Bighorn-Desert View Water Agency

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Planning/Legislative/Engineering Grant & Security Standing Committee Special Meeting Agenda

Tuesday, September 12, 2017 – 9:15 a.m.

Note Location: Agency Administrative Office

622 S. Jemez Trail, Yucca Valley CA 92284

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 – Recording Dated August 15, 2017**
   Committee to listen to August 15, 2017 recording of the 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 AB1000 (Friedman, D-Glendale) Water Conveyance; use of facility with unused capacity**

7. **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. Special PLEGS Committee Meeting Report, June 28, 2017

8. **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.

9. **Verbal Reports**
   a. Committee Members' Comments/Report
   b. General Manager's Report

10. **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.
As a general rule, agenda reports or other written documentation has been prepared or organized with respect to each item of business listed on the agenda.
Copies of these materials and other disclosable public records in connection with an open session agenda item, are also on file with and available for inspection at the Office of the Agency Secretary, 622 S. Jemez Trail, Yucca Valley, California, during regular business hours, 8:00 A.M. to 4:30 P.M., Monday through Friday. If such writings are distributed to members of the Board of Directors on the day of a Board meeting, the writings will be available at the entrance to the Board of Directors meeting room at the Bighorn-Desert View Water Agency.
Internet: Once uploaded, agenda materials can also be viewed at www.bdvwa.org.
Public Comments: You may wish to submit your comments in writing to assure that you are able to express yourself adequately.
Per Government Code Section 54954.2, any person with a disability who requires a modification or accommodation, including auxiliary aids or services, in order to participate in the meeting, should contact the Board's Secretary at 760-364-2315 during Agency business hours.

AGENDA ITEM # 5

Mojave Water Agency

Legal, Legislative and Public Information Committee

AGENDA

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

August 15, 2017
09:30 a.m.

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1. **Approve Agenda**

2. **Approve Meeting Summary from the Legal, Legislative, and Public Information Committee Meeting of July 18, 2017**

   - Meeting Summary

3. **Update by State Advocate of Issues at the State Level (teleconference)**

   - State Report

4. **Update by Federal Advocate of Issues at the Federal Level (teleconference)**

   - Federal Report
   - Federal Matrix

5. **Review Findings of the 2017 Inland Empire Annual Survey Workshop**

- Survey Findings

6. Public Information Update

7. General Manager's Report

8. Public Participation

9. Comments/Discussion Items for Next or Future Agendas

10. 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

KP PUBLIC AFFAIRS

TO: **Legal, Legislative and Public Information Committee**
FROM: **Ed Manning and Carolyn Jensen**
RE: **KP Public Affairs Agenda**

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1. **Legislative Calendar**
   A. July 21st - August 21st: Summer Recess
   B. September 1st: Appropriations committee deadline
   C. September 15th: Legislature adjourns

2. **Legislative Update**
   A. AB 367 (Obernolte) Water Supply: Building Permits
      i. Status: Senate Floor Third Reading File
   B. AB 1000 (Friedman) Water Conveyance: use of facility with unused capacity
      i. Status: Senate Appropriations Committee
   C. SB 623 (Monning) Safe Drinking Water Fund
      i. Status: Assembly Appropriations Committee
   D. Making Conservation a Way of Life - Legislation Update

3. **CPUC and SWRCB Workshop – AB 685 Implementation**
   A. Providing Safe Drinking Water Through Water Systems Consolidation
      i. August 17th: 1:00 PM to 5:00 PM - CalEPA Headquarters

08/07/2017

Innovative Federal Strategies LLC
Comprehensive Government Relations

MEMORANDUM

To: **Tom McCarthy, Gloria Golike, Yvonne Hester**

From: **Letitia White, Jean Denton, Annie Wake**

Date: **July 31, 2017**

Re: **July Monthly Legislative Update**

House Passes $788 Billion Spending Bill

The House passed a $788 billion spending bill Thursday that complies with President Donald Trump's demands to boost the military, reduce clean-energy programs and start funding a wall on the U.S.-Mexico border.

The bill, passed 235-192, would fund the Departments of Defense, Energy and Veterans Affairs, the Legislative Branch and Army Corps of Engineers in fiscal 2018. Republican leaders added $1.6 billion in border-wall funding to win the backing of House conservatives. The bill, H.R. 3219, has little chance of passing the Senate in its current form. Senate Democrats, whose votes would be needed for passage, intend to block it in the hopes of a deal later this year to increase domestic spending. The bill does, however, set up a bargaining position for House Republicans heading into possible spending talks with Democrats.

"You've got a unified position in the House and that's a good place to be right now," said Representative Mac Thornberry (R-TX), the chairman of the House defense panel. No schedule for bipartisan budget talks has been set and it is unclear whether Congress can avoid a government shutdown when the fiscal year begins October 1. By including border-wall funding that alienates Democrats, Republicans have increased the risk that Congress will be unable to complete the spending bills on time.

Partial Shutdown

That would either lead to a partial shutdown of government services or require Congress to pass a stopgap spending measure. The President has said a "good" shutdown may be needed to secure funding for the wall.

Representative Tom Rooney (R-FL), a member of the House spending panel, said he fears the current strategy will lead to a stopgap spending bill in late September that would continue current spending levels and policies. "The lowest common denominator always prevails around here," Rooney said.

Representative Nita Lowey (D-NY), the top Democrat on the spending panel, also said Congress would likely have to pass a stopgap bill into December because the bill cannot win bipartisan support. "You can call it kicking the can down the road, you can call it whatever you want," Representative Lowey said. "This is not the way to do business."

12 Spending Bills

Representative Rooney and other Republicans had initially hoped to vote on a legislative package combining all 12 of the annual spending bills. He said that would give House Republicans the upper hand in any shutdown situation because they could argue they did their work to fund the government.

In that scenario, Senate Democrats "would get the blame for any shutdown," Representative Rooney said. Republican members weren't willing to back the 12-bill package. Moderates said the eight bills not in the spending package would impose $8 billion in cuts to domestic agencies from current levels, while some conservatives wanted deeper cuts. Moderate Representative Charlie Dent (R-PA) said the House couldn't pass a bill based on those levels. "That's why we need a bipartisan budget agreement," he said

Appropriators Fund Popular Municipal Programs

This past month the Appropriations Committees of the House and Senate continued to move domestic appropriations bills. All twelve FY18 appropriations bills in the House have moved out of full committee, while the Senate has reported six (Military Construction and Veterans Affairs, Energy and Water, Transportation, Housing and Urban Development (THUD), Agriculture, and Commerce, Science, and Justice) out of the full committee.

Within many of these bills, funding for municipal programs are included, and saw relatively high funding marks, despite the President's FY18 request almost universally cutting or zeroing-out said programs. A listing of highlighted programs' proposed funding levels is below:

House Appropriations: Subcommittee on Transportation, Housing and Urban Development

- **Housing and Urban Development (HUD) –** The legislation includes a net discretionary total of $38.3 billion for the Department of Housing and Urban Development, a decrease of $487 million below the fiscal year 2017 enacted level and $6.9 billion above the Administration's budget request.
- **Community Planning and Development –** The bill contains $6.6 billion for Community Planning and Development programs – $209 million below the FY 17 enacted level.
    - Community Development Block Grants are funded at $2.9 billion, $100 million below the FY17 level and $2.9 billion above the President's request.

Senate Appropriations: Subcommittee on Transportation, Housing and Urban Development

- **Housing and Urban Development (HUD)** – $40.244 billion in discretionary appropriations for the U.S. Department of Housing and Urban Development, an increase of $1.4 billion above the FY17 enacted level.
- **Community Planning and Development** – $6.85 billion for Community Planning and Development programs, $47 million above the FY17 enacted level.
    - The Community Development Block Grant formula program is funded at $3.06 billion, the same funding level as FY17 and $3.06 billion above the President's request.

House Appropriations: Subcommittee Energy and Water

- **Bureau of Reclamation Funding**– $1.229 billion in discretionary appropriations for the Bureau of Reclamation Funding, a reduction of $209 million below the FY17 level and an increase of $131.7 million above the FY 18 President's request.
- **Water Infrastructure Improvements Act (WIIN Act)**
    - Water and Related Resources is funded at $1.091 billion, a reduction of $64 million below the FY17 level and $131.7 million above the President's request.

Senate Appropriations: Subcommittee Energy and Water

- **Bureau of Reclamation Funding**– $1.288 billion in discretionary appropriations for the Bureau of Reclamation Funding, an increase of $190 million above the FY 18 President's request.
- **Water Infrastructure Improvements Act (WIIN Act)**
    - $98 million drought resiliency programs
    - Water and Related Resources is funded at $1.150 billion, a reduction of $5 million below the FY17 level and $190 million above the President's request.

House Appropriations: Subcommittee on Commerce, Science, and Justice

- **Economic Development Administration (EDA) –** The legislation includes $176 million for the EDA, a reduction of $100 million below the fiscal year 2017 level and $146 million above the President's request.

Senate Appropriations: Subcommittee on Commerce, Science, and Justice

- **Economic Development Administration (EDA) –** The legislation includes $276 million for the EDA, a reduction of $22 million below the FY17 level and $224 million above the President's request.

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Obamacare Repeal Collapses as Senate GOP Blocks Health Bill

A months-long effort by Senate Republicans to pass health-care legislation collapsed early Friday after Senator John McCain (R-AZ) joined two of his colleagues to block a stripped-down Affordable Care Act (ACA) repeal bill.

"I regret that our efforts were simply not enough, this time," Senate Majority Leader Mitch McConnell (R-KY) said on the Senate floor after the vote. "This is clearly a disappointing moment." "It's time to move on," he added after pulling the bill from the floor.

The decision by Senator McCain to vote no came after weeks of brinkmanship and after his dramatic return from cancer treatment to cast the 50th vote to start debate on the bill earlier this week. The GOP's "skinny" repeal bill was defeated 49-51, falling just short of the 50 votes needed to advance it. Republicans Susan Collins (R-ME) and Lisa Murkowski (R-AK) also voted against the measure.

It wasn't immediately clear what the next steps would be for the Republicans. The repeal effort had appeared to collapse several times before, only to be revived. And several Republicans pleaded for their colleagues not to give up, even as President Trump blasted the vote.

'Let ObamaCare Implode'

"3 Republicans and 48 Democrats let the American people down, As I said from the beginning, let ObamaCare implode, then deal. Watch!" the President wrote on Twitter July 28 at 2:25 am Washington time.

House Speaker Paul Ryan (R-WI) said in a statement later that morning he is "disappointed and frustrated" that the Senate couldn't reach an agreement, but he urged the Senate to keep trying. "We should not give up," he said.

Senator Collins said in a statement the Senate should work on a plan "in a very careful way. That means going through the process of committee hearings; receiving input from expert witnesses" and working with lawmakers in both parties. Both the House and Senate proposals were crafted in secret, with no public hearings or input from Democrats.

House Freedom Caucus Chairman Mark Meadows (R-NC) insisted, though, that he had no intention of working with Democrats, saying the Republican-only path remains the only viable option. "In the end, we will prevail," the North Carolina Republican said.

Senator McConnell has struggled to find a compromise that satisfies conservatives, who have demanded a wholesale repeal of ACA, and moderates, who have been unnerved by predictions the bill would significantly boost the ranks of uninsured Americans.

Democrats immediately called for a bipartisan debate on how to fix the ACA.

"We are not celebrating. We're relieved," Senate Minority Leader Chuck Schumer (D-NY) said after the vote. "Let's turn the page and work together to improve our health care system." He also said Democrats would be willing to help expedite bipartisan legislation and to advance Trump Administration nominations.

Republicans have been under intense pressure to deliver on their repeal promises. But repeated pleas -- and threats -- from the White House and conservative groups weren't enough to push the bill through. "I sadly feel a great many Americans will feel betrayed, that they were lied to, and that sentiment will not be unjustified. You cannot campaign against Obamacare and then vote for Obamacare," Senator Ted Cruz (R-TX) said early Friday.

Loud Gasps

On evening of July 27, several Republicans were making the unusual argument that they would only vote to advance the measure if they got guarantees it wouldn't pass the House. House Speaker Paul Ryan assured several senators that his chamber would start a conference negotiation if the Senate passed the bill.

Senator McConnell released the long-awaited text of his so-called skinny repeal bill late July 27, only a few hours before the pivotal vote. It would end the requirement that individuals buy health insurance, and suspend through 2026 the requirement that companies provide it for their workers.

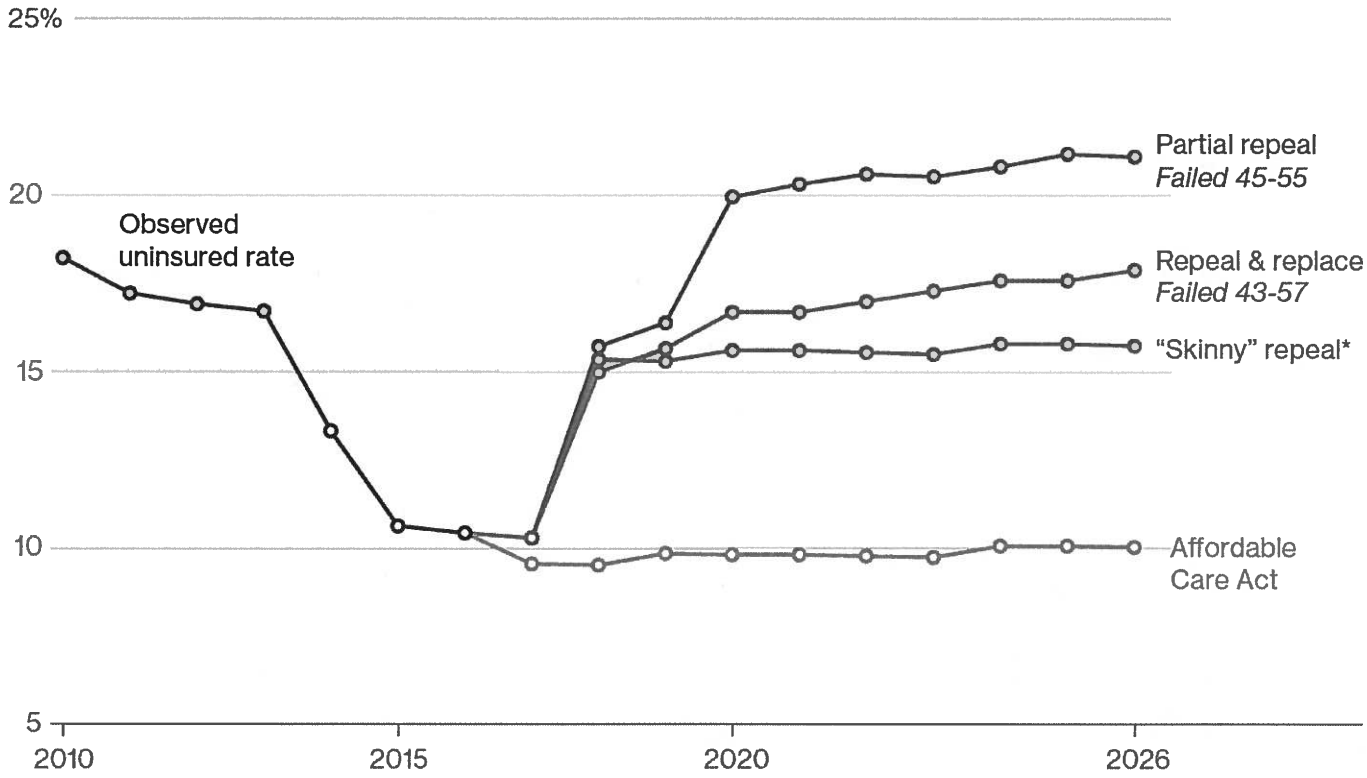
It would also extend a moratorium on the tax on medical-device makers through 2020 and increase the amount that individuals can contribute to health-savings accounts. The measure would also defund Planned Parenthood for one year.

The Congressional Budget Office said late July 27 that the bill would result in an additional 15 million Americans without health insurance next year. It also said the measure would reduce the federal deficit by $178.8 billion over a decade.

The defeat of the "skinny" repeal bill came after several other measures put forward by GOP leaders were also blocked. The Senate rejected a fuller repeal of the ACA by a 45-55 vote on Wednesday, July 26. Seven Republicans voted against it, including Senate Health Chairman Lamar Alexander (R-TN) and Senator McCain. Late July 27, a 43-57 Senate vote swept aside a revised version of McConnell's Obamacare replacement, a measure negotiated in secret during weeks of tense GOP talks. Republicans had said late July 27 their plan was to get the "skinny" bill through the Senate and then negotiate with the House on a broader agreement to repeal and replace the ACA.

"Passing this legislation will allow us to work with our colleagues in the House toward a final bill that can go to the president, repeal the ACA, and undo its damage," Senate McConnell said July 27 on the Senate floor. "I urge everyone to support it."
By early Friday morning, Senator McConnell admitted defeat, saying his "only regret" is that they failed.

Under All Proposed Senate Obamacare Repeal Bills, Uninsured Rate Would Spike



*CBO scored an estimation of what would be included in a "skinny" repeal bill.
Sources: Congressional Budget Office, National Health Interview Survey

Bloomberg

Several Senate Republicans said they hoped this wasn't the end of the debate. "I am disappointed with this setback on efforts to fix our broken health care system," Senator Pat Toomey (R-PA) said in a statement. "Congress must not give up on repealing and replacing the failed health care law."

A crestfallen Senator Bill Cassidy (R-LA) said he hopes Democrats are now interested in working on a broader deal, like the one he developed with Collins. "I've tried in the past, as has Susan, to have a dialogue. It hasn't worked. Maybe this had to happen to begin to have a conversation," the Louisiana Republican said.

Senate Holds Hearing on S. 357, the Santa Ana River Wash Plan Land Exchange Act

Following the House passage of the Santa Ana River Wash Plan Land Exchange Act (H.R. 497), the Senate has begun moving its companion bill, S. 357, originally introduced in the last congress. On July 26 the Senate Energy and Natural Resources Subcommittee on Public Lands, Forests, and Mining held a hearing on S. 357, in which

Subcommittee Chairman Mike Lee (R-UT) stated this was the first hearing of the panel in 2017 and that over half of the fifteen bills under consideration were also consider in the last session of Congress.

Other than the six Senators testifying on behalf of legislation they support the only other witnesses were Mr. Glenn Casamassa (Associate Deputy Chief, National Forest System, U.S. Department of Agriculture) and Mr. John Ruhs (Acting Deputy Director of Operations, Bureau of Land Management, U.S. Department of the Interior). Mr. Ruhs' testimony stated the Department's support of the bill, but would like to work with the sponsor and the Subcommittee on a few modifications. Neither Senators Diane Feinstein (D-CA) or Kamala Harris (D-CA) were present at the hearing.

Proposed Rewrite of Wetlands Rule Expected by December, EPA Says

Rewriting rules that clarify the geographic scope of the Clean Water Act and limit toxic wastewater releases from power plants top the Environmental Protection Agency's (EPA) agenda on water-related regulations released July 20.

The first regulatory agenda issued since President Trump became president gives a timeline for when federal agencies plan to fulfill his executive orders to reconsider rules that he said are too burdensome. The Clean Water Rule seeks to clarify which wetlands and waterways are considered "waters of the U.S.," a term used in the Clean Water Act to specify areas subject to the law's permitting requirements and other provisions.

EPA and the U.S. Army Corps of Engineers plan to replace the Clean Water Rule (RIN: 2040-AF30) in two steps.

They plan to first repeal the stayed Obama-era rule—the proposal (RIN: 2040-AF74) to do so has been released from White House review, but not yet published—and then undertake a second rulemaking to replace it.

The agencies estimate that a proposal (RIN: 2040-AF75) for a replacement rule will be out by December, but the agenda is silent on when it will be issued in final form, an action that is likely to trigger lawsuits.

Attorneys specializing in water issues couldn't pin down what the EPA's timeline for proposing a rule rewrite might look like. "Until you see the proposed rule, it's hard to say whether they should have taken more time," Neal McAliley, a Carlton Fields attorney who specializes in Clean Water Act issues, stated.

Jan Goldman-Carter, director of the National Wildlife Federation wetlands and water resources program, said the timeline is "too fast" to conduct a "thoughtful legal and scientific analysis and meaningful public input to the proposal, but that lack of foundation doesn't seem to concern them."

House Passes H.R. 23, the Gaining Responsibility on Water Act

On July 12, the House passed the controversial water bill, "Gaining Responsibility on Water Act," by a 230-190 vote over Democrats' objections that it would harm fisheries and undermine states' rights. Under the legislation, California's Bay-Delta Accord would be codified by a modified version of H.R. 23, which would also make changes to the state's Central Valley and State Water projects and streamline permitting processes.

The bill includes provisions from multiple other bills previously passed by the House that sought to increase the flow of water to areas of California that have experienced drought over the past five years. According to the bill's sponsor Representative David Valadao (R-CA), the bill "will enact policies to expand our water infrastructure and allow for more water conveyance while protecting the water rights of users across the state."

Democrats and the California Governor, Jerry Brown (D), opposed the legislation in part because "it pre-empts state environmental protections for fish in local rivers and undermines federal biological opinions on the endangered species status of some fish. Another section of the bill prohibits emergency releases of Trinity River water to prevent fish deaths on the Klamath River" according to one analysis.

Representative Ken Calvert (R-CA) disagreed and countered that last year environmental groups also raised arguments against California drought provisions included in Water Infrastructure Improvements for the Nation (WIIN) Act.

But Representative Jared Huffman (D-CA) disagreed with Representative Calvert and argued that the bill, "ignores" both California's own efforts to combat drought and the WIIN Act. Representative Huffman noted that no hearings on H.R. 23 have been held by the House Natural Resources Committee and the committee has not publicly stated how it's passage with affect this implementation of the WIIN Act. Finally, a number of California Democrats debated that the bill interfered with the state's right to manage its own water.

California Delegation's Newest Member Sworn In

Representative Jimmy Gomez (D-CA) is the only Democrat to be elected to a House seat in a special election this year. The California freshman is already getting his feet wet by focusing on water and environmental policy, and will join the House Natural Resources Committee as well as Oversight and Government Reform.

He stated "In California, they have a saying: Whiskey's for drinking and water is for fighting...Water is the lifeblood of California, and now I get to work on it from a federal perspective." He represents the California 34th, a district he describes as, "a tale of two districts,...One is very affluent versus one that's very working class." The seat was previously held by Congressman Xavier Becerra who Gov. Jerry Brown appointed to succeed now-Senator Kamala Harris as the state's Attorney General.

Trump Claims Dramatic Slow-Down Issuing Government Regulations

The Trump Administration says it has shelved some 860 federal regulations over its first six months in office and dramatically slowed new rules as part of the president's push to reduce the role government plays in the economy.

In a new report released July 20, the Administration says the number of economically significant regulations have been halved since 2016, and there has been a 40 percent drop in the creation of other rules that would have a significant impact. While former President Barack Obama imposed regulations with $6.8 billion in costs during the last five months he was in office, the White House says it has reduced costs imposed by government rules.

Regulations are typically measured by their benefits to society -- such as reductions of deaths -- in addition to their economic costs. The Office of Management and Budget (OMB) provided no estimate of benefits lost by the regulatory slowdown in a synopsis of the report released Wednesday evening.

"Government is using muscles it hasn't used in a really long time, exposing and removing redundant and unnecessary regulation," OMB Director Mick Mulvaney said in a statement.

The release of the report renews questions about whether President Donald Trump's deregulation push is doing more harm than good. Some critics say the President has held up valid regulations, including safety rules desired by industries.

Safety Rules

Under the umbrella of transportation agencies regulating aviation, automobiles, rail and highways, of the 43 proposed rules subject to review under an executive order President Trump issued at the beginning of his presidency, 34 of them -- or 79 percent -- are intended to improve safety.

The President, speaking July 19 at an event to promote products made in the U.S., said he hoped to accelerate the pace of deregulation in the coming months.

"What's happening, step by step, we've gotten rid of regulations, and a lot more are coming," President Trump said. "We have some statutory requirements where we're not allowed to do it until certain dates, but they're coming as fast as those dates come we've opened it up, and it's made a big difference for the farmer, home builder, for so many." Critics also say Trump's Administration has skirted the normal rule-making process by allowing his department heads to simply delay, for long periods, any rules they don't like.

Moreover, the reduced pace of regulations under the Trump Administration may not be entirely deliberate. The slow pace of appointments by the White House has left many

agencies without top-level political appointees who traditionally manage the regulatory process. And the Administration is comparing its opening months -- as officials first get their footing -- to the final days of the Obama White House, when his Administration openly acknowledged it was engaged in a mad dash to finish new rules before the hand-off to a new president.

Trump Impact

Neomi Rao, administrator of OMB's Office of Information and Regulatory Affairs, argues the White House effort is "reducing the overall regulatory burden on the American people."

"It fulfills longstanding principles to review and revise existing regulations to eliminate regulations that are ineffective, duplicative, and obsolete," she said in a statement. For the President, who has seen his push to repeal Obama's signature healthcare law stymied on Capitol Hill and little tangible progress on his tax overhaul and infrastructure plans, deregulation has offered a rare opportunity to make a direct policy impact.

President Trump has signed multiple bills rolling back Obama-era rules governing energy companies, and ordered reviews of efforts by the prior administration to restrict greenhouse gas pollution and protect wetlands and waterways. The Administration also delayed a rule requiring restaurants to disclose calories on menus, and reversed rules preventing debt collectors from charging high interest rates on overdue student loans.

Trump Introduces Infrastructure Advisory Council and Senate Committee Leaders Develop Policy Priorities

President Trump issued an executive order the week of July 17 formally creating the infrastructure advisory council he has previously said he wants New York real estate developers Richard LeFrak and Steven Roth to lead.

According to the order, the council will study and make recommendations about:

- Prioritizing U.S. infrastructure needs;
- Accelerating the pre-construction approval processes;
- Funding and financing options capable of generating new infrastructure investment during the next 10 years;
- Methods to increase public-private partnerships, including regulatory changes;
- Improving procurement methods, grant procedures, and infrastructure delivery systems; and
- Promoting advanced manufacturing and infrastructure-related technological innovation.

Despite the creation of the Council, the Trump Administration has yet to introduce a detailed plan, which has been promised to appear "very soon" for weeks. Within Congress, a lack of leadership from the Administration has prompted the Senate Environmental and Public Works Committee to instigate its own legislative agenda. On July 17th, the Committee called for Senators to submit by that Friday, July 21, for "infrastructure priorities, policy proposals and recommendations" for a committee-produced title of a "comprehensive infrastructure bill."

In addition, minority members of the Senate Committee on Environment and Public Works (EPW), including Senator Kamala Harris, sent a letter to the Committee's Chairman Senator John Barrasso, with their project and policy priorities for comprehensive infrastructure legislation. Their blue print calls for $1 trillion in infrastructure spending over 10 years, of which $500 billion is within the EPW Committee jurisdiction.

Across Congress, there is increasing consensus that the President has missed an opportunity to instigate infrastructure legislation. As Senator Susan Collins (R-ME) stated, "It would have given him a win on an important agenda item for him. It would have been better received by Democrats, Congress and, frankly, citizens across the country."

The Attorney General Reinstates Civil Asset Program

The Attorney General Jeff Sessions, announced the reinstatement of the "civil asset forfeiture program," allowing state and local officials to seize the assets (including cash and other property) of people suspected of a crime.

The Obama Administration had previously halted this program in light of a number of instances of abuse, which were highlighted in a 2014 Washington Post investigation "that found that state and local police had seized almost $2.5 billion from motorists and others without search warrants or indictments since 2001."

Deputy Attorney General Rod J. Rosenstein said that new and more robust measures would be instated to discourage misuse of the program. The Fraternal Order of Police, the National Sheriffs' Association, the Major Cities Chiefs Association are all supportive of the policy which Attorney General Sessions says is, "a key tool that helps law enforcement defund organized crime, take back ill-gotten gains and prevent new crimes from being committed, and it weakens the criminals and the cartels." However the program has both Republic and Democratic skeptics including Representative Darrell Issa (R-CA) and the ACLU.

Trump Takes Travel Ban Dispute to U.S. Supreme Court Again

President Donald Trump's Administration took the dispute over his temporary travel ban to the Supreme Court again, asking the justices to let the government bar entry into the U.S. by people with grandparents and cousins in the country.

The administration filed papers on July 14 asking the court to clarify a June 26 ruling that said the government had to admit at least some close relatives, including spouses and parents-in-law. A federal trial judge in Hawaii said the ruling meant the government couldn't exclude several other types of family members either.

The Hawaii judge's ruling "distorts this court's decision and upends the equitable balance this court struck," acting U.S. Solicitor General Jeffrey Wall said in court papers.

The Supreme Court already has agreed to hear arguments in the fall on Trump's 90-day ban, which applies to people entering the U.S. from six mostly Muslim countries. The June 26 ruling said a limited form of the ban could take effect in the meantime, allowing only people with a "credible claim of a bona fide relationship with a person or entity in the United States" to enter.

The limited travel ban took effect June 30. The Trump Administration announced it would let people enter the U.S. who had a parent, spouse, fiancé, child, sibling, son- or daughter-in-law, or a parent-in-law in the country. The standard excluded those with grandparents, grandchildren, aunts, uncles, nieces, nephews, cousins, and brothers- or sisters-in-law.

U.S. District Judge Derrick Watson ruled that the government's exemption from the ban was too narrow. "Common sense, for instance, dictates that close family members be defined to include grandparents," Watson wrote.

The Supreme Court had said people with a "bona fide relationship" included those visiting a close family member, students who have been admitted to a university or workers who have accepted an employment offer.

In announcing the Administration would immediately take the matter to the Supreme Court, Attorney General Jeff Sessions said in a statement July 13, "Once again, we are faced with a situation in which a single federal district court has undertaken by a nationwide injunction to micromanage decisions of the co-equal executive branch related to our national security."

In its new court filing, the Trump administration asked the court to block Watson's order temporarily while the justices consider the motion to clarify. The Administration also said Watson was wrong to permit more refugees to be admitted under a separate provision in Trump's executive order. Watson said the government couldn't exclude refugees once a resettlement agency has provided a formal assurance that it will provide basic services for the person.

Federal Legislation of Significance

Bill Number	Sponsor	Title and/or Summary	Summary/Status
H.R. 3219		Make America Secure Appropriations Act, 2018	A small omnibus package including the Defense, Energy and Water, Military Construction and Veterans Affairs, and Related Agencies, Legislative Branch, and Border Barrier funds from the Homeland Security Bill Appropriations Acts, fiscal year 2018. Highlighted bills in this package are below. H.R. 3219 was introduced in the House Rules Committee on Monday, June 24. It was passed on the House Floor by a vote of 235-192.
	Rep. Charlie Dent (R-PA)	Fiscal 2018 Military Construction and Veterans Affairs, and Related Agencies Appropriations Act	This legislation provides $88.8 billion in discretionary funding, $6 billion above the fiscal year 2017 level. Within this total, funding for the Department of Veterans Affairs was increased by $4 billion over the fiscal year 2017 level, and increases access to services for veterans and regulatory oversight within the department. Also within the total, Military construction was increased by $2.1 billion over the fiscal year 2017 level. This bill was passed out of the Appropriations Committee on June 15th. The Senate's corresponding legislation was reported out of the Senate Appropriations Committee in July. This bill was included in H.R. 3219 and passed on the House Floor by a vote of 235-192.
	Rep. Mike Simpson (R-ID)	Fiscal 2018 Energy and Water Appropriations Act	The House Appropriations Committee marked up the FY18 Energy and Water Bill in full committee on July 17th. Within the bill, the Bureau of Reclamation funding is reduced from the FY17 level but well above what the Administration had requested for FY18. Also, the bill would authorize the EPA and Army to withdraw from the Waters of the United States rule. This bill was included in H.R. 3219 and passed on the House Floor by a vote of 235-192.
	Rep. Mario Diaz-Balart (R-FL)	Fiscal 2018 Transportation, Housing and Urban Development, and	The House Appropriations Committee today approved the fiscal year 2018 Transportation, Housing and Urban Development funding bill on July 17, 2017. In total, the bill reflects an allocation of $56.5 billion in discretionary spending – $1.1 billion below fiscal year 2017 and $8.6 billion above the request.

		Related Agencies Appropriations Act	Within the bill, Community Development Block Grants are funded at $2.9 billion, $100 million below fiscal year 2017 level.
	Sen. Lamar Alexander (R-TN)	Fiscal 2018 Energy and Water Appropriations Act	The Senate Appropriations Committee approved their FY18 Energy and Water Bill on July 20th in full committee markup. Within the bill the Committee recommended funding the Bureau of Reclamation at $1,287,725,000, which is $190,332,000 above the President's FY18 budget request. Similar to the House mark, the Senate provided $34,406,000 for Title XVI and $24,000,000 for WaterSMART grants. Also, an additional $98,000,000 for drought resiliency programs authorized in the Water Infrastructure Improvements Act (WIIN Act).
	Sen. Susan Collins (R-ME)	Fiscal 2018 Transportation, Housing and Urban Development, and Related Agencies Appropriations Act	The Senate Appropriations Committee marked up the FY18 Transportation, Housing and Urban Development, and Related Agencies Bill in subcommittee on July 25th. At this time the bill and report text has not been released. The FY2018 appropriations bill providing $60.058 billion in discretionary spending for the U.S. Department of Transportation, U.S. Department of Housing and Urban Development, and related agencies. Within the bill, TIGER grants were funded at $550 million, $50 million above the FY2017 enacted level; and the Community Development Block Grant (CDBG) formula program is funded at $3 billion.
H.R. 23	Rep. David Valadao (R-CA)	Gaining Responsibility on Water Act of 2017	Among other things the legislation would require regulators to comply with the Bay-Delta Accord and make changes to the state's Central Valley and State Water projects and streamline permitting processes. The bill included provisions from multiple other bills previously passed by the House that sought to increase the flow of water to areas of California that have experienced drought over the past five years. The measure was referred to the House Committee on Natural Resources and the Committee on Agriculture. By a vote of 230-190, the House passed H.R. 23, as amended, on July 12, 2017.
	Rep. Bill Shuster (R-PA) /Sens. Jim Inhofe (R-WY) and Kamala Harris (D-CA)	Infrastructure Package	Throughout the month, the House Transportation and Infrastructure Committee have held a series of hearings entitled, "Building a 21st Century Infrastructure for America," which have focused on various aspects of infrastructure, from passenger rail service to reauthoring the Federal Aviation Authorization (FAA). On June 7, President Trump outlined that he intends to leverage $200 billion in direct federal funding over ten years to help stimulate $1 trillion in investment in infrastructure. This federal funding will consist of 1) grants and loans that seek to

			privatize the country's air traffic control system, 2) grants to repair bridges, road, 3) enhanced loan program with the Transportation Infrastructure Finance and Innovation Act, and 4) incentive programs with grants to states and municipalities. One part of the president's plan has already been put into legislation. House Transportation and Infrastructure Committee Chairman Bill Shuster and Aviation Subcommittee Chairman Frank LoBiondo (R-NJ) introduced the FAA's reauthorization legislation, H.R. 4441, the 21st Century Aviation Innovation, Reform, and Reauthorization (AIRR) Act, which will transfer air traffic control operations from the FAA to a private, nonprofit, 13-member board. While Representative Shuster said that the bill does not "mirror" President Trump's infrastructure outline, he said that he considered many aspects of the proposal. Shuster has also voiced his hope that the committee will markup the legislation on Tuesday, June 27 and move to the floor in mid-July. Currently, it is unclear who will champion the bill in the other chamber. Senate Commerce, Science and Transportation Committee Chairman John Thune (R-SD) announced that the Senate's FAA reauthorization legislation will not include privatizing the air traffic control system. That said, Representative Sam Graves (R-MO), who last year voted against the 2016 FAA reauthorization bill, helped develop the legislation with Chairman Shuster.
H.R. 1663	Rep. Grace Napolitano (D-CA) / Rep. Rob Wittman (R-VA)	Water Resources Research Amendments Act	This legislation would extend a Federal-State partnership aimed at addressing state and regional water problems, promoting distribution and application of research results, and providing training and practical experience for water-related scientists and engineers. H.R. 1663 would authorize $9,000,000 annually over five years for grants to water resources research institutes and require two-to-one matching with non-federal funds. It would also promote exploration of new ideas, expand research to reduce energy consumption, and bolster reporting and accountability requirements. The bill has been introduced in the House Committee on Natural Resources and no actions have yet been scheduled on it.
H.R. 497/ S.357	Rep. Paul Cook (R-CA)/ Sen. Dianne Feinstein (D-CA)	Santa Ana River Wash Plan Land Exchange Act	This bill directs the Department of the Interior: (1) to quitclaim to the San Bernardino Valley Water Conservation District in California approximately 327 acres of identified federal land administered by the Bureau of Land Management, and (2) in exchange for such land, to accept from the Conservation District a conveyance of approximately 310 acres of its land.

			On April 27th HR 497 passed through the House Natural Resources Committee by unanimous consent, and was schedule for the House Floor Consideration on June 2nd. This bill was passed by the House on June 27th by a vote of 424-0. The Senate Environment and Public Works Committee held a hearing on S. 357 on July 26, 2017. No further activity is anticipated until the Fall.
S. 32	Sen. Dianne Feinstein (D-CA)	California Desert Protection and Recreation Act	This bill would designate important wilderness in the California desert and protect lands for recreation, wildlife and tourism. Aspects of the bill include: • Mandate study and protection of Native American cultural trails along the Colorado River. • Designate 230,000 acres of additional wilderness area between the Avawatz Mountains near Death Valley to Imperial County's Milpitas Wash. • Add 43,000 acres to Death Valley and Joshua Tree national parks. • Create a 75,000-plus acre special management area at Imperial County's Vinagre Wash. • Designate Inyo County's Alabama Hills as a National Scenic Area. • Prohibit new mining claims on 10,000 acres in Imperial County considered sacred by the Quechan Tribe. Additionally, the bill protects 140,000 acres of existing off-road vehicle riding areas from mining, energy development, military base expansion or other decisions that would close them to vehicle use. The Senate Environment and Public Works Committee held a hearing on S.32 on July 26, 2017. No further activity is anticipated until the Fall.
H.R. 2510	Rep. Peter DeFazio (D-OR)	Water Quality Protection and Job Creation Act of 2017	This bill would amend the Federal Water Pollution Control Act to authorize appropriations for State water pollution control revolving funds. This bill has been introduced to the House Transportation and Infrastructure subcommittee on Water resources and Environment.
H.R. 1654	Rep. Tom McClintock (R-CA)	Water Supply Permitting Coordination Act	This bill would allow water project sponsors the opportunity to use an expedited permitting process for new or expanded surface non-federal storage facilities through the Bureau of Reclamation, which would be the lead and central agency coordinating the review process.

			The House Natural Resources Committee approved the bill by a vote of 24-16 on April 27th. The House Rules Committee on June 20th dictated final amendments for passage on the House Floor; this bill passed the House on June 22nd by a vote of 233-180.

AGENDA ITEM # 6

AB 1000

"Gut and Amend" Version Sent Forward

California LEGISLATIVE INFORMATION

AB-1000 Water conveyance: use of facility with unused capacity. (2017-2018)

Current Version: 07/03/17 - Amended Senate **Compared to Version:** 05/30/17 - Amended Assembly Compare Versions

SECTION 1. *Section 1815 is added to the Water Code, to read:*

1815. *(a) Notwithstanding Section 1810, a transferor of water shall not use a water conveyance facility that has unused capacity to transfer water from a groundwater basin underlying desert lands that is in the vicinity of a national monument, a national preserve, a national park, a state or federal wilderness area, or state lands to outside of the groundwater basin unless the State Lands Commission, in consultation with the Department of Fish and Wildlife, finds that the transfer of the water will not adversely affect the natural or cultural resources, including groundwater resources or habitat, of those federal and state lands.*

(b) For purposes of this section, "desert lands" means the portion of California located south of Interstate 15, east of State Highway 247, north of State Highway 62, west of Interstate 95, and west of the Nevada state line between Interstate 95 and Interstate 15.

~~**SECTION 1.** Section 25402.14 is added to the Public Resources Code, to read:~~

~~**25402.14.** The commission may adopt regulations to establish performance standards for water meters installed in residential and nonresidential buildings, including water meters required to be installed pursuant to Article 3.5 (commencing with Section 525) of Chapter 8 of Division 1 of the Water Code.~~

SENATE COMMITTEE ON NATURAL RESOURCES AND WATER

Senator Robert Hertzberg, Chair
2017 - 2018 Regular

Bill No:	AB 1000	**Hearing Date:**	July 11, 2017
Author:	Friedman		
Version:	July 3, 2017		
Urgency:	No	**Fiscal:**	Yes
Consultant:	Dennis O'Connor		

Subject: Water conveyance: use of facility with unused capacity

BACKGROUND AND EXISTING LAW

Current law prohibits the state or a regional or local public agency from denying a bona fide transferor of water from using a water conveyance facility that has unused capacity for the period of time for which that capacity is available, if fair compensation is paid for that use and other requirements are met, including:

1) The commingling of transferred water does not result in a diminution of the beneficial uses or quality of the water in the facility and the transferred water is of substantially the same quality as the water in the facility.

2) This use of a water conveyance facility is to be made:
   a) Without injuring any legal user of water.
   b) Without unreasonably affecting fish, wildlife, or other instream beneficial uses.
   c) Without unreasonably affecting the overall economy or the environment of the county from which the water is being transferred.

PROPOSED LAW

Notwithstanding current law, this bill would prohibit a transferor of water from using a water conveyance facility that has unused capacity to transfer water from a groundwater basin as specified, unless the State Lands Commission, in consultation with the Department of Fish and Wildlife, finds that the transfer of the water will not adversely affect the natural or cultural resources, including groundwater resources or habitat, of those federal and state lands.

For this prohibition to apply, the groundwater basin must underlie desert lands that are in the vicinity of a national monument, a national preserve, a national park, a state or federal wilderness area, or state lands.

"Desert lands" are defined as the portion of California located south of Interstate 15, east of State Highway 247, north of State Highway 62, west of Interstate 95, and west of the Nevada state line between Interstate 95 and Interstate 15.

ARGUMENTS IN SUPPORT

According to the author, "The California desert is home to unique scenic, historical, archeological, ecological, wildlife, cultural, scientific, educational, and recreational values used and enjoyed by millions of Americans for hiking and camping, scientific study and scenic appreciation. Through acts of Congress and designations by past

Presidents, the California desert is home to national parks, preserves, monuments and wilderness areas that preserve the unique values and history of the California desert including but not limited to: Mojave National Preserve, Mojave Trails National Monument, Joshua Tree National Park, Sheephole Valley Wilderness, and Clipper Mountains Wilderness.

These unique lands, which support wildlife and sustain tourism economies, face increasing threats to their existence from ongoing development and the effects of climate change. The current federal administration and the United States Congress has signaled a series of direct challenges to protections previously provided by the federal government to the California desert, including national monuments.

The federal administration has prioritized the Cadiz water extraction project—a proposed environmentally harmful groundwater extraction project in the Mojave Desert—by rescinding policies that would trigger a federal environmental review of the project. The project was also included on the "Emergency and National Security Projects" list developed by the administration.

Scientists have determined that the Cadiz project would draw out up to 10 times more water from the desert aquifer than can be naturally recharged. Cadiz asserts that the aquifer's water recharge rate is 32,000 acre feet per year and proposes to export an average of 50,000 acre feet of groundwater from the region each year over a 50-year period. However, the U.S. Geological Survey has stated the recharge rate is less than 5,000 acre feet per year.

AB 1000 strengthens protections for the ecologically fragile Mojave Desert by ensuring any water transfers from desert groundwater basins do not adversely affect the region's natural or cultural resources, including vital groundwater or habitat."

ARGUMENTS IN OPPOSITION

According to the Santa Margarita Water District, "AB 1000 seeks to impose an unnecessary and duplicative environmental review of the [Cadiz Valley Water Conservation, Recovery & Storage Project (Project)]. Since 2009, the Project has been extensively studied, publicly-reviewed, and approved under California's stringent environmental laws. Following a multi-year public California Environmental Quality Act (CEQA) review process, Project operations were determined to have no significant adverse environmental impacts of any kind. Separately, under the County of San Bernardino's desert groundwater ordinance, the Project was independently reviewed, constrained and then also approved, again with the determination that it would not harm the area's groundwater resources.

The CEQA approvals were challenged by opponents of the Project in 12 separate cases in Superior Court and the California Court of Appeal over four years from 2012 – 2016. Every claim brought by each opponent in every case was denied in court; and the Project's Environmental Impact Report and Groundwater Management Plan were upheld in their entirety, both at trial and on appeal. Not one word in the environmental documents has been changed by the courts or remanded back for further study.

It is for these reasons that AB 1000 is so concerning. At the 11th hour, as the project is finally close to being shovel-ready and, at a time when we truly need to invest in more

reliable supplies and storage, Project opponents are attempting an end-run around the Project's lawful CEQA process and our state's esteemed courts, which would not only carve out this one project for singular, extreme treatment but also create a precedent for similar regulatory abuse for any other water transfer project in the state. We view the Project as a necessary component of Southern California's water supply portfolio that has followed every law and complied with every regulation, so AB 1000 is not an appropriate law to further constrain the Project.

If enacted, AB 1000 will have far reaching negative impacts on the entire California water community. The transportation of water in existing conveyance facilities is already a highly-regulated process, that must also follow CEQA. The creation of a new legislative layer to block the Cadiz Water Project sets a dangerous precedent that can be used to block any water conveyance project. We urge you to oppose this bill and pull it from consideration.

COMMENTS

It's All About Cadiz. This bill is focused on the proposed groundwater transfer and storage project known as the Cadiz Valley Water Conservation, Recovery and Storage Project. The Cadiz Valley is about 3 miles south of historic Route 66 near the now abandoned town of Chambless in the Mojave Desert. According to the Cadiz Inc. website, the project "is designed to capture and conserve billions of gallons of renewable native groundwater flowing beneath our property in California's Mojave Desert that is currently being lost to evaporation and salt contamination at nearby dry lakes. Through the active management of the aquifer system and employing a state-of-the-art groundwater protection program, the Project will reduce the loss of groundwater to evaporation from the dry lakes, put this water to beneficial use and create a reliable water supply for Southern California."

Long Standing Controversy. In 1998, Cadiz Inc. and Metropolitan Water District of Southern California (MWD) began discussion about a project that would have imported Colorado River water to Cadiz, Ca. and exported groundwater from Cadiz to the MWD service area. Ultimately, MWD decided not to go forward citing uncertainties about potential for environmental impacts.

In the intervening years, there have been environmental documents certified, numerous court challenges, sometimes conflicting findings by federal agencies, and strong and consistent opposition by Senator Feinstein and others.

The crux of the dispute is differing estimates of the sustainable yield of the Cadiz Valley groundwater basin. Cadiz, citing a CH2M study, claims the groundwater basin naturally recharges at 32,500 acre-feet/year and can sustainably support the proposed water supply and storage project. Opponents respond that the U.S. Geological Survey's study found that the natural refill rate of the desert aquifer is between 2,000 and 10,000 acre feet of water per year.

Why The State Lands Commission? The bill makes approval of the transfer contingent on a finding by the State Lands Commission, in consultation with the Department of Fish and Wildlife, that the transfer of the water will not adversely affect the natural or cultural resources, including groundwater resources or habitat, of those federal and

state lands. One might wonder why the State Lands Commission is the key decision maker.

In 1984, the California Legislature enacted the School Land Bank Act, requiring the Commission to take all action necessary to fully develop school lands into a permanent and productive resource base. According to the author's office, there are school lands in and around the Cadiz Valley.

That might be, but the State Lands Commission doesn't have expertise in groundwater, water transfers, groundwater dependent desert ecosystems, water quality, or any of the other major points of contention that this project has generated over the years.

Given the controversy about this project, it might make sense for some sort of state role in approving this project. However, there are other state agencies might make more appropriate leads. For example, the Department of Water Resources has expertise in groundwater management and water transfers. The Department of Fish and Wildlife updated the groundwater priorities under the Sustainable Groundwater Management Act to reflect groundwater dependent ecosystems. The State Water Resources Control Board manages water quality under the Federal Clean Water Act and Porter-Cologne Water Quality Control Act. Any of these agencies would seem a reasonable lead agency for evaluating and approving a project under this bill.

Should the committee pass this bill, it might want to encourage the author to more fully explore which state agency should take the lead in determining if the project is appropriately protective of natural and cultural resources when the bill is in the appropriations committee.

SUGGESTED AMENDMENTS: None

SUPPORT
National Parks Conservation Association (sponsor)
29 Palms Inn
Audubon California
California League of Conservation Voters
Center for Biological Diversity
Coalition to Protect America's National Parks
Defenders of Wildlife
Environment California
Hispanic Access Foundation
Inland Empire Waterkeeper
Mojave Desert Land Trust
Mojave National Preserve Conservancy
Morongo Basin Conservation Association
Native American Land Conservancy
Natural Resources Defense Council
Orange County Coastkeeper
Sierra Club California
The Nature Conservancy
Vet Voice Foundation

OPPOSITION
BizFed
Engineering Contractors' Association
California Chamber
California State Council of Laborers
Garney Construction
Inland Empire Economic Partnership
Orange County Business Council
Roscoe Moss Company
Santa Margarita Water District
Southern California District Council of Laborers
Southern California Partnership For Jobs
State Building and Construction Trades Council

AB 1000

Mojave Water Agency and Bighorn-Desert View Water Agency Letters of Opposition to AB 1000 as Introduced in the "Gut and Amend" Version

Mojave Water Agency

13846 Conference Center Drive ♦ Apple Valley, California 92307
Phone (760) 946-7000 ♦ Fax (760) 240-2642 ♦ www.mojavewater.org

July 10, 2017

The Honorable Robert M. Hertzberg, Chair
Senate Committee on Natural Resources & Water
State Capitol, Room 5046
Sacramento, CA 95814

Re: AB1000 (Friedman) – OPPOSE UNLESS AMENDED

Dear Senator Hertzberg:

On behalf of the Mojave Water Agency (MWA), I am writing to express our opposition to AB1000 (Friedman) that limits the Agency's water transfers, as well as its water management flexibility at a time of great uncertainty in California's water history.

Located in the Mojave Desert just 75 miles northeast of the Los Angeles Basin, MWA serves 450,000 residents spanning 4,900 square miles. The region receives, on average, five inches of rain annually, making resource management a way of life. A member of the State Water Contractors, MWA augments its groundwater supply with State Water Project water, and has constructed pipelines, recharge sites, and has implemented an aggressive water conservation program that has achieved a 37 percent decrease in per capita use since 2000.

As currently written, AB1000 prohibits "a transferor of water from using a water conveyance facility that has unused capacity to transfer water from a groundwater basin underlying desert lands, as defined, that is in the vicinity of specified federal lands or state lands to outside of the groundwater basin..." The lack of clarity within the bill causes concern. For example, the phrase "a groundwater basin underlying desert lands," creates potential harm for MWA in its ability to sell unused water to another State Water Contractor in times of drought. This also negatively affects MWA's flexibility to legally transfer water and generate revenues. As currently defined, the bill's geographic boundaries include the MWA service area, as well as adjacent areas of responsibility as defined by the California Statewide Groundwater Elevation Monitoring program (CASGEM), the Sustainable Groundwater Management Act (SGMA) and the Integrated Regional Water Management Plan (IRWMP) (as shown on Attachment 1).

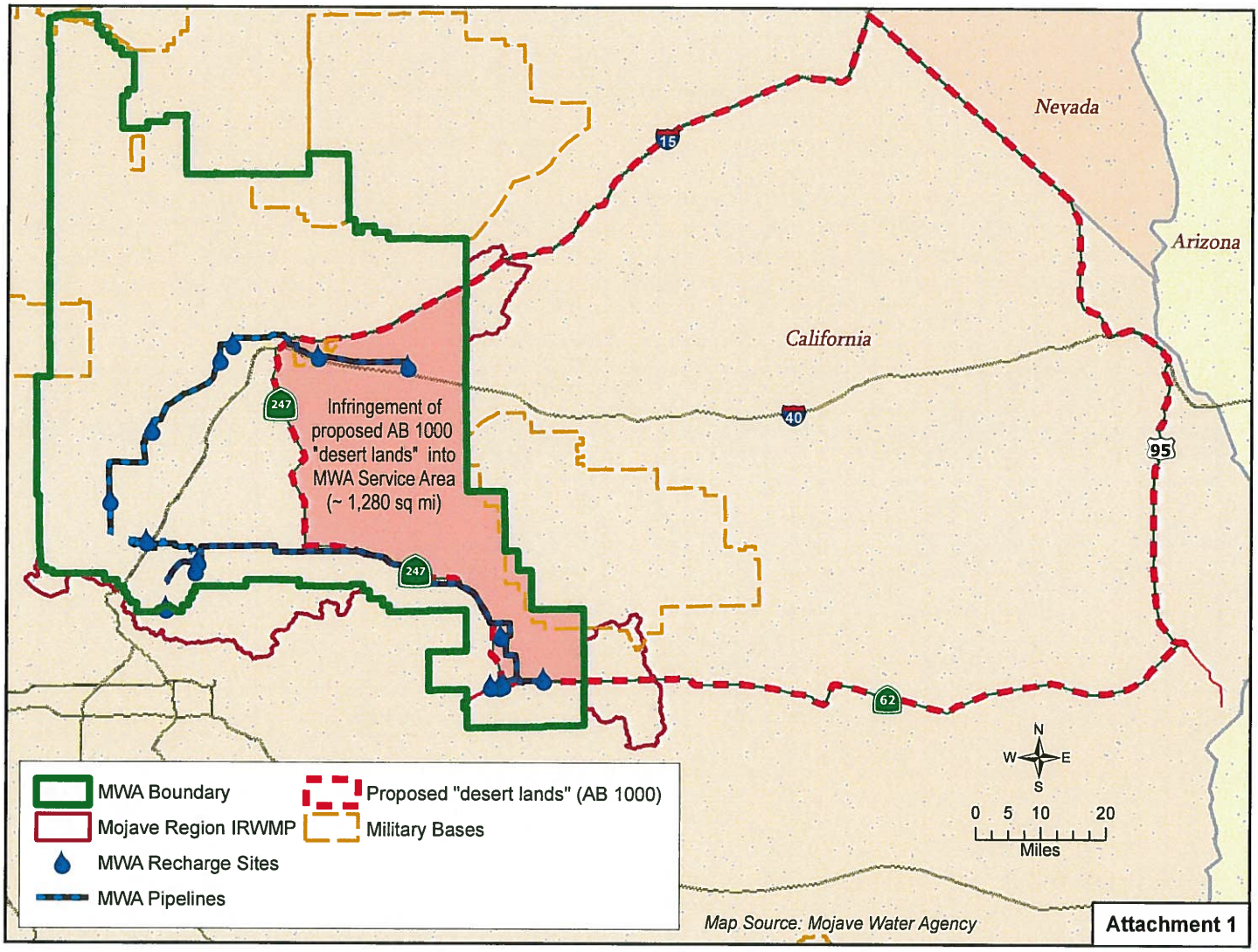
Unfortunately, MWA has not previously engaged on this bill, because in its original form AB1000 aimed to establish design and construction standards and energy and water conservation design standards to reduce the wasteful, uneconomic, inefficient, or unnecessary consumption of energy. The changes to this bill have created unintended consequences that can jeopardize the Agency's ability to effectively manage its water resources for our citizens and businesses.

Due to the uncertainty associated with the bill language, MWA must oppose this bill unless language is clarified.

Sincerely,

Thomas D. McCarthy, PE, PG
General Manager
Mojave Water Agency

CC: ACWA
Joshua Basin Water District
Hi Desert Water District
Bighorn Desert View Water Agency
San Bernardino County
Twentynine Palms Water District
Senator Jean Fuller
Senator Scott Wilk
Assemblyman Chad Mayes
Assemblyman Jay Obernolte


Nevada
Arizona
California
15
40
95
62
247
247
Infringement of proposed AB 1000 "desert lands" into MWA Service Area (~ 1,280 sq mi)
MWA Boundary
Mojave Region IRWMP
MWA Recharge Sites
MWA Pipelines
Proposed "desert lands" (AB 1000)
Military Bases
N
W
E
S
0 5 10 20
Miles
Map Source: Mojave Water Agency
Attachment 1

Bighorn-Desert View Water Agency

Board of Directors
Michael McBride, President
J. Dennis Staley, Vice President
Judy Corl-Lorono, Secretary
Terry Burkhart, Director
J. Larry Coulombe, Director

Marina D West, P.G., General Manager

Agency Office
622 S. Jemez Trail
Yucca Valley, CA 92284-1440

760/364-2315 Phone
760/364-3412 Fax

www.bdvwa.org

A Public Agency

July 10, 2017

Assemblywoman Laura Friedman
CA Assembly District 43
Via Fax Only: (916) 319-2143

Assemblywoman Friedman,

Bighorn-Desert View Water Agency, a CA Special District, strongly opposes AB1000 as presented in the "gut and amend" version which is really a complete re-write and a classic "bait and switch". We insist that the bill be returned to its original intent as the re-write appears to us as deliberate manipulation of the legislative process.

While Assembly District 43 DOES NOT lie within the boundaries of the geographic area described in AB 1000, BDVWA does and is therefore directly affected by this legislation. As a stakeholder, we find it appalling that the legislature would attempt to pass such a bill without including us in the dialogue.

There has been zero consideration as to how this bill affects our customers and our existing groundwater management plan and water transfer arrangements. If it is an attempt to kill the project known as "Cadiz", then say so, don't drag BDVWA into that issue.

This bill, as amended, is devastating to our Severely Disadvantaged Community's investments in infrastructure and court authorized agreements specifically designed to allow the transfer of surplus water using surplus capacity from one location in our region to another which is considered a benefit, not a detriment, to the community we serve.

Sincerely,

Marina D. West, PG
General Manager

CC:

Assy. Chad Mayes
Assy. Jay Olbernolte
Sen. Jean Fuller
Sen. Hertzberg, Natural Resources & Water Committee Chair
Sen. Stone, Natural Resources & Water Committee Vice Chair

AB 1000

August Amendments

(removes BDVWA boundary from the bill)

Bill Status after Senate Hearing on

September 1, 2017

Suspend = Two Year Bill

California LEGISLATIVE INFORMATION

AB-1000 Water conveyance: use of facility with unused capacity. (2017-2018)

Senate: 1st Cmt

Assembly: 1st Cmt 2nd 3rd Pass

Bill Status	
Measure:	AB-1000
Lead Authors:	Friedman (A)
Principal Coauthors:	-
Coauthors:	-
Topic:	Water conveyance: use of facility with unused capacity.
31st Day in Print:	03/19/17
Title:	An act to add Section ~~25402.14 to the Public Resources~~ *1815 to the Water* Code, relating to ~~water conservation.~~ *water.*
House Location:	Senate
Last Amended Date:	07/03/17
Committee Action Date:	08/28/17
Committee Motion:	Placed on suspense file — Two year bill
Committee Vote Result:	(PASS) »» Ayes: 7; Noes: 0; Abstain: 0;

Type of Measure
Active Bill - In Committee Process
Majority Vote Required
Non-Appropriation

Type of Measure
Fiscal Committee
Non-State-Mandated Local Program
Non-Urgency
Non-Tax levy

Last 5 History Actions	
Date	**Action**
09/01/17	In committee: Held under submission.
08/28/17	In committee: Referred to APPR. suspense file.
08/21/17	In committee: Set, first hearing. Hearing canceled at the request of author.
07/11/17	From committee: Do pass and re-refer to Com. on APPR. (Ayes 7. Noes 2.) (July 11). Re-referred to Com. on APPR.
07/03/17	From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on N.R. & W.

AB-1000 Water conveyance: use of facility with unused capacity. (2017-2018)

SHARE THIS:

Date Published: 07/03/2017 02:00 PM

AMENDED IN SENATE JULY 03, 2017

AMENDED IN ASSEMBLY MAY 30, 2017

CALIFORNIA LEGISLATURE— 2017–2018 REGULAR SESSION

ASSEMBLY BILL

No. 1000

Introduced by Assembly Member Friedman

February 16, 2017

An act to add Section ~~25402.14 to the Public Resources~~ *1815 to the Water* Code, relating to ~~water conservation.~~ *water.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1000, as amended, Friedman. Water ~~conservation: performance standards for water meters.~~ *conveyance: use of facility with unused capacity.*

Existing law prohibits the state or a regional or local public agency from denying a bona fide transferor of water from using a water conveyance facility that has unused capacity for the period of time for which that capacity is available, if fair compensation is paid for that use and other requirements are met.

This bill would, notwithstanding that provision, prohibit a transferor of water from using a water conveyance facility that has unused capacity to transfer water from a groundwater basin underlying desert lands, as defined, that is in the vicinity of specified federal lands or state lands to outside of the groundwater basin unless the State Lands Commission, in consultation with the Department of Fish and Wildlife, finds that the transfer of the water will not adversely affect the natural or cultural resources of those federal and state lands.

~~Existing law requires the State Energy Resources Conservation and Development Commission to establish design and construction standards and energy and water conservation design standards that increase efficiency in the use of energy and water for new residential and new nonresidential buildings to reduce the wasteful, uneconomic, inefficient, or unnecessary consumption of energy. Existing law requires the commission to establish minimum levels of operating efficiency to promote the use of energy and water efficient appliances. The Water Measurement Law requires every water purveyor to require, as a condition of new water service, the installation of a water meter to measure water service. That law also requires urban water suppliers to install water meters on specified service connections, and to charge water users based on the actual volume of deliveries as measured by those water meters in accordance with a certain timetable.~~

~~This bill would authorize the commission to adopt regulations establishing performance standards for water meters installed in residential and nonresidential buildings, including water meters installed pursuant to the Water Measurement Law.~~

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. *Section 1815 is added to the Water Code, to read:*

1815. *(a) Notwithstanding Section 1810, a transferor of water shall not use a water conveyance facility that has unused capacity to transfer water from a groundwater basin underlying desert lands that is in the vicinity of a national monument, a national preserve, a national park, a state or federal wilderness area, or state lands to outside of the groundwater basin unless the State Lands Commission, in consultation with the Department of Fish and Wildlife, finds that the transfer of the water will not adversely affect the natural or cultural resources, including groundwater resources or habitat, of those federal and state lands.*

(b) For purposes of this section, "desert lands" means the portion of California located south of Interstate 15, east of State Highway 247, north of State Highway 62, west of Interstate 95, and west of the Nevada state line between Interstate 95 and Interstate 15.

~~SECTION 1.Section 25402.14 is added to the Public Resources Code, to read:~~

~~25402.14.The commission may adopt regulations to establish performance standards for water meters installed in residential and nonresidential buildings, including water meters required to be installed pursuant to Article 3.5 (commencing with Section 525) of Chapter 8 of Division 1 of the Water Code.~~

AB 1000

August Amendments

and

"Neutral" Stance Letters from BDVWA and MWA

(removes MWA and BDVWA boundaries from the bill)

Bighorn-Desert View Water Agency

Board of Directors
Michael McBride, President
J. Dennis Staley, Vice President
Judy Corl-Lorono, Secretary
Terry Burkhart, Director
J. Larry Coulombe, Director

Marina D West, P.G., General Manager

Agency Office
622 S. Jemez Trail
Yucca Valley, CA 92284-1440

760/364-2315 Phone
760/364-3412 Fax

www.bdvwa.org

A Public Agency

August 31, 2017

Assemblywoman Laura Friedman
CA Assembly District 43
Via Fax Only: (916) 319-2143

RE: AB 1000 (Friedman) Water Conveyance: use of facility with unused capacity

Assemblywoman Friedman,

The Bighorn-Desert View Water Agency has received from Mr. Metropulos a "mock-up" of AB 1000 which indicates that the territory of this Agency has now been excluded from the bill. We understand this to be the version now proceeding through the legislative process.

While we are still displeased as to why the Agency was not consulted about the inclusion of our service territory in the "gut and amend" version that we strongly opposed in a letter dated July 10, 2017 we are somewhat relieved that the Agency has been removed from this particular circumstance regarding specific controls on certain water conveyance facility usages.

Therefore, we have resumed our "neutral" position on the entire Cadiz Project which would by default include AB1000 as presented to us on August 29, 2017.

Sincerely,

Marina D. West, PG
General Manager

CC via Fax:
Assy. Chad Mayes
Assy. Jay Olbernolte
Sen. Jean Fuller

Mojave Water Agency

13846 Conference Center Drive ♦ Apple Valley, California 92307
Phone (760) 946-7000 ♦ Fax (760) 240-2642 ♦ www.mojavewater.org

August 30, 2017

The Honorable Laura Friedman
California State Assembly
State Capitol, Room 2137
Sacramento, CA 95814

RE: AB 1000 (Friedman) Water conveyance: use of facility with unused capacity – NEUTRAL

Dear Assembly Member Friedman:

On behalf of the Mojave Water Agency, (MWA), I am writing to express our appreciation for your willingness to work with our Agency in crafting an amendment to AB1000 that will exempt our Agency and the Twentynine Palms Water District from the bill's restrictions relative to the transfer of groundwater. Therefore, with the proposed amendments, MWA's position will move from "oppose unless amended" to "neutral."

Again, thank you for assistance in regard to this important matter.

Sincerely,

Thomas D. McCarthy, PE, PG
General Manager
Mojave Water Agency

CC: The Honorable Ricardo Lara, Chair, Senate Appropriations Committee
Honorable Members, Senate Appropriations Committee
Narisha Bonakdar, Consultant, Senate Appropriations Committee
Rocel Bettencourt, Consultant, Senate Republican Caucus

AB 1000

Letters of Opposition and Letters of Support

July 10, 2017 – Sen. Feinstein - Support (note comments from USGS)

July 11, 2017 – Summary of Opposition Comments (note concern amongst the water community)

DIANNE FEINSTEIN
CALIFORNIA

COMMITTEE ON THE JUDICIARY - RANKING MEMBER
SELECT COMMITTEE ON INTELLIGENCE
COMMITTEE ON APPROPRIATIONS
COMMITTEE ON RULES AND ADMINISTRATION

United States Senate
WASHINGTON, DC 20510-0504
http://feinstein.senate.gov

July 10, 2017

The Honorable Robert Hertzberg
Chair, Committee on Natural Resources and Water
1020 N Street, Room 5046
Sacramento, California 95814

Re: AB-1000 (Friedman) – STRONG SUPPORT

Dear Chair Hertzberg,

I strongly support AB-1000 – California Desert Protection: Groundwater Transfers, which is before your committee on July 11, 2017.

The Cadiz water extraction project proposal illustrates why state protections of desert groundwater basins are critical. Cadiz, Inc., a private company that owns 45,000 acres in the Mojave Desert, wants to exploit the Fenner, Cadiz and Bristol valley aquifers underneath the land they own and the adjacent desert. They propose to extract these limited water resources to sell to southern California at withdrawal rates that would decimate the desert. I have attached a United States Geological Survey map that shows the location of the Cadiz, Fenner, and Bristol Valleys within the Mojave Desert.

Now, with support within the current federal Administration, Cadiz is trying to to push their project forward. Efforts have already begun to dismantle the regulatory framework created by the Bureau of Land Management that would require Cadiz to seek federal environmental reviews for their project.

I met with Cadiz about their project in 1999 and had serious concerns of its projects' impact on the desert. With Cadiz's knowledge, I requested the United States Geological Survey, an independent scientific agency, to provide an objective assessment of the natural recharge rate of the project's targeted groundwater basins – the Fenner, Bristol, and Cadiz aquifers. The objective assessment would help to

determine if there was a way for their project to proceed without depleting the aquifers and destroying the desert.

I have attached letters from the United States Geological Survey and the National Park Service dating back to 2002 explaining their scientific assessments of the groundwater recharge potential of the region and summarized their findings below:

- The U.S. Geological Survey has stated since 2002 that they believe the recharge rate in the basins is between 2,000 and 10,000 acre feet per year.
- The U.S. Geological Survey reaffirmed their findings in May 2017 stating, "We are not aware of new information that would change our recharge estimates."
- Additionally, the National Park Service believes the groundwater recharge in the basin ranges from 4,650 to 7,750 acre feet per year "at best."
- In its 2012 comments on the Cadiz project's Draft Environmental Impact Report, the National Park Service concluded that Cadiz's estimated annual recharge rates "are not reasonable and should not even be considered" and are "3 to 16 times too high."
- National Park Service described the U.S. Geological Survey study as "computed by a scientific agency with no financial stake in the proposed project, peer-reviewed and made available to the public, provide a reasonable range of recharge estimates for the Project area."

Cadiz chose to disregard these objective scientific analyses from the United States Geological Survey and the National Park Service about how devastating their proposal would be to the desert and its wildlife, as well as local communities and industries.

Instead, Cadiz continues to assert that the recharge rate for the aquifer is 32,000 acre feet per year and proposes to export an average of 50,000 acre feet of groundwater from the region each year over a 50-year period. Even their most recent project proposal does not account for the objective assessments by the neutral federal agencies. Withdrawing water from these fragile aquifers at Cadiz's

proposed rate of 50,000 acre feet per year would decimate the desert, including the neighboring Mojave Trails National Monument.

This aquifer serves to refresh the desert and provide food for the desert tortoise and the bighorn sheep as well as the magnificent plants and flowers found only in this desert. A healthy and vibrant desert also supports communities of tribes, municipalities, ranchers, salt miners, recreationists, tourists and local industries.

AB-1000 is key to ensuring desert groundwater basins are not harmfully exploited and creates a commonsense state review process that safeguards California's fragile desert lands and groundwater basins.

California water issues are some of the most challenging issues for our state and passing a water bill for California last year was one of the hardest things I've ever done. The bill authorizes $515 million in water infrastructure investments to improve our state's water supply, including recycling, desalination, and storage projects. While I strongly support water infrastructure investments, we need to focus on smart uses of resources and sustainable, and efficient projects.

Supporting projects like Cadiz is not supporting smart water infrastructure or sound science. It's putting private profit over public lands that belong to all Californians. Project proponents argue job creation and their infrastructure project should outweigh any other concerns. However, the national parks that the Cadiz project would irreparably damage generated over $155 million of visitor spending alone in 2016 and supports more than 2,100 local, permanent jobs.

For the past 24 years, I have fought to protect and restore the unique landscape of the Mojave Desert. The California Desert Protection Act of 1994 permanently protected more than 7.5 million acres of pristine desert land in national parks and preserves, and I worked closely with President Obama to designate three new desert national monuments last year that protected a further 1.8 million acres.

In light of recent rollbacks of federal protections for public lands, and reviews of national monument designations, including Mojave Trails and Sand to Snow in the California desert, state protections for the desert are needed more than ever. AB 1000 would require designated state agencies to ensure there would be no adverse impacts to the desert's most vital resource – water.

Projects like Cadiz would irrevocably destroy our iconic desert, and the local communities and businesses that depend on it. This is why I strongly support AB-

1000 and bolstering state level reviews of projects that threaten fragile California desert groundwater resources.

Sincerely,

Dianne Feinstein
United States Senator

Enclosures: Letter from USGS dated May 5, 2017
Letter from National Park Service dated February 13, 2012
Letter from USGS dated January 15, 2002
U.S. Geological Survey Map of Fenner, Bristol, and Cadiz Valleys

DF:as

United States Department of the Interior

U.S. GEOLOGICAL SURVEY
Office of the Director
Reston, Virginia 20192

MAY 5 2017

In Reply Refer To:
Mail Stop 100
GS17000743

The Honorable Diane Feinstein
United States Senate
Washington, DC 20510

Dear Senator Feinstein:

Thank you for your letter of April 7, 2017, regarding the Cadiz water extraction project. Because of its long history of hydrologic studies in southern California, the U.S. Geological Survey (USGS) was asked by the Bureau of Land Management (BLM) to review the original Cadiz Groundwater Storage and Dry-Year Supply Program (Cadiz Project) Draft Environmental Planning Technical Report (Draft Report). We delivered this review to the BLM on February 23, 2000. We received a letter from your office on December 21, 2001, regarding concerns about the Cadiz Project and responded on January 15, 2002.

In the February 2000 review of the Cadiz Project's Draft Report, the USGS evaluated the groundwater and surface-water models, water-balance analyses, chloride mass-balance calculations, and isotopic age-dating of the groundwater. As part of the review, the USGS calculated estimates of natural recharge to the Fenner, Bristol, and Cadiz basins, which ranged from approximately 2,000 to 10,000 acre-feet per year.

In October 2016, USGS researchers spoke with your staff summarizing the results of the 2000 review and reaffirming the 2000 analysis of natural recharge. We are not aware of new information that would change our recharge estimates. However, as we also indicated, we have not reviewed the current proposed Cadiz water extraction project. Similarly, we have not conducted new site-specific studies or data collection in the Cadiz area since our 2000 review. Updating our 2000 estimate of recharge in the Cadiz area would be a significant undertaking requiring a detailed review of new studies since then, along with new data collection, analyses, and modeling. Currently, the USGS does not have sufficient resources available to take on a substantial new project in the Cadiz area.

I understand that there may be more recent non-USGS studies of the area that project a higher recharge rate. Given the opportunity, we would be pleased to provide you with our scientific evaluation of those studies.

Thank you again for your inquiry. We greatly appreciate your long-standing support of USGS science. If you or your staff would like more information on this topic, please contact Mark Sogge, USGS Pacific Region Director based in Sacramento at mark_sogge@usgs.gov or 916-278-9551.

Sincerely,

William H. Werkheiser
Acting Director

United States Department of the Interior

NATIONAL PARK SERVICE
Mojave National Preserve
2701 Barstow Road
Barstow, CA 92311

IN REPLY REFER TO:
L7621 (MOJA)

February 13, 2012

Tom Barnes, ESA
626 Wilshire Blvd., Suite 1100
Los Angeles, CA 90017

Re: *National Park Service Comments to Draft Environmental Impact Report for the Cadiz Valley Water Conservation, Recovery and Storage Project.*

Dear Mr. Barnes:

By Notice of Availability (NOA) dated December 5, 2011, the Santa Margarita Water District (SMWD), as the Lead Agency, informed interested parties that it had prepared a Draft Environmental Impact Report (Draft EIR) pursuant to the California Environmental Quality Act (CEQA) for the *Cadiz Valley Water Conservation, Recovery, and Storage Project* (Project), and invited comments on the Draft EIR to be submitted by February 13, 2012. The SMWD, along with other participating water agencies acting as Responsible Agencies, is proposing to implement the Project in partnership with Cadiz Inc. (Cadiz), which owns approximately 34,000 acres of land located in the Cadiz and Fenner Valleys of San Bernardino County, and the Fenner Mutual Water Company (FMWC), a non-profit California mutual water company formed to deliver water at cost to its shareholders that are public water systems who will purchase water from the Project.

The following letter and attachments constitute the complete set of comments of the National Park Service (NPS) and the Mojave National Preserve (Preserve). A brief summary is provided below of the NPS's main issues and concerns with this document as it moves forward in the CEQA process toward a Record of Decision. Most of the NPS's concerns center on the sustainability of the Project. Consolidated general and specific comments provided on the attached comment forms describe these main issues and concerns, as well as others, in more detail.

ISSUE #1: Most of the non-Project related groundwater recharge studies conducted in the study area indicate that natural recharge to the Fenner and Bristol Valleys likely ranges from 2,000 to 10,000 acre-feet per year and that the Project's recharge estimate is 3 to 16 times too high. Given the amount of recoverable groundwater that the Project is seeking to extract from these two watersheds, the NPS is concerned that the proponent is substantially overestimating the amount of natural precipitation recharging the groundwater basins in these two valleys. As noted in the NPS's March 29, 2011 scoping comments letter to this EIR, this is the same trend that was observed with the former Cadiz Project back in the early 2000s and is counter to most of the realistic recharge estimates presented by other studies in the area. The NPS's concern is best demonstrated by a comparison of recharge (and discharge) estimates from past and current Cadiz Project investigators with recharge estimates from other independent investigators presented in

the table below. The reported estimates are based partially on a summary table of recharge study results presented in earlier revised EIS comments submitted by Dr. John Bredehoeft, Ph.D, (HydroDynamics Group, 2001) for the former Cadiz Project and reprised in the NPS's March 29, 2011 scoping comments letter to this EIR.

METHODOLOGY/AUTHOR	RECHARGE ESTIMATES (acre-feet/year)	
	Other Investigators	Cadiz Investigators
1. Watershed Runoff Modeling		
MWD & BLM (1999) – *Cadiz Project I*		20,000 – 70,000
CH2M Hill (2010) – *Cadiz Project II*		32,000
2. Groundwater Modeling		
Geoscience (1999) – *Cadiz Project I*		50,000
CH2M Hill (2010) – *Cadiz Project II*		32,400
3. Maxey/Eakin Method		
USGS (2000)	2,550 - 11,200	
Durbin (2000)	5,000	
LLNL (2000) – *Cadiz Project I*		16,200 – 29,200
4. Fenner Gap Groundwater Flow		
Friewald (1984 – USGS)	270	
Geothermal Surveys (1984) – *Cadiz Project I*		18,000 - 36,000
Todd (1984) – *Cadiz Project I*		11,000
LaMoreaux (1995)	3,700	
USGS (2000)	2,600 – 4,300	
5. Chloride Mass Balance Method (correctly applied)		
USGS (2000)	1,700 – 9,000	
Durbin (2000)	2,000	
6. Drawdown Associated with Cadiz Co. pumping		
Boyle Engineering (1996)	4,000	
7. Evaporative Discharge from Dry Lake Areas (estimated using rates from other studies in region)		
CH2M Hill (2010) – *Cadiz Project II*		6,000 – 42,000
NPS	4,700 – 7,800	
Range of Estimates:	270 – 11,200	6,000 – 70,000
Mean Estimate [1]:	4,100	30,500

[1] Where a range of values is given, the mean of the range was taken as one value, and then this value was averaged with all other estimates to arrive at the "mean value" reported.

To put this into perspective, consider that the Death Valley Regional Groundwater Flow System drains an area of about 15,800 square miles in Nevada and southern California, and includes 30

hydrographic basins (USGS, Harrill and Prudic, 1998, Prof Paper 1409-A). Groundwater discharge by evapotranspiration from the floor of Death Valley, the terminal discharge from the Death Valley Regional Groundwater Flow System, was estimated by the USGS at approximately 35,000 AFY (DeMeo and others, 2003, Water Resources Investigation Report 2003-4254). By comparison, the drainage area of the four Cadiz project watershed(s) totals 2,320 square miles, which is a much smaller drainage area than the Death Valley system. All else equal, the contributing area to the Death Valley Regional Groundwater Flow System is roughly 7 times larger than the contributing area to the Cadiz Project, suggesting that the annual recharge (and discharge) from the Project area should be on the order of 5,000 AFY.

The project proponent's estimates of the annual recharge (and discharge) for the Cadiz project watershed in the range of 30,000 AFY are not reasonable and should not even be considered. The recharge estimates provided in 2000 by the USGS in its technical review of the former Cadiz Project, which were computed by a variety of methods, ranged from 2,000 – 10,000 AFY. These values, computed by a scientific agency with no financial stake in the proposed project, peer-reviewed and made available to the public, provide a reasonable range of recharge estimates for the Project area. This range of values should be used to guide evaluation of the proposed Cadiz Project.

ISSUE #2; It is inappropriate to conclude "a priori" that all springs in the watershed area are hydraulically discontinuous with the target aquifer. The SMWD presents a brief reconnaissance study in the Draft EIR of potential effects on springs and seeps from groundwater pumping by the Project concluding, unsurprisingly, that springs are not connected to the target aquifer and thus will be unaffected by the Project. Available evidence indicates that some springs within Mojave National Preserve likely are hydraulically continuous with the aquifer that is the target of the subject groundwater development, and that other springs within the Preserve likely are not hydraulically continuous with this aquifer. In the absence of more conclusive, site-specific studies, it would be inappropriate to conclude "a priori" that all springs in the area are hydraulically discontinuous with the target aquifer. To resolve this uncertainty, the NPS requests that a study of selected springs within Mojave National Preserve be a component of any proposed Monitoring and Management Plan.

ISSUE #3: An alternative Project scenario limiting pumping in the watersheds to the perennial yield amount would likely increase the conservation efficiency of the Project, decrease adverse impacts in the project watersheds, and allow Cadiz to achieve many of their Project objectives and "Green Compact" stewardship principles. Pumping in excess of the perennial yield of the basin under the currently proposed project pumping scenarios increasingly exacerbates mining of groundwater, as evidenced by the three pumping schemes that were simulated. Capture of groundwater that is ultimately destined for the dry lake areas could likely be achieved through a less aggressive pumping scheme that would not withdraw groundwater in excess of the perennial yield of the basin, and if the current objective of trying to

maximize the retrieval of fresh groundwater that is already down-gradient of the proposed wellfield is abandoned.

ISSUE #4: The hydrologic analysis in the Draft EIR is technically deficient with respect to constraining the Project recharge estimate through physical measurement and quantification of groundwater discharge from the playa areas. Data are presented that indicate extensive evaporation from the playa is unlikely, including reports of water depths beneath Bristol Dry Lake ranging from 8 to 35 feet, which would require an unrealistic capillary rise to support a discharge of 32,000 AFY. The NPS demonstrates through extrapolation of results from a USGS study of groundwater discharge rates in Death Valley (which compensates for the effect of surface water runoff to soil evaporation) that total groundwater discharge from the dry lakes (and therefore, recharge to the Project area) is probably on the order of 4,650 to 7,750 AFY at best. This estimated range falls within the range of recharge (2,000 to 10,000 AFY) provided by the USGS in 2000. As noted in the NPS's March 29, 2011 scoping comments letter to this EIR, estimates of groundwater discharge need to be verified through physical measurements of soil evaporation at the dry lake sites and groundwater levels beneath the dry lakes. Quantification of water loss off of these two dry lakes is extremely important - this is the limiting factor on the amount of recharge entering the flow system and how much recoverable water is available for the project. If it is shown that the amount of soil evaporation occurring at the dry lake areas is small or negligible, then the Project's claim to being sustainable must be rejected.

ISSUE #5: The distributed parameter watershed model INFIL3.0 likely is over-estimating recharge in the Project watersheds. Based on a recent USGS study near Joshua Tree, CA that utilized an earlier version of the INFIL3.0 distributed-parameter watershed model, a numerical flow model and several supporting field techniques, coupled with the Cadiz Project's over-reliance on the INFIL3.0 watershed model results without additional supporting field data to constrain the recharge estimates, it is likely that the Cadiz project's recharge estimates using INFIL3.0 could be larger than the true recharge by a factor of 2 to 10 times. The NPS also suspects that the Fenner Basin watershed model may be under-estimating the amount of evapotranspiration and surface water runoff occurring in the basin, all of which contributes to an over-estimation of the amount of water infiltrating past the root zone.

ISSUE #6: The ability of the numerical groundwater flow model to accurately simulate groundwater discharge by evapotranspiration is questionable. Model water balance results suggest that the model is not producing annual volumes of evapotranspiration discharge equivalent to the amounts of recharge going into the model. The NPS estimates that the model is only discharging 76% of the 32,000 AFY of recharge going into the model. The NPS is also concerned with how the model estimates evapotranspiration discharge, when the existing pre-pumping depth to water (18 feet) beneath Bristol Dry Lake already exceeded the extinction depth of 15 feet prior to simulating any of the pumping/recharge scenarios. The USGS has also shown in a study from nearby China Lake that the annual rate of evaporation from bare soil decreased to

negligible amounts at water-level depths of more than 7 feet below land surface, thus calling into question the validity of the extinction depth established for the model.

ISSUE #7: The SMWD has failed to adequately consider inclusion of monitoring and mitigation measures developed under the earlier Cadiz Project, and to adequately demonstrate the effectiveness of certain current mitigation measures proposed to address pumping-related impacts. As noted in the NPS's March 29, 2011 scoping comments letter to this EIR, the SMWD should consider the relevancy of the mitigation measures that were developed and proposed under the former Cadiz Project and determine which measures might have utility to this EIR. The NPS recommends that the principal features of that plan be adopted, including a participatory role for the potentially affected parties (like the NPS), establishment of an array of "early-warning" monitoring wells between the proposed project pumping and Mojave National Preserve, and "action criteria" to trigger consideration of mitigation measures as effects are observed over time. With all the inherent uncertainty that exists on groundwater projects such as this, it is imperative that the project proponent practice adaptive management of their project, with coordination and input from their neighbors, the potentially affected parties.

Additionally, the NPS is not convinced that the SMWD has sufficiently demonstrated the effectiveness of several key mitigation measures to be able to conclude that the direct and cumulative impacts to groundwater and surface water resources would be less than significant with mitigation and would not be cumulatively considerable. The SMWD needs to better demonstrate and discuss the potential effectiveness of these important corrective measures in the EIR document using existing and/or additional groundwater modeling simulations that test these corrective measures.

CONCLUSIONS

While the NPS is concerned about the SMWD's broad characterization of natural evapotranspiration processes as "wasted water," we are not averse to the concept of recovering groundwater that naturally discharges to the atmosphere if it is not destructive of natural ecosystems, nor are we averse to the concept of using an aquifer to store surplus surface water supplies and extracting these stored supplies during dry years, as long as (1) the Project adopts and adheres to a hydrologic sustainable yield concept, and (2) the Project does not directly or indirectly affect water resources, water-dependent resources, and other natural and cultural resources within NPS park units. Based on several deficiencies with the current analysis presented in the Draft EIR, the NPS recommends that additional refinements be made in the Final EIR that provide a more accurate representation and evaluation of the groundwater flow system, the affected environment, and the effectiveness of proposed mitigation measures. Much of this can be accomplished using additional scientific methods to better constrain the recharge estimate of the study area. Until these refinements are made, the NPS is not confident concluding that the proposed Cadiz Project is sustainable and protective of park resources.

Thank you for the opportunity to provide comments on this Draft EIR. For any clarification or follow up regarding our comments, please contact Debra Hughson, Science Advisor, Mojave National Preserve at (760) 252-6105.

Sincerely,

Stephanie R Dubois

Stephanie R. Dubois
Superintendent

cc:

PWRO-REC per Alan Schmierer
Bill Hansen - WRD
Bill Van Liew - WRD
Gary Karst - PWR
Debra Hughson - MOJA

United States Department of the Interior

U.S. GEOLOGICAL SURVEY
Office of the Director
Reston, Virginia 20192

In Reply Refer To:
Mail Stop 100
#20020106

JAN 15 2002

Honorable Dianne Feinstein
United States Senate
Washington, D.C. 20510

Dear Senator Feinstein:

Thank you for your letter of December 21, 2001, in which you discuss concerns about the Cadiz Project and possible assistance the USGS could provide.

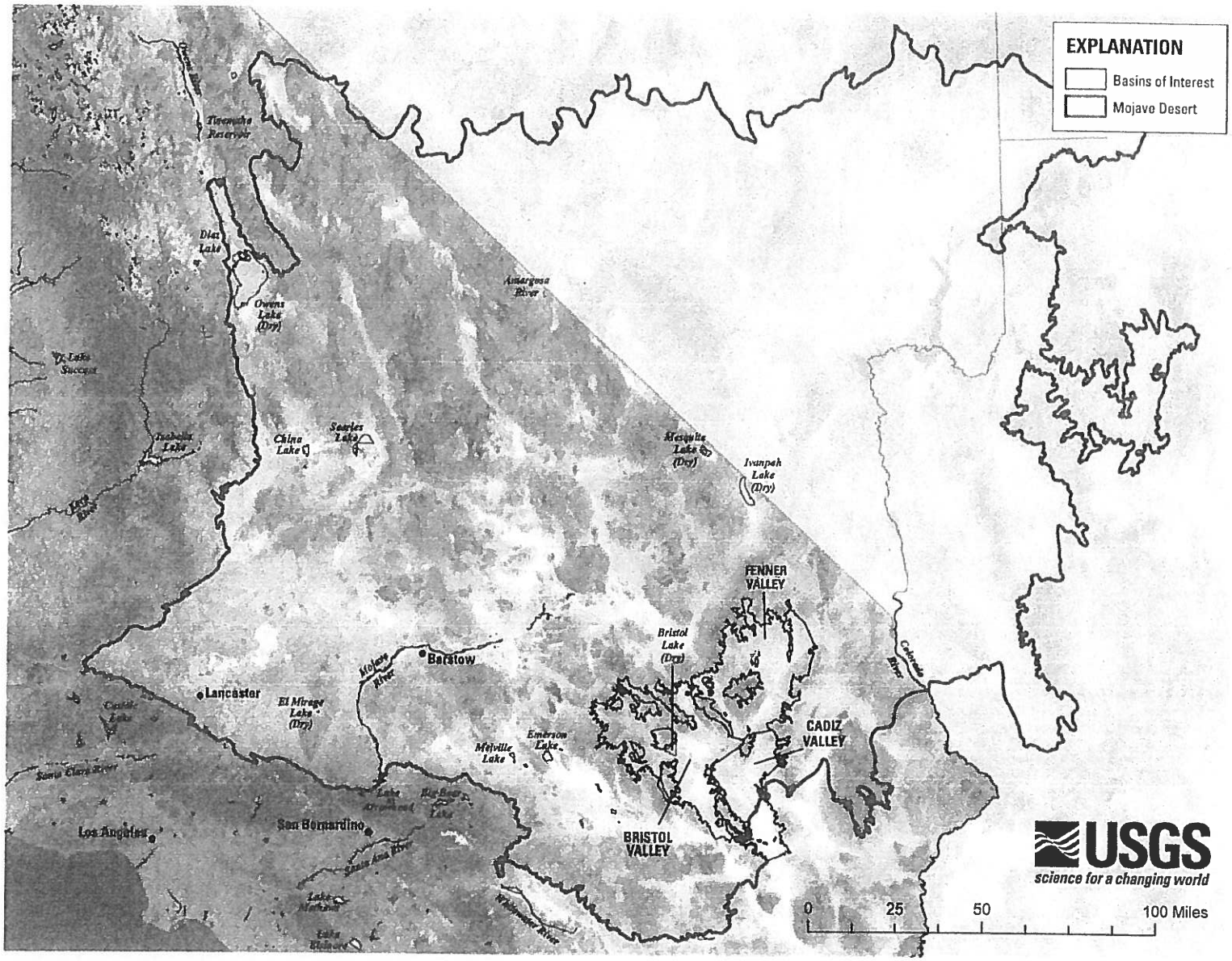
I am sure that by now you have heard many discussions concerning the uncertainties associated with ground water recharge rates. Currently, we believe the recharge rate is less than 5,000 acre-feet per year. Reconciling disparities in recharge rate estimates can be achieved only through detailed regional and local studies over an extended period of time. However, given the urgency of the need to make rational decisions fairly quickly, the Cadiz Project managers have proposed a monitoring and management plan that contains stipulations that can result in the Project's being closed down should the monitoring data reflect the need to do so. Our scientists most knowledgeable about this Project are confident that this monitoring and management plan will be an effective tool to assess the status in the ground water and provide the information necessary to protect the regional ground water resources.

We appreciate the confidence shown in the USGS by your request. However, while it is appropriate for us to conduct the monitoring programs, we believe that the day-to-day management authority should remain with the Bureau of Land Management (BLM). As a sister bureau in the Department of the Interior (DOI), and with integral land management responsibilities, we are confident that the BLM senior managers would take appropriate action should monitoring data develop a picture that warrants adjustments in or closing of the Project.

As you know, the USGS has participated in a number of discussions among the affected DOI bureaus, stakeholders, and your staff. We look forward to continuing these discussions. Should you or your staff need further information, please contact me on 703-648-7411 or Mike Shulters, California District Chief, on 916-278-3026.

Sincerely,

Charles G. Groat
Director


EXPLANATION
Basins of Interest
Mojave Desert
Tuttle Creek
Tinemaha Reservoir
Diaz Lake
Owens Lake (Dry)
Amargosa River
Owens River
Lake Isabella
China Lake
Searles Lake
Mesquite Lake (Dry)
Ivanpah Lake (Dry)
Kern River
FENNER VALLEY
Bristol Lake (Dry)
Colorado River
Barstow
Mojave River
Lancaster
El Mirage Lake (Dry)
Castaic Lake
Melville Lake
Emerson Lake
CADIZ VALLEY
Santa Clara River
Los Angeles
San Bernardino
Santa Ana River
BRISTOL VALLEY
Lake Elsinore
USGS
science for a changing world
0
25
50
100 Miles

July 11, 2017

Comments on AB 1000 by Opponents and Water Industry Experts

"This new, innovative project is fully CEQA approved, locally permitted, and will make a significant contribution to the local job market and economy. Project construction alone is expected to create and support nearly 6,000 highly-skilled, high-wage jobs during construction of both phases, including dedicated on-site family-supporting jobs to local trades and veterans." *Southern California District Council of Laborers of LIUNA, Armando Esparza, Business Manager to Senator Hertzberg, Letter dated July 5, 2017*

"On behalf of the International Union of Operating Engineers Local 12, I am writing to express our strong opposition to AB 1000 (Friedman), as recently amended on July 3rd.... Specifically, AB 1000 targets the Project in a completely inappropriate fashion by attempting to override duly agreed-upon existing law governing water conveyance." *International Union of Operating Engineers, Local 12, Ronald J. Sikorski, Business Manager, Letter dated July 5, 2017*

"This legislation seeks to create a new certification process for water transfers that establishes very troubling precedents. While the bill targets the Cadiz Valley Water Conservation, Recovery & Storage Project ("the Cadiz Project"), it poses a potential threat to any new water transfer project in the state." *Southern California Water Committee, Charles Wilson, Executive Director to Senator Hertzberg, Letter dated July 10, 2017*

"The California Chamber of Commerce OPPOSES your AB 1000. This "gut and amend" legislation seeks to create a new certification process for water conveyed in California's water transportation systems. The bill appears to target the Cadiz Valley Water Conservation, Recovery & Storage Project (Water Project), but potentially threatens any new water transfer projects located in a very specific part of the state." *California Chamber of Commerce, Valerie Nera, Policy Advocate to Assemblymember Laura Friedman, Letter dated July 6, 2017*

"As presented in the FEIR, the Cadiz Project presents no risk of any kind to the Mojave National Preserve, any of the new Monuments, the surrounding ecosystem, the springs, the flora, the fauna, or the aquifer itself...Since my review of the Cadiz Project, I have tracked the patently false claims made in articles and opinion pieces published in papers throughout California. The information contained in these pieces about the Cadiz area watershed recharge rates and supposed threats to the surrounding ecosystem is inaccurate." *Anthony Brown, CEO & Principal Hydrologist, Aquilogic Inc. to Senators Hertzberg & Stone, Letter dated July 11, 2017*

"This "gut and amend" legislation would create an exceedingly dangerous precedent, potentially threatening all projects being processed under the California Environmental Quality Act, including important public infrastructure projects and critically needed housing of all types, especially affordable products.... AB 1000 would create an end-run around the project's lawful CEQA process and the multiple rulings of California's courts. In so doing, it would not only carve out this one project for singular, unjustified treatment, but also create a precedent for similar regulatory abuse by opponents of other CEQA-approved projects in the state, including housing projects, which would exacerbate the state's already-severe housing supply crisis." *Building Industry*

Association of Southern California, Mike Balsamo, CEO to Senator Hertzberg, Letter dated July 7, 2017

"The Project has been under review for nearly a decade.... AB 1000 represents an unwarranted expansion of the state's regulatory authority and sets a dangerous precedent to suggest that the judicial review is not the final word. The approach would establish a troubling precedent that opens the door lead to similar challenges to future water transfers, water supply infrastructure projects, or, presumably, any other project processed under CEQA that has opposition." *Three Valleys Municipal Water District, Richard Hansen, General Manager to Senator Hertzberg, Letter dated July 10, 2017*

"It is flawed public policy to target any project after it has completed all its required environmental review and will have unintended consequences that may impact projects far beyond the one targeted by the bill.... This bill disregards CEQA as the final arbiter of environmental safety and sets a dangerous precedent that once any infrastructure project goes through the CEQA process, it has not necessarily complied with California environmental law....

"AB 1000 is bad law and bad policy for California, setting a flawed precedent that could affect all infrastructure development and improvement projects in the state. I urge you to oppose this bill." *East Orange County Water District, Lisa Ohlund, General Manager to Senators Hertzberg and Stone, Letter dated July 10, 2017*

"The lack of clarity within the bill causes concern.... The changes to this bill have created unintended consequences that can jeopardize the Agency's ability to effectively manage its water resources for our citizens and businesses." *Mojave Water Agency, Thomas McCarthy, General Manager to Senator Hertzberg, Letter dated July 10, 2017*

"In fact, USGS has done no new analysis of the Project area and the recharge rate, let alone study or data collection, since 2000. In a recent letter to Senator Feinstein, the USGS states "we have not reviewed the current proposed Cadiz water extraction project. Similarly, we (USGS) have not conducted new site-specific studies or data collection in the Cadiz area since our 2000 review. (Letter to Senator Feinstein from William Werkheiser, Acting Director, USGS, Department of the Interior, May 5, 2017.)" *Terry Foreman, TLF Consulting and Principal Hydrologist on Cadiz Water Project to Senator Hertzberg and Stone, Letter dated July 10, 2017*

"The Cadiz Water Project presents no risk of any kind to the Mojave National Preserve, any of the new Monuments, the surrounding ecosystem, the springs, the flora, the fauna, or the aquifer itself." *Terry Foreman, TLF Consulting and Principal Hydrologist on Cadiz Water Project to Senator Hertzberg and Stone, Letter dated July 10, 2017*

"More than any other document cited by the misinformed is a 2000 United States Geological Survey (USGS) comment letter on a previous and different iteration of this water project. In it, the USGS estimates that lower recharge rates prevail in the watershed. In fact, USGS has done no new analysis of the ... recharge rate.... Even so, the out of date 17 year-old USGS estimates have been restated, again and again, by a variety of governmental agencies. These estimates are inconsistent with actual data collected since 2000 and with models run using the USGS's own computer model created in 2008, eight years after it had made its own estimate." *Dennis Williams, President, Geosciences Support Services, Inc. to Senators Hertzberg and Stone, Letter dated July 10, 2017*

"If this bill were to become law, it would not only impact this one project for singular, extreme treatment, but sets a dangerous precedent for similar regulatory abuse for any other development project in the State." *Orange County Council of Governments, Marnie O'Brien Primmer, Executive Director to Senator Hertzberg, Letter dated July 6, 2017*

"AB 1000 seeks to impose an unnecessary and duplicative environmental review of the Project. Since 2009, the Project has been extensively studied, publicly-reviewed, and approved under California's stringent environmental laws. Following a multi-year public California Environmental Quality Act (CEQA) review process, Project operations were determined to have no significant adverse environ-mental impacts of any kind." *Santa Margarita Water District, Dan Ferons, General Manager to Senator Hertzberg, Letter dated July 5, 2017*

"At the 11th Hour, as the project is finally close to being shovel-ready and, at a time when we truly need to invest in more reliable supplies and storage, Project opponents are attempting an end-run around the Project's lawful CEQA process and our State's esteemed Courts. We view the Cadiz Project as a necessary component of Southern California's water supply portfolio and will follow every law to get it done, but AB 1000 is not an appropriate law to further constrain the Project." *Inland Empire Economic Partnership, Paul Granillo, President & CEO to Senator Hertzberg, Letter dated July 5, 2017*

"This last-minute gut-and-amend legislation is a retaliatory move by a few special interests with the goal of crippling the construction of the Cadiz Valley Water Project (Project)." *Engineering Contractors' Association, Wesley F. May, III, Executive Director to Senator Hertzberg, Letter dated July 5, 2017*

"As you know, a reliable water supply is essential to the health of our economy and the prosperity of our members. AB 1000, a "gut and amend" bill, would damage this and unnecessarily block water and jobs in Southern California. This new, innovative project is fully CEQA approved, locally permitted, and will make a significant contribution to the local job market and economy." *Partnership for Jobs, John Hakel, Executive Director to Senator Hertzberg, Letter dated July 5, 2017*

"[Cadiz Water Project] [f]acilities will be constructed entirely on private land, operations will be governed by a state-of-the-art groundwater management plan enforced by San Bernardino County, and no public lands will be impacted. AB 1000 seeks to impose an unnecessary and additional environmental review of the Project, even though the Project has already been reviewed under California law. It is for these reasons that AB 1000 is so concerning." *Garney Construction, Mike Heitman, President & CEO to Senator Hertzberg, Letter dated July 7, 2017*

"At a time when Southern California truly need to invest in more reliable water supplies and storage, AB 1000 would disregard the Cadiz Water Project's lawful CEQA process and previous upholding by the State's Courts. Not only would this legislation unfairly target and impact the Cadiz Water Project, but would also create a precedent for similar regulatory abuse by opponents of other water transfer project in the state." *Orange County Business Council, Lucy Dunn, President & CEO to Senator Hertzberg, Letter dated July 5, 2017*

"The Cadiz Project has undergone a multi-year, public CEQA review process, yielding a certified Environmental Impact Report that found the project could be operated without harming the desert

environment or aquifer. The EIR was successfully defended in six separate cases, both at Orange County Superior Court and the California Court of Appeal, so the Project has met every regulatory requirement imposed by the state. ...Despite this, AB 1000 would impose an additional two layers of regulatory review on a project that has successfully fulfilled all its California regulatory obligations. Such an unwarranted action would result in a dangerous precedent that could be used to delay or stop any new water, infrastructure, transit or housing project in the state." *South Orange County Economic Coalition, Paul Simonds, Chairman to Senator Hertzberg, Letter dated July 6, 2017*

"If enacted, AB 1000 will have far reaching negative impacts on the entire Southern California water community. The transportation of water in existing conveyance facilities is already a highly regulated process, that must also follow CEQA. The creation of a new legislative layer to block the Cadiz Water Project sets a dangerous precedent that can be used to block any water conveyance project and we urge you to pull this bill from consideration immediately." *BizFed, Mike Lewis, Chair and Tracy Hernandez, Founding CEO to Senator Hertzberg, Letter dated July 5, 2017*

"If the Legislature, under your bill, changes the rules for winning approval for this project, after-the-fact, it would set a dangerous precedent and create uncertainty in the marketplace. This uncertainty will certainly cause development and investment in infrastructure to come to a halt, costing California the needed benefits of infrastructure and the jobs promised. Agencies will only invest in infrastructure if they believe they can overcome the known hurdles of the review process and achieve project approvals. If that process can be changed midway, no project is safe from being upended." *CH2M, Anthony Hernandez, Director of Governmental Relations to Assemblymember Laura Friedman, Letter dated July 7, 2017*

"We view the Cadiz Water Project as a necessary component of Southern California's water supply portfolio that has followed every law and complied with every regulation. The transportation of water through existing conveyance facilities, not to mention other infrastructure development and improvement, is a highly regulated process that must comply strictly with CEQA – creating a new law that disregards those laws and processes creates instability." *Cal Steel, Marcelo Botelho Rodrigues, President & CEO to Senator Hertzberg, Letter dated July 10, 2017*

"If enacted, AB 1000 will have far reaching negative effects on the entire Southern California water system." *San Gabriel Valley Economic Partnership, Jeff Allred, President & CEO to Senator Hertzberg, Letter dated July 10, 2017*

AB 1000

Press Release September 1, 2017 by Assy. Laura Friedman Announcing that AB 1000 has been placed on hold by the Senate Appropriations Committee

Status: Bill could be resurrected within another bill this cycle OR it will become a 2-year bill and will need to be monitored in the next legislative cycle

ASSEMBLYMEMBER [redacted]

DISTRICT 43

Published on *Official Website - Assemblymember Laura Friedman Representing the 43rd California Assembly District* (https://a43.asmdc.org (https://a43.asmdc.org))

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Friday, September 1, 2017

SACRAMENTO - California Assemblymember Laura Friedman (D-Glendale) issued the following statement on AB 1000, the California Desert Protection Act, and the Senate Appropriations Committee's decision to hold the bill in the committee:

"I'm disappointed that AB 1000 was held in the Senate Appropriations Committee today, but make no mistake, we're not giving up the fight. California has led the way in protecting and preserving our natural resources. For months, we've stood up to the threats from the Trump Administration and made it clear that when the federal government rolls back protections, we'll step in. Those efforts shouldn't stop with our fragile desert ecosystems.

"I am hopeful that the Senate will reconsider and join Governor Brown, Lieutenant Governor Newsom, Senator Feinstein, and our broad coalition of advocates in supporting AB 1000 and protecting California's resources from corporate greed seeking to drain the life from the desert.

"I want to thank the National Parks Conservation Association, Defenders of Wildlife, NextGen America, Mojave Desert Land Trust, California League of Conservation Voters, Native American Land Conservancy, and the Sierra Club for their support and steadfast dedication to doing what's best for California."

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AGENDA ITEM # 7

Bighorn-Desert View Water Agency

Board of Directors
Michael McBride, President
J. Dennis Staley, Vice President
Judy Corl-Lorono, Secretary
Terry Burkhart, Director
J. Larry Coulombe, Director

Marina D West, P.G., General Manager

A Public Agency

Agency Office
622 S. Jemez Trail
Yucca Valley, CA 92284-1440

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Planning/Legislative/Engineering Grant & Security Committee Special Meeting Report

Location: Agency Administrative Office
622 S. Jemez Trail, Yucca Valley CA 92284
Wednesday, June 28, 2017 - 9:15 a.m.

Committee Members: Director Corl-Lorono & Director Burkhart

Pending Committee Approval

Call to Order
Director Corl-Lorono called the meeting to order at 9:20 a.m.

Pledge of Allegiance
Led by John Burkhart

Roll Call

Directors:	Director Judy Corl-Lorono
	Director Terry Burkhart
Staff:	Marina West
	Michelle Corbin

Approval of the Agenda
Director Corl-Lorono and Director Burkhart approved the agenda as presented.

Conference Call with Mojave Water Agency's Legal/Legislative and Public Information Committee – Recording Dated June 27, 2017
Jean Denton of Innovative Federal Strategies LLC reported the House Appropriations Committee has begun moving the fiscal year 2018 bills. Within the budget, President Trump is calling for full funding of the Water Infrastructure Finance and Innovation Act program. Ms. Denton also reported on the Water Resources Act, the Clean Water Act and the possible withdrawal of the Water of the United States rule.

Ed manning of KP Public Affairs reported the Cap and Trade Program set to expire in 2020. Legislatures are seeking to renew the program with a two thirds vote to qualify it as a tax. Mr. Manning explained that Assemblyman Olbernolte bill AB367 is still "alive" but AB366 was pulled by the author as amendments concerning fire response time could not be met in the rural areas desiring to utilize hauled water.

Mr. Manning also reported on the Safe Drinking Water Bill, Governor Brown's framework for "Making Conservation a Way of Life" and the Delta Stewardship Council.

Jean Denton of Innovative Federal Strategies LLC reported the House Appropriations Committee has begun moving the fiscal year 2018 bills. Within the budget, President Trump is calling for full funding of the Water Infrastructure Finance and Innovation Act Program. Ms. Denton also reported on the Water Resources Act, Water of the United States Rule and the Clean Water Act.

No public comment.

Mandated Change of Election Cycle – Update
Staff member, Michelle Corbin reported the San Bernardino County Board of Supervisors voted to approve the change of election cycles of the Bighorn-Desert View Water Agency from odd-numbered years to even-numbered years. The San Bernardino Registrar of Voters is currently mailing out a notice to the registered voters within our territory. The next election cycles for the Agency Board of Directors are 2018 and 2020.

No public comment.

Presentation of a Mainline Isolation Valve Installed via "Hot Tap" Method
General Manager West began with an introduction on the "gate valves" along the water system which provide the agency the ability to isolate a section of water mainline during a leak or during regular maintenance of the system. West described how shutting down valves near a broken mainline allows staff to replace or repair mainline breaks and leaks without shutting down an entire area within the water system. During a PowerPoint presentation West presented photographs demonstrating a recent mainline valve installation using the "hot tap" method.

No public comment.

Results of Percolation Testing by Mojave Water Agency at Linn Road Property - Update
General Manager West reported the Agency purchased a 5 acre property on Linn Road. The Agency purchased the property as a possible future recharge site. Mojave Water Agency has stated its interest in searching for potential areas for additional recharge storage. West suggested previously mentioned property on Linn Road. West described to the Committee why the Linn Road site could be a favorable location noting its proximity to the MWA turnout across Hwy 247 at Linn Road. West also stated the Agency should look at the long term needs of the territory and the possibility that someday it may be necessary to move away from current production well sites in search of better quality water.

Pending Committee Approval

The percolation test showed the area does "take" water, however West said this type of testing is "over-exaggerated" but show that additional investigation is warranted. At this time, the site remains on the MWA list as a possible future recharge site.

No public comment.

Consent Items

a. Regular PLEGS Meeting Report, April 18, 2017.

Public comment:

Director Corl-Lorono and Director Burkhart approved the report.

Public Participation
No public comment.

Verbal Reports
Committee Member(s) Report
No reports.

General Manager Report
General Manager West gave an update on grants. West stated the generator project is moving ahead even though the grant for the project was denied. The lookout pipeline grant was removed from consideration due to cost. The Agency is optimistic it will receive funding for the two remaining projects now combined into the "BDVWA/W1 Integration and BDVWA/HDWD Water Transfer Pipelines" Planning Project.

Adjournment - Director Corl-Lorono adjourned the meeting at 10:57 a.m.

Pending Committee Approval