

## Bighorn-Desert View Water Agency

### Board of Directors

Michael McBride, President  
Judy Corl-Lorono, Vice President  
David Larson, Secretary  
Terry Burkhart, Director  
J. Dennis Staley, Director

Marina D West, P.G., General Manager



A Public Agency

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## PLANNING/LEGISLATIVE/ENGINEERING GRANT & SECURITY COMMITTEE REGULAR MEETING AGENDA

BOARD MEETING OFFICE  
1720 N. Cherokee Trail, Landers, CA 92285  
Wednesday, June 5, 2013 - 9:15 a.m.

### COMMITTEE MEMBERS: Director Corl-Lorono & Director Burkhart

The BDVWA Planning / Legislative / Engineering / Grant & Security Committee meeting will be conducted in strict compliance with the Brown Act. Members of the Board not assigned to this Committee who attend may do so only as observers and may not participate in the meeting.

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. APPROVAL OF AGENDA

**DISCUSSION AND ACTION ITEMS** - The Committee and Staff will discuss the following items and provide direction to staff, if so inclined.

The Public is invited to comment on any item on the agenda during discussion of that item.

When giving your public comment, please have your information prepared, if you wish to be identified for the record then please state your name. Due to time constraints, each member of the public will be allotted three-minutes to provide their public comment.

**5. CONFERENCE CALL WITH MOJAVE WATER AGENCY'S LEGAL/LEGISLATIVE AND PUBLIC INFORMATION COMMITTEE**

Committee to participate via teleconference for an update by the State Advocate of Issues at the State Level, as well as an update by the Federal Advocate of Issues at the Federal Level.

**6. UPDATE ON AMES/RECHE GROUNDWATER STORAGE AND RECOVERY PROGRAM**

**7. UPDATE ON SB 246 (FULLER), A BILL TO MODERNIZE THE BIGHORN-DESERT VIEW WATER AGENCY LAW**

**8. ENGINEERING PROJECTS UPDATE**

- A. Reservoirs Recoating and Johnson Valley Well 10 Reservoir Cleaning**
- B. Arc Flash Hazards Study**
- C. Equipping Pumping Plants with Generator Transfer Switches**
- D. Evaluation of Wells 2, 3 and 4**

**9. CONSENT ITEMS** - The following is expected to be routine and non-controversial and will be acted on by the Committee members at one time without discussion, unless a member of the Public or a Committee member requests that an item be held for discussion or further action.

- a. Regular PLEGS Committee Meeting Report, April 3, 2013

**10. PUBLIC COMMENT PERIOD**

Any person may address the Committee on any matter within the Agency's jurisdiction on items not appearing on this agenda.

When giving your public comment, please have your information prepared, if you wish to be identified for the record then please state your name. Due to time constraints, each member of the public will be allotted three-minutes to provide their public comment. State Law prohibits the Committee from discussing or taking action on items not included on the agenda.

**11. VERBAL REPORTS**

- a. COMMITTEE MEMBERS' COMMENTS/REPORT
- b. GENERAL MANAGER'S REPORT

**12. ITEMS FOR NEXT AGENDA**

**13. ADJOURNMENT**

In accordance with the requirements of California Government Code Section 54954.2, this agenda has been posted in the main lobby of the Bighorn-Desert View Water Agency, 622 S. Jemez Trail, Yucca Valley, CA not less than 72 hours if prior to a Regular meeting, date and time above; or in accordance with California Government Code Section 54956 this agenda has been posted not less than 24 hours if prior to a Special meeting, date and time above.



# Legal, Legislative and Public Information Committee

## AGENDA

**Mojave Water Agency  
Board Room  
13846 Conference Center Drive  
Apple Valley, CA 92307**

**June 5, 2013  
9:30 a.m.**

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- 1. Approve Agenda**
- 2. Approve Meeting Summary from the Legal/Legislative and Public Information Committee Meeting of May 1, 2013**
  - Meeting Summary
- 3. Update by State Advocate of Issues at the State Level (teleconference)**
  - Staff Report
  - Bill Report
- 4. Update by Federal Advocate of Issues at the Federal Level (teleconference)**
  - Staff Report
- 5. Public Information Update (oral report)**
- 6. General Manager's Report (oral report)**
- 7. Public Participation**

## **8. Comments/Discussion Items for Next or Future Agendas**

## **9. Adjournment**

*Pursuant to Government Code Section 54954.2(a), any request for a disability-related modification or accommodation, including auxiliary aids or services, that is sought in order to participate in the above-agendized public meeting, should be directed to the Agency's General Manager's office at (760) 946-7008 at least 24 hours prior to said meeting.*

*Please visit our Facebook page at <http://www.facebook.com/mojavewater>*



## LEGAL, LEGISLATIVE, AND PUBLIC INFORMATION COMMITTEE MEETING

### MEETING SUMMARY May 1, 2013

#### CALL TO ORDER:

Chairperson Doug Shumway called the meeting to order at 9:30 a.m.

#### ATTENDANCE:

- ⚡ Committee – Chairperson Doug Shumway, Director Beverly Lowry, and Director Mike Page
- ⚡ Absent – None
- ⚡ Staff – General Manager Kirby Brill; Community Liaison Officer Yvonne Hester; and Senior Administrative Assistant, Public Information Gloria Golike
- ⚡ Consultants – State Advocates Ed Manning and Carolyn Jensen, KP Public Affairs and Federal Advocate Heather Hennessey, Innovative Federal Strategies, LLC joined by teleconference
- ⚡ Others – Two visitors were in the audience and three were online

1. **Approve Agenda**  
The agenda was agreed upon with the amendment of the date of the approved meeting summary from March 6, 2013 to April 3, 2013.
2. **Approve Meeting Summary from the Legal, Legislative, and Public Information Committee Meeting of April 3, 2013**  
The meeting summary was agreed upon as presented.
3. **Update by State Advocate of Issues at the State Level**  
Ms. Jensen gave a legislative update on five bills of interest to the Agency. Mr. Manning and Ms. Jensen gave a brief report on two hearings, an overview of the Bay Delta Conservation Plan (BDCP), the Water Bond, and the state budget.
4. **Update by Federal Advocate of Issues at the Federal Level**  
Ms. Hennessey gave an update on a few issues; such as, the debt ceiling debate, budget sequester, Water Resources Development Act (WRDA) Bill, among other items.
5. **Integrated Regional Water Management Plan Outreach Update**  
Ms. Hester gave an overview of the outreach plans for the IRWM Plan and mentioned the eight communities where public meetings will be held.
6. **Public Information Update**  
Ms. Hester gave an update on recent and upcoming activities and events. She mentioned the mini tour, the R-Cubed tour, and other activities.

7. **General Manager's Report**  
No report.
8. **Public Participation**  
No report.
9. **Comments/Discussion Items for Next or Future Agendas**  
None mentioned.
10. **Adjournment**  
Chairperson Doug Shumway adjourned the meeting at 10:15 a.m.

Submitted by: \_\_\_\_\_  
Gloria Golike  
Senior Administrative Assistant,  
Public Information

Attachments on-file:  
Sign-in sheet

*\*Audio recording of this meeting available upon request.*

# KP

## PUBLIC AFFAIRS

**TO:** Legal, Legislative and Public Information Committee

**FROM:** Ed Manning  
Carolyn Jensen

**RE:** KP Public Affairs Agenda

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### 1. Legislative Update:

A. House of Origin Deadline

B. Bills (see attachment):

- i. AB 145 (Perea) SWRCB: Drinking Water
- ii. AB 1258 (Skinner) Hydroelectric and pumped storage facilities
- iii. SB 449 (Galgiani) Reduced Reliance on Delta
- iv. SB 735 (Wolk) Covered Actions

### 2. Water Bond Update

### 3. BDCP Update

### 4. State Budget Update

05/30/13

**KP Public Affairs**  
**Mojave Water Agency Bill Status Report as of 5/30/2013**

**AB 145 (Perea D) State Water Resources Control Board: drinking water.**

**Introduced:** 1/18/2013

**Last Amend:** 4/24/2013

**Status:** 5/28/2013-In Senate. Read first time. To Com. on RLS. for assignment.

**Is Urgency:** N

**Is Fiscal:** Y

**Location:** 5/28/2013-S. RLS.

**Summary:** The California Safe Drinking Water Act (state act) provides for the operation of public water systems and imposes on the State Department of Public Health various duties and responsibilities. Existing law requires the department to conduct research, studies, and demonstration projects relating to the provision of a dependable, safe supply of drinking water, to adopt regulations to implement the state act, and to enforce provisions of the federal Safe Drinking Water Act. This bill would transfer to the State Water Resources Control Board the various duties and responsibilities imposed on the department by the state act. The bill would require these provisions to be implemented during the 2014-15 fiscal year. This bill contains other related provisions and other existing laws.

**AB 1258 (Skinner D) Electricity: hydroelectric and pumped storage facilities.**

**Introduced:** 2/22/2013

**Last Amend:** 4/23/2013

**Status:** 5/24/2013-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/8/2013)

**Is Urgency:** N

**Is Fiscal:** Y

**Location:** 5/24/2013-A. 2 YEAR

**Summary:** Existing law requires the State Energy Resources Conservation and Development Commission, beginning November 1, 2003, and every 2 years thereafter, to adopt an integrated energy policy report which includes an overview of major energy trends and issues facing the state. Existing law requires the State Energy Resources Conservation and Development Commission, beginning November 1, 2004, and every 2 years thereafter, to prepare an energy policy review to update analyses from the integrated energy policy report or to raise energy issues that have emerged since the release of the integrated energy policy report. This bill would require the State Energy Resources Conservation and Development Commission, in consultation with the Public Utilities Commission, the Department of Water Resources, the Independent System Operator, electrical corporations, publicly owned utilities, federal power marketing authorities, and the federal Bureau of Reclamation, to perform a technical analysis of the potential use of existing hydroelectric and pumped storage facilities, as specified, to provide additional operational flexibility that could facilitate the integration of eligible renewable energy resources for the state's electrical grid. The bill would require the State Energy Resources Conservation and Development Commission to complete its technical analysis and include its analysis in an energy policy review by November 1, 2014. This bill contains other existing laws.

**SB 449 (Galgiani D) Local water supply programs or projects: funding.**

**Introduced:** 2/21/2013

**Last Amend:** 4/18/2013

**Status:** 5/24/2013-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/23/2013)

**Is Urgency:** N

**Is Fiscal:** Y

**Location:** 5/24/2013-S. 2 YEAR

**Summary:** Existing law requires that the Department of Water Resources annually prepare and submit to the Legislature a report that includes a description of the progress achieved by the department with regard to meeting the goals of the CALFED Bay-Delta Program and a related implementation schedule. The department also is required annually to prepare and submit to the Legislature a report with regard to the budget for the State Water Resources Development System. This bill would prohibit the department from funding, through loans, grants, or direct expenditure, specific programs or projects within the service area of, or otherwise directly



benefiting, an urban or agricultural water supplier that receives water from, transferred through, or used in the Delta watershed, unless the department determines that the water supplier is reducing its dependence on the Delta, as specified.

**SB 735** **(Wolk D) Sacramento-San Joaquin Delta Reform Act of 2009: multispecies conservation plans.**

**Introduced:** 2/22/2013

**Last Amend:** 5/24/2013

**Status:** 5/29/2013-Read third time. Passed. (Ayes 25. Noes 12.) Ordered to the Assembly.

**Is Urgency:** N

**Is Fiscal:** Y

**Location:** 5/24/2013-A. ASSEMBLY

**Summary:** The Sacramento-San Joaquin Delta Reform Act of 2009 establishes the Delta Stewardship Council, which is required to develop, adopt, and commence implementation of a comprehensive management plan for the Delta by January 1, 2012. This bill would, on or before February 3, 2014, authorize prescribed local entities to enter into a memorandum of understanding or other written agreement with the council and the Department of Fish and Wildlife regarding multispecies conservation plans, as defined, that describes, among other things, how the parties would ensure that multispecies conservation plans that have been adopted or are under development are consistent with the Delta Plan.

**Total Measures:** 4

**Total Tracking Forms:** 23

# *Innovative Federal Strategies* LLC

Comprehensive Government Relations

## MEMORANDUM

**To:** Mojave Water Agency Legal, Legislative and Public Information Committee

**From:** Letitia White and Heather Hennessey

**Date:** May 30, 2013

**Re:** May Monthly Legislative Update

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May brought progress on several important legislative initiatives, including a comprehensive immigration reform package which was approved by the Senate Judiciary Committee. The 800-plus page bill will continue to be a focus of effort in both the House and Senate during June. Also, the Senate completed consideration of its Water Resources Development Act of 2013, marking the first time that bill has received floor votes since 2007.

### *FY 2014 Appropriations Moves Forward*

As we have highlighted in past reports, the House and Senate are beginning the process for FY 2014 appropriations from different top-line funding numbers. You may recall that the House is working from a lower number imposed by the ongoing sequester cuts, while the Senate is working under the assumption that the sequester cuts will be replaced by legislation later in the year. This situation sets up a conflict that will play out over the next few months, and it will serve to destabilize the appropriations process for the rest of this year.

We are already seeing evidence of the warped process even as the first bills begin to move on the House side. House Appropriations Committee Chairman Hal Rogers (R-KY) announced that his committee's top-line funding number for FY 2014 would be \$967 billion for discretionary spending. Three bills are going to move forward without substantial cuts – the Homeland Security, Department of Defense and Military Construction and Veterans Affairs bills. The other funding bills, however, will face drastically deep cuts. For instance, the Labor, HHS and Education bill will be cut by a total of 18.6%. The disproportionate cuts to the domestic agencies will heighten partisan bickering during the funding process, and it does not bode well for a productive year.

### *WRDA Emerges from the Senate*

With a resounding victory of 83 yeas, the Senate passed the Water Resources Development Act of 2013 (WRDA) in mid-May. As you know, the WRDA bill authorizes new studies and projects for the US Army Corps of Engineers, and Congress is supposed to pass a WRDA bill every two years. Passage through the Senate was a huge milestone for the bill, which is now many years overdue for consideration. Unfortunately, the broad bipartisan support won by the Senate bill is not enough incentive to make House Transportation and Infrastructure Committee Chairman Bill Shuster (R-PA) take up the Senate bill in his committee. The House plans to work

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on its own version of WRDA in the “summer-ish” timeframe, as Chairman Shuster recently told the press. There are many provisions in the Senate bill that move the US Army Corps of Engineers in a productive direction, but the bill also contains some highly controversial measures.

The biggest puzzle facing the WRDA authors in both chambers is how to move a bill which historically won many supporters with earmarks. This is the first attempt to pass WRDA in the post-earmark era, and the Senate compensated for the lack of earmarks by including a provision that allows the US Army Corps to initiate new authorizations by performing a review of each proposed project and then submitting recommendations to Congress for approval. While this may seem like an inventive way to achieve new authorizations without earmarking them, it is also a large concession of authority from the legislative branch to the executive branch. It is not at all clear that the House will go along with this provision or attempt to work out a new solution to the problem of authorizing new projects.

Several of the provisions in the Senate bill make it easier for local project partners to work with the Corps. Those reforms include giving more credit for work carried out by local sponsors and requiring that milestones be set and met by the Corps when working through feasibility studies. Feasibility studies are also expedited by the Senate bill, and the bill’s authors made specific points in the legislation that delays in Corps studies increase a project’s costs and possibly endanger lives in the case of flood control or levee projects. The expedited feasibility studies are limited at three years of time and \$3 million in costs, with some exceptions provided for especially complex projects. There are also pilot programs aimed at identifying innovative financing mechanisms for water infrastructure, flood control and navigation projects included in the Senate bill. Finally, the bill includes streamlined environmental review provisions and calls for concurrent reviews to be performed in some cases. The environmental review bill language has drawn the harshest criticism from outside groups, and the White House also expressed concerns about those aspects of the bill.

The Senate bill also sets up a system by which existing authorizations for Corps projects can be terminated. These deauthorizations would happen under a lengthy process, and many types of projects are excluded from consideration. The bill creates an Infrastructure Deauthorization Commission made up of eight members appointed by the President and approved by the Senate. That group is then empowered to establish criteria for reviewing projects, hold hearings and gather evidence and conduct public comment periods. Using all of the information gathered during the review, the commission then recommends to Congress a list of projects that should be deauthorized. Congress then accepts or rejects the list of recommendations.

Again, many types of projects are excluded from consideration for deauthorization. Those include projects that have received obligated funds during the past five fiscal years, projects authorized since the 1996 WRDA was passed, projects that are currently undergoing review by the Corps, projects that have received appropriated funds in the past ten years, projects with viable non-federal sponsors and projects that are more than 50% complete. With that long list of exceptions written into the bill, there are many projects around the country that will escape consideration for deauthorization.

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As mentioned above, the House is going to write its own WRDA bill. Hopefully, that process will begin soon so that momentum on this important legislation will not be lost. The idea of deauthorizing projects might have some appeal in the House because it will lower the costs of the bill to take old authorizations off the books. Chairman Shuster has had some discussions in recent months about trying to work earmarks back into a WRDA bill, but there has not been any indication that those discussions will bear fruit.

### *Outlook for June*

The Immigration bill will move through the Senate floor in June, possibly consuming several weeks of debate time. The House is expected to continue work on deficit reduction issues. As always, we will keep you posted!

## Bighorn-Desert View Water Agency

### Board of Directors

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# PLANNING/LEGISLATIVE/ENGINEERING GRANT & SECURITY COMMITTEE REGULAR MEETING REPORT

BOARD MEETING OFFICE  
1720 N. Cherokee Trail, Landers, CA 92285  
Wednesday, April 3, 2013 - 9:15 a.m.

**COMMITTEE MEMBERS: Director Corl-Lorono & Director Burkhart**

### CALL TO ORDER

Director Corl-Lorono called the meeting to order at 9:15 a.m.

### PLEDGE OF ALLEGIANCE

Led by Director Staley

### ROLL CALL

Directors: Director Corl-Lorono  
Director Staley

Director Staley substituted for Director Burkhart. Director Burkhart was absent with prior notice.

Staff: Marina West  
Michelle Corbin

### APPROVAL OF THE AGENDA

Director Corl-Lorono and Director Staley approved the agenda as presented.

### CONFERENCE CALL WITH MOJAVE WATER AGENCY'S LEGAL/LEGISLATIVE AND PUBLIC INFORMATION COMMITTEE

Ed Manning of KP Public Affairs reported on state issues since the last meeting. He specifically mentioned the Water Bond, the Bay Delta Conservation Plan and grants. Heather Hennessey of Innovative Federal Strategies, LLC reported on federal issues such as the Bay Delta Conservation Plan and the Water Resources Development Act

Bill chaired by Senator Barbara Boxer. Ms. Hennessey also reported on Diane Feinstein's Bill on the Desert Protection Act.

#### **ENGINEERING PROJECTS UPDATE**

- A. Reservoirs Recoating and Johnson Valley Well 10 Reservoir Cleaning**
- B. Arc Flash Hazards Study**
- C. Equipping Pumping Plants with Generator Transfer Switches**
- D. Evaluation of Wells 2, 3 and 4**

General Manager West gave the staff report updating the Committee on the reservoir recoating project and Johnson Valley Well 10 reservoir cleaning. West presented photos recounting the progress of the reservoir recoating. West noted the safety improvements made on the ladders and railing of the reservoirs and she hopes the work on the first tank will be completed in about 4 weeks.

The Arc Flash Hazard Study is an analysis of potential energy discharge from various sites within the Agency. The study will determine the type of protective equipment staff will use and also determine areas staff will be excluded from entering.

Southern California Edison will conduct the short circuit duty calculations on three sites. Once the locations are evaluated the Agency may create blanket rules regarding the other sites and categorize each as low, medium or high risk. The project will go out to bid once the Agency has received the appropriate paperwork from Edison.

With regards to equipping the pumping plants with transfer switches the Agency will use the same line diagrams that were created for the arc flash study.

Well 2, 3 and 4 facilities have been documented. The history and burdens of each site will be evaluated as well as any other state issues..

No public comment.

#### **UPDATE ON SB246, A BILL TO MODERNIZE THE BIGHORN-DESERT VIEW WATER AGENCY LAW UPDATE**

General Manager West gave the staff report. West stated she has been working directly with State Legislative Council. Although there were some small modifications, none were substantial. General Council Aklufi has also reviewed the changes and once the draft bill is resubmitted to Senator Fullers office in early April it will be amended.

The next item of action for the Agency will be to seek additional support. West has contacted the California Special Districts Association (CSDA), the Association of California Water Agencies (ACWA), Mojave Water Agency, Joshua Basin Water District and High Desert Water District. The hearing for the bill is scheduled for April 17, 2013.

No public comment.

**AMES/RECHE GROUNDWATER STORAGE AND RECOVERY PROGRAM MEMORANDUM OF UNDERSTANDING BETWEEN BIGHORN-DESERT VIEW WATER AGENCY AND MOJAVE WATER AGENCY UPDATE**

General Manager West gave the staff report. During the March 2013 Board of Directors meeting it was decided the Memorandum of Understanding (MOU) between Bighorn-Desert View Water Agency and Mojave Water Agency was in need of additional clarification regarding the Agency's liability. General Council Aklufi reviewed the document and feels it is acceptable. Mr. Aklufi will be available to participate in the next board meeting to assist with any clarifications.

Escrow is closing on the mitigation lands and all of the appropriate approvals through the Department of Fish and Wildlife are complete. Also, the bidding process is complete for the construction contract on the pipeline and outlet structure.

No public comment.

The Committee recommends the Memorandum of Understanding be brought back to the full board at the next regular Board of Directors meeting.

**CONSENT ITEMS**

- a. Regular PLEGS Meeting Report, February 6, 2013

No public comment.

Director Corl-Lorono and Director Staley approved the report.

**PUBLIC PARTICIPATION**

No public comment.

**VERBAL REPORTS**

**COMMITTEE MEMBERS' COMMENTS/REPORTS**

No Director Reports.

**GENERAL MANAGER'S REPORT**

General Manager West reported on the Emergency Response Network Inland Empire (ERNIE). West also reported on the cost associated with the recent break-in of the Bighorn-Desert View Water Agency office.

**ITEMS FOR NEXT AGENDA**

**ADJOURNMENT** – Director Corl-Lorono adjourned the meeting at 10:58 a.m.