkbox"/> Bruce Houdesheldt <input type="checkbox"/> Sean Bigley	<input type="checkbox"/> Joshua Alpine <input type="checkbox"/> Trevor Joseph	<input type="checkbox"/> Jason Marks

# Authority Board Meeting

February 23, 2022

<i>Participant</i>	<input type="checkbox"/> <i>Representative</i>	<input type="checkbox"/> <i>Alternate</i>	<i>Alternate</i>
Sacramento County WA	<input checked="" type="checkbox"/> Kerry Schmitz	<input type="checkbox"/> Michael Peterson	<input type="checkbox"/>

## Staff:

<input type="checkbox"/> <i>Name</i>	<i>Representing</i>	<input type="checkbox"/> <i>Name</i>	<i>Representing</i>
<input checked="" type="checkbox"/> Brown, Jerry	Sites Project Authority	<input checked="" type="checkbox"/> Trapasso, Joe	Sites Project Authority
<input checked="" type="checkbox"/> Forsythe, Ali	Sites Project Authority	<input checked="" type="checkbox"/> Tirado, Yolanda	Sites Project Authority
<input checked="" type="checkbox"/> Spesert, Kevin	Sites Project Authority	<input checked="" type="checkbox"/> Yarbrough, Sandra	Sites Project Authority

## Consultants:

<input type="checkbox"/> <i>Name</i>	<i>Representing</i>	<input type="checkbox"/> <i>Name</i>	<i>Representing</i>
<input type="checkbox"/> Alexander, Jeriann	Fugro	<input checked="" type="checkbox"/> Luu, Henry	HDR
<input type="checkbox"/> Boling, Robert	HDR	<input checked="" type="checkbox"/> McDonald C	CMD West
<input type="checkbox"/> Briard, Monique	ICF	<input type="checkbox"/> Micko, Steve	Ch2m
<input type="checkbox"/> Brown, Doug	Stradling	<input checked="" type="checkbox"/> Maltby, Marcus	Brown & Caldwell
<input type="checkbox"/> Brown, Scott	LWA	<input checked="" type="checkbox"/> Montague, Doug	Montague DeRose Assoc.
<input type="checkbox"/> Bruner, Marc	Perkins Coie	<input checked="" type="checkbox"/> Robinette, JP	Brown & Caldwell
<input type="checkbox"/> Forrest, Mike	AECOM	<input checked="" type="checkbox"/> Katz, Sarah	Katz & Associates
<input type="checkbox"/> Floyd, Kim	Floyd	<input type="checkbox"/> Rude, Peter	Ch2m
<input checked="" type="checkbox"/> Harris, Cheyanne	Brown & Caldwell	<input type="checkbox"/> Spranza, John	HDR
<input type="checkbox"/> Herrin, Jeff	AECOM	<input type="checkbox"/> Traynham, Hailey	Brown & Caldwell
<input checked="" type="checkbox"/> Heydinger, Erin	HDR	<input type="checkbox"/> Van Camp, Marc	MBK
<input checked="" type="checkbox"/> Katz, Sara	Katz & Associates	<input type="checkbox"/> Warner Herson, Laurie	Phenix
<input checked="" type="checkbox"/> Kivett, Marcia	Brown & Caldwell	<input type="checkbox"/> Westcot, Cathy	HDR
<input checked="" type="checkbox"/> Alan Doud	Young Wooldridge		
<input type="checkbox"/> Leaf, Robert	Ch2m		

## Other Attendees: (Check box to have email address added to the distribution list)

<i>Name</i>	<i>Representing</i>	<i>Contact (Phone &amp; E-mail)</i>
Juleah Cordi	Assemblyman Michael Gallagher's Office	<input type="checkbox"/>
Laura Nicholson	Senator Jim Nielsen's Office	<input type="checkbox"/>
Justin Davies	Brown & Caldwell	<input type="checkbox"/>

## Authority Board Meeting

**February 23, 2022**

**Other Attendees:** *(Check box to have email address added to the distribution list)*

<i>Name</i>	<i>Representing</i>	<i>Contact (Phone &amp; E-mail)</i>
Christie Scofield	Arbuckle Resident	