

RESOLUTION NO. 2025-02

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF SAN BENITO COUNTY WATER DISTRICT
AUTHORIZING THE BOARD PRESIDENT TO EXECUTE THE FIRST
AMENDED AND RESTATED B.F. SISK DAM RAISE AND RESERVOIR
EXPANSION PROJECT ACTIVITY AGREEMENT AND
APPROVE THE AGREEMENT BETWEEN THE UNITED STATES AND
THE SAN LUIS & DELTA-MENDOTA WATER AUTHORITY
FOR THE MANAGEMENT OF THE EXPANDED SAN LUIS RESERVOIR AND
COST SHARE OF CHARGES ASSOCIATED WITH RAISING OF
THE B.F. SISK DAM AND INCREASED STORAGE CAPACITY
OF THE FEDERALLY ADMINISTERED SAN LUIS RESERVOIR**

WHEREAS, the B.F. Sisk Dam Raise and Reservoir Expansion Project (“Reservoir Expansion Project” or “Project”) includes raising the dam crest an additional 10 feet above the 12-foot embankment raise under development by the B.F. Sisk Dam Safety of Dams (“SOD”) Modification Project, which would support an increase in reservoir storage capacity of 130,000 acre-feet, and would also include installation of downstream stability berms and crack filters, raising the existing outlet works, intake towers, access bridge, and spillway intake by 10 feet, and other modifications, including to State Route 152; and

WHEREAS, the potential benefits from the Reservoir Expansion Project include increasing long-term reliability and quantity of yearly allocations to south-of-Delta contractors dependent on San Luis Reservoir and increasing the certainty of access to supplies stored by south-of-Delta contractors in San Luis Reservoir in subsequent water years; and

WHEREAS, the San Luis & Delta-Mendota Water Authority (“Water Authority”) has worked with the U.S. Bureau of Reclamation (“Reclamation”) to analyze the proposed Reservoir Expansion Project over the past several years, including through the preparation of the draft B.F. Sisk Dam Raise and Reservoir Expansion Project Environmental Impact Report/Supplemental Environmental Impact Statement (“EIR/SEIS”), Feasibility Report, and Addendum to the Feasibility Report; and

WHEREAS, the Water Authority authorized execution of a series of cost-share agreements with Reclamation to collaborate on the planning, preliminary design, and environmental compliance for the Reservoir Expansion Project, and to seek potential storage benefits of the Project for Water Authority member agencies; and

WHEREAS, the Water Authority and Byron-Bethany Irrigation District, Del Puerto Water District, Eagle Field Water District, Pacheco Water District, Panoche Water District, San Benito County Water District, San Luis Water District, Santa Clara Valley Water District, Westlands Water District, and the City of Tracy (together, “Activity Agreement Members”) executed the B.F. Sisk Dam Raise and Reservoir Expansion Project Activity Agreement, made effective as of May 9, 2022, to facilitate the funding of planning, preliminary design, and environmental compliance for the Reservoir Expansion Project. Eagle Field Water District, Pacheco Water District, and Panoche Water District later withdrew from the Activity Agreement; and

WHEREAS, the San Benito County Water District (District) is an Activity Agreement Member and is considering participating in the Reservoir Expansion Project to provide reliable water supplies for future urban growth within San Benito County.

WHEREAS, in accordance with the National Environmental Policy Act (“NEPA”) and the California Environmental Quality Act (“CEQA”), Reclamation and the Water Authority completed the B.F. Sisk Dam Raise and Reservoir Expansion Project Final Environmental Impact Report/Supplemental Environmental Impact Statement (“Final EIR/SEIS”), with Reclamation and the Water Authority signing a Record of Decision and Notice of Determination for the Project, respectively, on October 20, 2023; and

WHEREAS, over the past year, the Water Authority and the Activity Agreement Members have worked to negotiate an agreement with the United States for the management of the Project and cost share of charges associated with the raising of the B.F. Sisk Dam and increased storage capacity of the federally administered San Luis Reservoir (“Management and Cost Share Agreement”), with Reclamation and the Water Authority agreeing to an initial 30% federal share and 70% Water Authority share of costs and benefits; and

WHEREAS, following execution of the Management and Cost Share Agreement, the Authority also intends to negotiate additional, related agreements, including, but not limited to, a Contributed Funds Agreement, Spend Plan, Coordination Agreement, and O&M Agreement (together, the “Follow-On Agreements”). Together with the Management and Cost Share Agreement, the Follow-On Agreements will govern the cost sharing, design, construction, coordination activities, and operation of the Project; and

WHEREAS, the Activity Agreement Members desire to participate in the benefits and incur the obligations associated with continued project management and the anticipated Management and Cost Share Agreement and Follow-On Agreements through an amended activity agreement; and

WHEREAS, the District's Board has considered the latest draft of the First Amended and Restated B.F. Sisk Dam Raise and Reservoir Expansion Project Activity Agreement (Attachment 1), a copy of which has been presented to the Board and is on file with the Secretary hereof; and

WHEREAS, authorizing execution of the First Amended and Restated B.F. Sisk Dam Raise and Reservoir Expansion Project Activity Agreement does not legally bind or otherwise commit the Water Authority or the Activity Agreement Members to participate in or otherwise proceed with the Reservoir Expansion Project, and further, executing the First Amended and Restated B.F. Sisk Dam Raise and Reservoir Expansion Project Activity Agreement is an administrative and organizational action that will not result in a direct change in the environment or a reasonably foreseeable indirect change to the environment, and thus does not constitute a project under CEQA. (CEQA Guidelines, § 15378(b)(5).)

NOW, THEREFORE, BE IT RESOLVED, AS FOLLOWS, THAT:

Section 1. The facts stated in the recitals above are true and correct, and the Board so finds and determines.

Section 2. The Board hereby authorizes the General Manager to execute the First Amended and Restated B.F. Sisk Dam Raise and Reservoir Expansion Project Activity Agreement in substantially the form presented to the Board, subject to such additions, deletions, and other revisions as the said General Manager shall approve prior to execution and further subject to the contingencies described in Section 3 of this Resolution.

Section 3. The authorization conferred by this Resolution, and the document executed in reliance upon it, shall be contingent upon the occurrence of the seven (7) remaining Activity Agreement Members executing the Amended Activity Agreement, unless one or more those Activity Agreement Members withdraw from the Activity Agreement.

Section 4. In the event the contingency described in Section 3 fails to occur, the authorization conferred by this Resolution for which the contingency is not satisfied is revoked *ab initio* as to the document not achieving the signatures as required by said Section 3, and any documents executed by the Water Authority in reliance upon it shall have no binding force or effect.

PASSED, APPROVED AND ADOPTED at a regular board meeting, this 29th day of January, 2025, by the Board of Directors of the San Benito County Water District.

AYES: DIRECTORS: Williams, Wright, Flores, Freeman & Tonascia

NOES: DIRECTORS: None

ABSTAIN: DIRECTORS: None

ABSENT: DIRECTORS: None

Signature of presiding Board member
Attested by Board Secretary
Resolution #2025-02

/s/Doug Williams
Doug Williams
President

ATTEST: /s/Barbara L. Mauro
Barbara L. Mauro
Board Secretary

I hereby certify that the foregoing Resolution No. 2025-02 was duly and regularly adopted by the Board of Directors of the San Benito County Water District at the meeting held on the 29th day of January, 2025.

/s/Barbara L. Mauro
Barbara L. Mauro
Board Secretary