

## Bighorn-Desert View Water Agency

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A Public Agency

### Agency Office

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

Tuesday, August 21, 2018 – 9:15 a.m.

Board Meeting Office

1720 N. Cherokee Trail, Landers, CA 92285

**Committee Members: Director Corl-Lorono & Director Burkhart**

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

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Roll Call**
4. **Approval of Agenda**

**Discussion and Action Items** - The Committee and Staff will discuss the following items and provide direction to staff, if so inclined.

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

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

**5. Conference Call with Mojave Water Agency's Legal/Legislative and Public Information Committee**

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

**6. Prop. 1 Planning Grant for Water System Integration and Interties Update**

**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. PLEGS Committee Meeting Minutes, June 19, 2018

**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](http://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.





## LEGAL, LEGISLATIVE, AND PUBLIC INFORMATION COMMITTEE MEETING

### AGENDA

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

**August 21, 2018  
9:30 a.m.**

#### ***NO ACTION WILL BE TAKEN – STUDY SESSION ONLY***

1. Approve Agenda
2. Approve Meeting Summary from the Legal, Legislative, and Public Information Committee Meeting of July 17, 2018
3. Update by State Advocate of Issues at the State Level (teleconference)
4. Update by Federal Advocate of Issues at the Federal Level (teleconference)
5. Public Information Update
6. General Manager's Report
7. Public Participation
8. Comments/Discussion Items for Next or Future Agendas
9. Adjournment

*Pursuant to Government Code Section 54954.2(a), any request for a disability-related modification or accommodation, including auxiliary aids or services, that is sought in order to participate in the above-agendized public meeting, should be directed to the Agency's General Manager's office at (760) 946-7002 at least 24 hours prior to said meeting.*

*Committee meetings are now available on conference line 760-946-7044.*

**NOTE: Be sure to visit our Facebook page at:**  
<http://www.facebook.com/mojavewater>



## LEGAL, LEGISLATIVE, AND PUBLIC INFORMATION COMMITTEE MEETING

### MEETING SUMMARY July 17, 2018

#### CALL TO ORDER:

Chairperson Beverly Lowry called the meeting to order at 9:30 a.m.

#### ATTENDANCE:

- ✦ Committee – Chairperson Beverly Lowry, Director Richard Hall, and Thurston “Smitty” Smith
- ✦ Absent – None
- ✦ Staff – General Manager Tom McCarthy, Director of Community Outreach and Cultural Relations Yvonne Hester, and Public Information Specialist Gloria Golike
- ✦ Consultants – State Advocates Ed Manning and Carolyn Jensen, KP Public Affairs; and Federal Advocates Letitia White, Jean Denton, Shavenor Winters, and Drew Tatum, Innovative Federal Strategies LLC joined by teleconference
- ✦ Others – Seven guests were in the audience and four were online

#### 1. **Approve Agenda**

The agenda was agreed upon as presented.

#### 2. **Approve Meeting Summary from the Legal, Legislative, and Public Information Committee Meeting of June 19, 2018**

The meeting summary was agreed upon as presented.

#### 3. **Update by State Advocate of Issues at the State Level**

Ms. Jensen reported briefly on the legislative calendar, stating that they are currently on summer recess.

Mr. Manning gave a brief update on AB 2649. Ms. Jensen provided an update on the following bills: SB 623, its Trailer Bill, and SB 998. She also mentioned that the Senate Natural Resources and Water Committee held an informational hearing on the State Water Project Contract Amendment/Extension.

Discussion ensued by the Committee.

#### 4. **Update by Federal Advocate of Issues at the Federal Level**

Ms. White stated that the Energy and Water bill passed in a form of a minibus, along with two other bills.

Mr. Tatum provided an update on legislation, including the Water Resources Development Act (WRDA), the Water Infrastructure Finance and Innovation Act (WIFIA), storm water recapture, and others.

The advocates concluded with addressing questions from the Committee. Ms. White also mentioned that they would be making a visit to the Agency on August 23.

5. **Public Information Update**

Ms. Hester gave a PowerPoint presentation providing an update on the Inland Empire Annual Survey. She also highlighted a few upcoming events, including the ABC's of Water, and she reported that the 2019 Innovators High Desert Water Summit is under development, with the date set as February 8 at High Desert Church in Victorville.

6. **General Manager's Report**

Mr. McCarthy introduced the Agency's newest employee, Bryan Kawasaki, who will be taking over the role of Gloria Golike when she retires next month.

7. **Public Participation**

None.

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

None noted.

9. **Adjournment**

Chairperson Lowry adjourned the meeting at 10:18 a.m.

Submitted by: \_\_\_\_\_  
Gloria Golike  
Public Information Specialist

Attachments on-file:

Item No. 5 - Public Information Report – PowerPoint  
Sign-in sheet



**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**

- August 31<sup>st</sup>: Final Day of 2018 Legislative Session

### **2. Legislative Update**

- AB 2649 (Arambula) Beneficial Use: Groundwater Recharge
  - Status: Senate Appropriations Committee
- SB 623 (Monning) Safe Drinking Water Fund and Tax on Drinking Water
  - Status: Assembly Rules Committee
- Administration Proposes Another Safe Drinking Water Funding Budget Trailer Bill
  - Status: Pending
- SB 998 (Dodd) Water Shut Offs: Urban and Community Water Systems
  - Status: Assembly Appropriations Committee
- Joint Legislative Budget Committee - Informational Hearing: SWP Contract Amendment/Extension
  - Status: Postponed

08/15/2018



MEMORANDUM

**To: Legal, Legislative, and Public Information Committee**  
**From: Letitia White, Jean Denton, Shavenor Winters, Drew Tatum**  
**Date: July 30, 2018**  
**Re: July Monthly Legislative Update**

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***Appropriations Move Forward***

The House has now passed six of its 12 fiscal year 2019 appropriations bills, with a 217-199 vote July 19 on a two-bill minibuss package (H.R. 6147) that included the Financial Services and Interior-Environment measures. Fifteen Republicans joined all Democrats present in opposing the package. The measure would provide \$35.3 billion for Interior-Environment and \$23.4 billion for Financial Services. The bill included provisions that would roll back Obama-era climate policies, including a repeal of the “waters of the United States” regulation, which led Democrats to uniformly oppose the spending bill.

The White House offered a mixed review in a Statement of Administration Policy, stopping short of threatening to veto the legislation. The White House criticizing the fact that the measure did not meet all the goals of the President’s Budget by failing to eliminate funds for the National Endowment for the Arts, National Endowment for the Humanities and the Woodrow Wilson International Center for Scholars. The administration praised some measures in the bill, including a \$585 million savings account in the Financial Services bill, which is a means of avoiding spending all the funds allocated to the bill.

The Senate began considering the House-passed package during the week of July 23, removing the House-passed language, and insert its own Financial Services, Interior-Environment, Agriculture-FDA and Transportation-HUD funding bills to create a four-bill minibuss. Consideration is expected to be completed during the week of July 30<sup>th</sup>.

Once the Senate completes consideration of the legislation, the House and Senate will have each passed the following five FY19 appropriations bills: Energy and Water Development; Military Construction and Veterans Affairs; Legislative Branch; Interior; and Financial Services and General Government. As you will recall, the House and Senate are currently working to conference the first three of those appropriations bills that passed both chambers as a minibuss appropriations package. A table of the priority programs from the Energy and Water Development Appropriations bill is included below. The House and Senate Appropriations Committees have now agreed to the topline 302(b) subcommittee allocations for that minibuss

package, and committee staff are planning to work through the August recess to finalize the conference report so it can be brought to the floor of the House and Senate in September. Priority programs within the FY19 Energy and Water Appropriations bill:

Program	FY18 Enacted	FY19 PB Request	FY19 House Recommendation	FY19 Senate Recommendation
<b>WaterSMART Program:</b>				
WaterSMART Grants	\$34 million	\$10 million	\$34 million	\$34 million
Cooperative Watershed Management	\$2.25 million	\$0.25 million	\$2.25 million	\$2.25 million
Water Conservation Field Services Program	\$4.179 million	\$1.75 million	\$4.179 million	\$4.179 million
Basin Studies	\$5.2 million	\$2.0 million	\$5.2 million	\$5.2 million
Title XVI - Water Recycle and Reuse Program	\$54.406 million	\$3.0 million	\$65 million **	\$54.406 million **
Resilient Infrastructure				
Drought Response		\$2.901		
**\$20 million is for water recycling and reuse projects authorized in the WIIN Act.				

While the House has passed the Defense Appropriations bill and the Senate is expected to pass the four-bill minibus that includes Agriculture and Transportation-HUD, the alternate chamber has not yet passed those measures, meaning Congress will not officially be able to begin conference negotiations. However, the House and Senate have already begun conversations on how to fund the government beyond September 30, 2018 when the current fiscal year ends.

Both the House and Senate Appropriations Committees have advanced all twelve FY19 appropriations bills out of their respective Committees. A table with the status of the 12 annual spending bills is included below:

Spending Bill	Approved by the House Appropriations Committee	Approved by Senate Appropriations Committee	Passed Full House	Passed Full Senate	Became Law
Agriculture	5/16	5/24	n/a	n/a	n/a
CJS	5/17	6/14	n/a	n/a	n/a
Defense	6/13	6/28	6/28	n/a	n/a
Energy and Water	5/16	5/24	6/8	6/25	n/a
Financial Services	6/13	6/21	7/19	n/a	n/a

Homeland Security	7/25	6/21	n/a	n/a	n/a
Interior	6/6	6/14	7/19	n/a	n/a
Labor/HHS	7/11	6/28	n/a	n/a	n/a
Legislative Branch	5/8	6/14	6/8	6/25	n/a
MilCon/VA	5/8	6/8	6/7	6/25	n/a
State-Foreign Ops	6/20	6/21	n/a	n/a	n/a
Transportation-HUD	5/23	6/7	n/a	n/a	n/a

### ***Senate to Revise Scope of Water Authorization Bill Before Floor Vote***

Senate Environment and Public Works Committee Chairman John Barrasso (R-WY) acknowledged that the America's Water Infrastructure Act of 2018 (S. 2800), as written cannot move forward after an analysis from the Congressional Budget Office (CBO) found it would boost the deficit by more than \$3 billion over the next decade. This legislation was previously referred to as the Water Resources Development Act. Sen. Barrasso said the scope of the bill, S. 2800, would be reined in before it heads to the Senate floor, which he is hopeful could happen when the Senate returns from its one-week August recess.

The bill won approval from the Environment and Public Works Committee on Tuesday, May 22, but the recent CBO score has forced committee leaders to reexamine authorization levels.

The main source of this deficit spending in the current bill is a section that would dramatically expand a program at the Environmental Protection Agency that subsidizes loans for large water infrastructure projects under the Water Infrastructure Finance and Innovation Act (WIFIA). The provision would establish an innovative financing for state loan funds program authorized at \$100 million in FY19 and FY20 and expresses the "sense of Congress" that the program should be authorized at \$5 billion in future fiscal years. Sen. Barrasso has stated that this section would be targeted to get the budget score for the water resources legislation down to a reasonable level.

If the Committee reduces the authorization level for the innovative financing for state loan funds program, it would not impact the authorization levels for the existing state loan revolving funds. The Senate has not yet scheduled a time to bring the bill up on the floor. The House's version of the water resource bill, H.R. 8, is much more narrow in scope than the Senate's. It cleared the House on Wednesday, June 6 on a 408-2 vote.

### ***House to Consider Water Infrastructure Transfers***

The House passed H.R. 3281, Water Infrastructure Transfers during on Wednesday, July 18. Under the legislation, the Bureau of Reclamation could transfer ownership of its water facilities to nonfederal entities. The Bureau of Reclamation owns 492 dams and 1,901 facilities, according to the House Natural Resources Committee. Under current law, it can contract out operation and maintenance to nonfederal entities such as water districts but cannot transfer ownership without an act of Congress.

The bill, now headed to the Senate, would authorize the Bureau to transfer ownership to other entities administratively and provide Congress a window to disapprove of the transfer. Congress has authorized 30 transfers over the past two decades. According to the Congressional Budget Office, an additional 15 nonfederal entities are currently pursuing transfers.

“Transferring these low hanging fruit facilities is often a win-win allowing water districts to leverage nonfederal financing through ownership equity while also decreasing federal liability,” said the bill’s sponsor, Rep. Doug Lamborn (R-CO), in a news release.

If enacted into law, facilities could be transferred to state agencies, water associations, tribes or tribal utilities, and other entities that hold a contract with the facility and could continue managing it in accordance with reclamation law. If the entity operating a facility is eligible, it would have the right of first refusal to take ownership. Facilities that generate hydropower for the power marketing administrations could not be transferred.

According to the House Natural Resources Committee, the bill would reduce the federal backlog of infrastructure repairs and upgrades by allowing local entities to finance projects themselves instead of waiting for federal appropriations.

The Interior Department would have to establish facility eligibility criteria within one year of the bill’s enactment.

The nonfederal entity would have to agree to accept the property, maintain its current use, and pay the federal government the equivalent of the present value of any repayment obligation or other income stream. The transfer couldn’t increase power rates or repayment obligations. The Interior Department would have to notify Congress 90 days before making a transfer and could only make the transfer if Congress didn’t pass a joint resolution to disapprove it. The Interior Department would have to include a description of actions taken to implement the bill and a list of transfers as part of its annual budget request.

Federal interests in facilities’ water rights would have to be conveyed via written agreements. Agreement negotiations would have to involve water or power customers that would be affected by the transfer.

Once transferred, the federal government would only be liable for damages resulting from acts of negligence it committed prior to the transfer. Conveyed properties would no longer receive benefits, including project power, that are available to other Bureau of Reclamation projects. The legislation mirrors a proposal the Interior Department provided to Congress, according to a news release from the House Natural Resources Committee. President Donald Trump’s infrastructure plan also included a title transfer proposal.

### ***Court Pick Likely to Receive Late August / Early September Hearing***

With President's Trump's announcement of a Supreme Court Justice nominee on Monday, July 9, attention remains focused on the confirmation process in the Senate. Senate Majority Whip John Cornyn (R-TX) said he hopes President Trump's nominee will get a hearing before the Senate Judiciary Committee in late August or early September.

With the Senate cancelling much of its traditional August state work period, the Senate will likely be in session for much of the month, meaning it could be in session at the end of the month for confirmation hearings. Much of the timing will be impacted by how quickly a nominee returns paperwork to the committee after his or her nomination.

The White House has confirmed that former Senator John Kyle (R-AZ) will serve as the Sherpa for President Trump's nominee to the Supreme Court. He represented Arizona in the Senate from 1995 to 2013, serving on the Judiciary Committee during confirmations of four of the last five justices to serve on the court.

Supreme Court nominee Brett Kavanaugh has returned a questionnaire to the Senate Judiciary Committee, bringing him closer to a scheduled confirmation hearing.

Mr. Kavanaugh returned a more than 100-page questionnaire dealing with his professional background, legal career and published writings to the Judiciary Committee. The accompanying appendices include hundreds of pages of speeches, writings and public statements that Mr. Kavanaugh has given over decades.

The judicial pick responded in the negative when asked on the forms if anyone in the President's office, the Justice Department, presidential campaign team or transition or Senate staff discussed with him "any currently pending or specific case, legal issue, or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question."

Sen. Cory Booker (D-N.J.), a member of the Judiciary Committee, joined several other Senate Democrats who have been calling for Mr. Kavanaugh to recuse himself in cases relating to special counsel Robert Mueller's investigation. In the questionnaire and accompanying appendix, Mr. Kavanaugh also identified times when he has recused himself.

### ***Trump Administration Seeks to Adjust Endangered Species Act***

The Trump administration announced major changes it wants to make to parts of the Endangered Species Act (ESA). The Endangered Species Act was passed by Congress in 1973 and has been credited with saving the American alligator, which had been hunted to near extinction for the use

of its skin in purses and other goods; the gray whale, depleted by commercial fishing in parts of the Pacific Ocean; and the bald eagle, which is flourishing again after nearly disappearing from much of the United States.

The administration intends to loosen regulations while providing the best conservation results. Among the proposed changes announced by the US Fish and Wildlife Service and National Oceanic Atmospheric Administration Fisheries would allow officials to consider potential economic impact when enforcing the ESA. An additional provision would also redefine several parts of the law that protect polar bears and other endangered species in the U.S.

The proposal was announced by both the Interior and Commerce departments- both departments are tasked with protecting endangered wildlife. If the proposal is finalized, possibly late this year, species that remain on the endangered list would still see their habitats protected, but it would become more difficult to list a new species for protection and easier to remove those now on the list.

At the same time, the Congressional Western Caucus, a group of House lawmakers has also been coordinating a strategy in support of these ESA changes. Chairman of the Natural Resources Committee, Rep. Rob Bishop (R-UT), has been supportive of five bills that would force the federal government to consider the economic impact of saving a species rather than making a decision based solely on science. Legislation that is passed by Congress and signed into law by the president is less easily undone than regulatory changes.

Environmentalists warn the suggested changes to the 45-year-old law could harm species that need protection.

### ***U.S. Citizenship and Immigration***

Immigration continues to be a focal point in both congress and the Administration.

A bipartisan provision to give undocumented immigrants brought to the U.S. as children a one-year reprieve was included in a House Homeland Security spending measure that also would fund President Donald Trump's border barrier in a move that could become Congress's substitute for a broader immigration compromise.

The House Appropriations Committee approved an amendment by Rep. Pete Aguilar (D-CA) to their FY19 Homeland Security spending bill that would bar Immigrations and Customs Enforcement from detaining or deporting undocumented immigrants under the Deferred Action for Childhood Arrivals program who retain their eligibility for the program by maintaining a clean criminal record. The provision would protect the so-called Dreamers from the threat of deportation for the fiscal year from through Sept. 30, 2019. The House bill also includes \$5 billion to fund the border wall requested by the President.

It's also a roadmap for the larger compromise between DACA supporters, who have sought permanent protections for immigrants, and Trump, who wants \$25 billion overall to pay for an extensive border wall with Mexico.

The protections for the young immigrants still must be agreed to by the full House and the Senate. The Senate's Homeland Security spending bill does not include a provision protecting those in the DACA program and only includes \$1.6 billion for a border wall and fencing. Lawmakers have previously said a final deal on contentious bills, including Homeland Security spending, may have to wait until after the midterm elections in November.

The Trump administration has taken a series of actions in recent weeks that could lead to reevaluating cases of legal immigration.

The director of the U.S. Citizenship and Immigration Services (USCIS) — an office established in 2003 to process immigrant applications for visas, work permits, green cards and citizenship is hiring dozens of lawyers and immigration officers to review cases of immigrants who are suspected of having lied to officials during the naturalization process. The office shared a memo earlier this month announcing its plan to start issuing notices to appear for a wider range of cases. USCIS says the policy changes are an effort to ensure the nation's immigration laws are faithfully executed to keep communities safe and secure.

The change is the byproduct of an investigation completed in 2016 by the Department of Homeland Security Office of Inspector General after Immigration and Customs Enforcement (ICE) discovered in 2011 that it was missing fingerprint records of immigrants who were fugitives or convicted criminals, as well as those who had deportation orders.

While the Administration continues to reunite detained families, growing concern around these families being immediately deported caused a federal judge on Monday, July 9 to order the US government to temporarily pause deportations of these families to allow attorneys time to debate whether the judge should permanently extend that order.

San Diego-based US District Court Judge Dana Sabraw addressed the issue at the top of a status hearing in a continuing family separations case filed by the American Civil Liberties Union. Sabraw is the federal judge who is overseeing a wide-ranging lawsuit over the US policy of separating children of undocumented immigrants from their parents.

Judge Sabraw ordered the pause to allow for a full written argument on the ACLU's request to pause deportations of parents for a week after reunification.

### ***FAA Reauthorization Remains Grounded***

Sen. John Thune (R-S.D.), Chairman of the Senate Commerce, Science and Transportation Committee, began checking with all of his fellow Republicans, through a process known as the hotline, for potential objections to a package of amendments to the Federal Aviation Administration bill (S. 1405) and had hoped Democrats would do the same.

Democrats' fear the Senate aviation bill could be used to make tax changes kept them from polling their members on a package of possible amendments, which has likely temporarily pushed back consideration of the legislation until at least mid-August. Democrats are seeking assurances on procedural changes to ensure Republicans will not use the tax sections to patch parts of the 2017 tax overhaul legislation.

Sen. Bill Nelson (D-FL), Ranking Member of the Senate Commerce, Science and Transportation Committee, said the tax title submitted as an amendment "looks clean," meaning it had no non-aviation provisions, but he said he was working with Minority Leader Chuck Schumer's (D-NY) office to decide how to proceed.

The clean tax title was included in the manager's package grouping of 46 amendments. Democrats want the tax title instead to be in the text of the underlying bill brought to the floor that the amendments would change. Sen. Thune handled controversial language on pilot flight hours in this manner and, the last time the FAA bill went to the floor, the tax title was in the substitute text.

The concern over taxes means the process to hotline and whittle down the number of potential amendments will take longer than Thune originally projected.

Members will submit new amendments and re-submit amendments that didn't make it into the initial grouping proposed to move with the bill.

The goal would be to reduce the number of amendments that need individual votes to fewer than a dozen, said Thune. That process will take up at least next week, meaning the soonest the bill could find floor time would be the week of August 13, when the Senate returns from its truncated August recess.

### ***Government Reshuffle***

The Trump administration released a proposal in late June for a massive reorganization of the federal government that could make it easier to make cuts to key social safety net programs. However, the plan could be a tough sell in Congress.

Details on the proposed reorganization were put released by the U.S. Office of Budget and Management (OMB), which produces the president's budget and monitors agencies to ensure compliance with the president's policies. The proposal pitches sweeping changes for agencies ranging from the U.S. Postal Service to NASA. As expected, it would move the Supplemental Nutrition Assistance Program (SNAP) and the Special Supplemental Nutrition



Program for Women, Infants, and Children from the U.S. Department of Agriculture (USDA) to the U.S. Department of Health and Human Services (HHS).

Senate Democrats during a hearing focused on the reorganization plan, accused an Office of Management and Budget official of withholding data from Congress that justifies the sweeping Trump administration proposal to overhaul the federal government, including merging some departments and shifting some programs for different agencies.

The consolidations would affect multiple offices at both departments. The proposed overhaul includes moving the National Marine Fisheries Service from the Commerce Department, where it currently sits, back to Interior. It would then merge with the U.S. Fish and Wildlife Service. Oversight and enforcement of the Endangered Species Act or the Marine Mammal Protection Act. The proposal also consolidates the U.S. Army Corps of Engineers civil works programs into the Transportation Department.

Both the House and Senate included in their fiscal 2019 appropriations bills provisions to block unilateral efforts to reshape the Office of Personnel Management, General Services Administration and other agencies covered in the general government spending measure. Bicameral pushback aside, with the gridlock in U.S. Congress it would be difficult to pass the sheer volume of bills required to implement the full range of reorganizations in the OMB proposal.

### ***Stormwater Task Force***

The Environmental Protection Agency (EPA) would have to establish a task force on stormwater infrastructure funding under H.R. 3906.

Stormwater runoff can be a major source of water pollution, especially in cities with a lot of impermeable surfaces and drainage systems connected to their sewers. Many cities and towns are spending large amounts of money to comply with court orders that force them to upgrade their water infrastructure.

The task force would include federal, state, and local government officials, and representatives from private and nonprofit entities.

It would identify existing public and private sources of funding for stormwater infrastructure. Within 18 months of the bill's enactment, the EPA would have to provide Congress with a report from the task force on:

- Existing federal, state, local, and private sources of funding for stormwater infrastructure.
- How states have used stormwater funding for water treatment works.

- How sources of funding affect the affordability of infrastructure for municipalities, which would be evaluated by considering current sewer rates, stormwater fees, other revenue, and additional factors identified by the EPA in 2012 guidelines.
- Whether existing funding can support municipalities' capital expenditures and long-term operation and maintenance costs.

### ***Infrastructure Plan Released***

On Monday, July 23 Chairman Bill Shuster (R-PA) of the House Transportation and Infrastructure Committee introduced a discussion draft of an infrastructure plan that would implement a fuel tax increase in the short term while planning to eliminate fuel taxes in a decade in order to shore up the Highway Trust Fund.

Under his plan, the Highway Trust Fund solvency issue will be addressed using a fuel tax increase, including a 20 cent tax increase on diesel fuel over three years and a 3-year 15 cent increase in the gasoline tax. After 2021, fuel taxes will be adjusted to inflation until 2028. On Sept. 30, 2028, those user fees will drop to zero. Alternative fuels have similar increases, including compressed natural gas.

In addition to addressing traditional road infrastructure projects, the discussion draft includes a subtitle on water resources. The legislation would reauthorize the Water Infrastructure Finance and Innovation Act (WIFIA) program. It would also allow the Army Corps of Engineers (Corps) to enter into an agreement with the Environmental Protection Agency (EPA) to service loans for the Corps WIFIA program. Additionally, this section would ease administrative burdens on State Infrastructure Financing Authorities when applying for WIFIA loans and makes other improvements to the program.

Given the reality of the House's short timetable for remaining days in session prior to the lame duck session, the legislation is unlikely to gain much traction. As Chairman Shuster's term as chairman sunsets this plan serves as suggested list of guidelines and ideas for the next incoming chairman to craft what could be the next infrastructure package. Often outgoing chairman leave legislation as a 'pass down' guide.

### ***Outlook for the Coming Month***

The House is scheduled to be in recess for the month of August for the traditional district work period.

The Senate is scheduled to be in session the week of July 30 to finish consideration of the four-bill minibuss appropriations package consisting of the following FY19 appropriations bills: Interior; Financial Services and General Government; Transportation, Housing and Urban Development; and Agriculture. The Senate is also expected to pass the FY19 National Defense

Authorization Act Conference Report and pass a reauthorization bill for the National Flood Insurance Program before taking a week-long recess.

As the Senate's traditional August recess has been truncated to one week, the Senate is scheduled to return on Monday, August 13. While no schedule has been announced for the remainder of August, the following items could be considered during the month:

- FY19 Appropriations bills (including Defense and Labor, Health, and Human Services);
- The Water Resources Development Act (now known as the America's Water Infrastructure Act of 2018);
- Federal Aviation Administration Reauthorization; and
- Possible Committee hearings on the nomination of Brett Kavanaugh to serve as an Associate Justice of the United States Supreme Court.

### ***Federal Legislation of Significance***

<b>Bill Number</b>	<b>Sponsor</b>	<b>Title and/or Summary</b>	<b>Summary/Status</b>
H.R. 8	Rep. Bill Shuster(R-PA)	Water Resources Development Act	<p>The bill authorizes proposed U.S. Army Corps of Engineers civil works activities and provides reforms to the Corps . WARDAs authorizes locally driven, but nationally vital, investments in the Nation's water resources infrastructure. It strengthens economic growth and competitiveness, helps move goods throughout the country and abroad, and protects our communities.</p> <p>The legislation passed the House on by a vote of 408 to 2.</p>
H.R.5895	Rep. Mike Simpson (R-ID)	Fiscal 2019 Energy and Water Development, Legislative Branch, and MilCon-VA Appropriations Minibus	<p>Provides FY2019 appropriations for U.S. Army Corps of Engineers civil works projects, the Department of the Interior's Bureau of Reclamation, the Department of Energy (DOE), and independent agencies such as the Nuclear Regulatory Commission. The legislative branch section, would provide additional funds for the Office of Compliance for training and higher caseloads. The office handles workplace protection complaints for the legislative branch. It also would block the automatic cost-of-living increase for members of Congress. The legislation would also appropriate funding for military construction and the Department of Veteran's Affairs.</p> <p>The legislation was passed through both the House and the Senate and both chambers are conferencing together in order to reconcile discrepancies between each chambers version.</p>
H.R. 6147	Rep. Ken Calvert(R-CA)	Fiscal 2019 Interior-Environment, Financial Services Appropriations "Minibus"	<p>The legislation includes funding for the Department of the Interior, the Environmental Protection Agency (EPA), the Forest Service, the Indian Health Service, and various independent and related agencies. These funds are targeted to important investments in the nation's natural resources, including \$3.4 billion for the Department of the Interior and U.S. Forest Service to prevent and combat devastating wildfires.</p> <p>The legislation also contains several policy provisions to rein in unnecessary regulations at the EPA and other agencies. The Financial Services bill would provide funding for the United States Department of the Treasury, as well as the United States federal courts, the Executive Office of the President of the United States,</p> <p>The legislation was passed in the House with a vote of 217 – 199 and is now being considered in the Senate.</p>

S.2800	Sen. John Barrasso (R-WY)	America's Water Infrastructure Act of 2018	<p>The bill provides for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States. This is the Senate counterpart to the House's Water Resources Development Act.</p> <p>The legislation was marked and reported favorably out of committee on Tuesday, May 22, 2018</p>
H.R. 5609	Rep. Keith Ellison (D-MN)	Water Affordability, Transparency, Equity, and Reliability Act of 2018	<p>The legislation would establish a trust fund to provide for adequate funding for water and sewer infrastructure, and for other purposes.</p>
H.R. 5003	Rep. Randy Hultgren (R-IL)	To amend the Internal Revenue Code of 1986 to reinstate advance refunding bonds	<p>The bill was referred to the Subcommittee on Commodity Exchanges, Energy, and Credit on Tuesday, June 22, 2018 and no further action has been taken.</p>
H.R.4902	Rep. John Katko (R-NY)	Securing Required Funding for Water Infrastructure Now Act	<p>The legislation was referred to the House Committee on Ways and Means on Tuesday, February 23, 2018 and no further action has been taken.</p>
			<p>The legislation would amend the Water Infrastructure Finance and Innovation Act of 2014 to provide to State infrastructure financing authorities additional opportunities to receive loans under that Act to support drinking water and clean water State revolving funds to deliver water infrastructure to communities across the United States.</p>
			<p>The bill was introduced on Tuesday, January 30, 2018 and referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Energy and Commerce.</p>
S. 2364	Sen. John Boozman	Securing Required Funding for Water Infrastructure Now Act	<p>The intention of the bill is to amend the Water Infrastructure Finance and Innovation Act of 2014 to provide to State infrastructure financing authorities additional opportunities to receive loans under that Act to support drinking water and clean water State revolving funds to deliver water infrastructure to communities across the United States, and for other purposes.</p> <p>The legislation was introduced on Tuesday, January 30, 2018 and referred to the Committee on Environment and Public Works.</p>
S.2329	Sen. John Hoeven (R-ND)	Water Infrastructure Finance and Innovation Reauthorization Act of 2018	<p>This measure is designed to spur investments in water project development across the nation by supplementing federal funding of water infrastructure projects — including wastewater treatment, flood control and storm water management — with long-term, low-cost loans and loan guarantees, reauthorize and amend the Water Infrastructure</p>

			<p>Finance and Innovation Act of 2014, and double the Environmental Protection Agency's fiscal year 19 WIFIA authorization to \$90 million and extend the program for five years, through 2024.</p> <p>The legislation was introduced Tuesday, January 23, 2018 was referred to the Committee on Environment and Public Works</p>
H.R.4492	Rep. Brian Mast (R-FL)	Water Infrastructure Finance and Innovation Reauthorization Act of 2017	<p>H.R. 4492 is a companion bill to S.2329 and would spur investments in water project development across the nation by supplementing federal funding of water infrastructure projects.</p> <p>This bill was introduced Thursday, November 30, 2017 and was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Energy and Commerce.</p> <p>The legislation would assist water agencies with the expansion, planning, designing, and building of water recycling plants and modernizing water infrastructure by making changes to the WIIN Act Title XVI water recycling and reuse program by removing the requirement of funding projects that are in drought or disaster areas, increasing the authorization from \$50 million to \$500 million, making the program permanent rather than sun-setting in 2021, and taking away the requirement that the projects need to be designated in an appropriations legislation.</p> <p>The bill was introduced on Tuesday, February 27, 2018 and referred to the Committee on Natural Resources, and in addition to the Committee on Transportation and Infrastructure.</p>
H.R. 5127	Rep. Grace Napolitano (D-CA)	Water Recycling Investment and Improvement Act	<p>This bill provides for the reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2018. Tax rates would be reduced, dozens of breaks would be eliminated, and the individual mandate from the Affordable Care Act would be eliminated. The corporate income tax rate would be set at 20 percent. Related to H.R. 1.</p>
S.1	Sen. Mike Enzi	Tax Cuts and Jobs Act	<p>S.1 was introduced by the Senate Budget Committee on Tuesday, November 28, 2017. It was placed on the Senate Legislative Calendar under General Orders.</p> <p>A bill that would require all U.S. employers to use the E-Verify electronic employment verification system. The requirement would be phased over a two-year period, starting with the largest employers. The agriculture industry would have an additional six months (or 30 months total) to come into compliance.</p>
H.R. 3711	Reps. Lamar Smith (R-TX)/Ken Calvert (R-CA) /Bob	Legal Workforce Act	

	Goodlatte (R-VA)		<p>H.R. 3711 was referred to the Committee on the Judiciary, and in addition to the Committees on Ways and Means, and Education and the Workforce on Friday, September 8<sup>th</sup>. On Wednesday, September 27<sup>th</sup>, H.R.3711 was referred to Judiciary Subcommittee on Immigration and Border Security. Judiciary Committee Consideration and Mark-up Session was held on Wednesday, October 25<sup>th</sup>. H.R. 3711 was ordered and reported (amended) by the yeas and nays: 20-10 on October 25, 2017.</p>
H.R. 23	Rep. David Valadao (R-CA)	Gaining Responsibility on Water Act of 2017	<p>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.</p> <p>By a vote of 230-190, the House passed H.R. 23, as amended, on July 12, 2017. H.R. 23 was received in Senate, read twice and referred to the Committee on Energy and Natural Resources on July 18, 2017.</p>
H.R. 4	Rep. Bill Shuster (R-PA)	FAA Reauthorization Act of 2018	<p>Among other issues this legislation would reauthorize the Federal Aviation Administration for five years. Among other things the FAA reauthorization funds aviation programs, Airport Planning and Development and Noise Compatibility Planning and Programs and authorizes FAA's Airport Improvement Program (AIP) account at \$3.350 billion annually for each of fiscal years 2018-2023.</p> <p>By a voted of 393 – 13, the House passed H.R.4, the Senate has yet to take up the House version of the bill.</p>
H.R. 1663	Rep. Grace Napolitano (D-CA) / Rep. Rob Wittman (R-VA)	Water Resources Research Amendments Act	<p>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.</p> <p>The bill has been introduced in the House Committee on Natural Resources and referred to the Subcommittee on Water, Power and Oceans on March 27, 2017.</p>

H.R. 497/ S.357	Rep. Paul Cook (R-CA)/ Sen. Dianne Feinstein (D-CA)	Santa Ana River Wash Plan Land Exchange Act	<p>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.</p> <p>On April 27<sup>th</sup> H.R. 497 passed through the House Natural Resources Committee by unanimous consent, and was scheduled for the House Floor Consideration on June 2<sup>nd</sup>.</p> <p>This bill was passed by the House on June 27<sup>th</sup> by a vote of 424-0. The bill was referred to the Senate Committee on Energy and Natural Resources on June 28<sup>th</sup> and no further action has been taken.</p> <p>The Senate Environment and Public Works Committee held a hearing on S. 357 on July 26, 2017.</p> <p>On May 15, 2018 the Senate Committee on Energy and Natural Resources ordered H.R. 497 to be reported without amendment favorably.</p>
S. 32	Sen. Dianne Feinstein (D-CA)	California Desert Protection and Recreation Act	<p>This bill would designate important wilderness in the California desert and protect lands for recreation, wildlife and tourism. Aspects of the bill include:</p> <ul style="list-style-type: none"> <li>• Mandate study and protection of Native American cultural trails along the Colorado River.</li> <li>• Designate 230,000 acres of additional wilderness area between the Avawatz Mountains near Death Valley to Imperial County's Milpitas Wash.</li> <li>• Add 43,000 acres to Death Valley and Joshua Tree national parks.</li> <li>• Create a 75,000-plus acre special management area at Imperial County's Vinagre Wash.</li> <li>• Designate Inyo County's Alabama Hills as a National Scenic Area.</li> <li>• Prohibit new mining claims on 10,000 acres in Imperial County considered sacred by the Quechan Tribe.</li> </ul> <p>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.</p>



			<p>The Senate Environment and Public Works Committee held a hearing on S.32 on July 26, 2017.</p> <p>H.R. 857, California Off-Road Recreation and Conservation Act, is a similar bill and largely aims to address similar issues.</p>
H.R. 2510	Rep. Peter DeFazio (D-OR)	Water Quality Protection and Job Creation Act of 2017	<p>This bill would amend the Federal Water Pollution Control Act to authorize appropriations for State water pollution control revolving funds.</p> <p>This bill has been introduced to the House Transportation and Infrastructure subcommittee on Water resources and Environment on May 19, 2017.</p>
H.R. 1654	Rep. Tom McClintock (R-CA)	Water Supply Permitting Coordination Act	<p>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.</p> <p>The House Natural Resources Committee approved the bill by a vote of 24-16 on April 27. The House Rules Committee on June 20<sup>th</sup> dictated final amendments for passage on the House Floor; this bill passed the House on June 22 by a vote of 233-180. H.R. 1654 was referred to the Senate Committee on Energy and Natural Resources on June 26 and not further action has been taken.</p>



## Marina West

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**From:** Cindy Tuck <CindyT@acwa.com>  
**Sent:** Thursday, August 16, 2018 10:43 PM  
**To:** Cindy Tuck  
**Cc:** Wendy Ridderbusch; Melissa Sparks; Heather Engel; Tiffany Giammona  
**Subject:** Time Sensitive - Twist on Water Tax Legislation - Update- Please Read  
**Attachments:** MEMO TO CA LEG\_POLICY BILL\_8\_17\_18 Review Draft 1.docx  
  
**Importance:** High

Dear Oppose-Unless-Amended Water Tax Coalition:

There is a new twist on the proposed water tax issue. We received a Legislative Counsel version of the new language on Tuesday. We asked legal experts on Proposition 26 and water rates from ACWA's Legal Affairs Committee to review the new language. The language would mandate that the water agency (city or special district) include the specified amount on the local water bill as a "voluntary remittance" for which the retail residential or business customer can elect not to pay or pay a different amount. Our legal experts expressed concern about how difficult this measure would be to implement, but they concluded that it would not be a tax under State law. The bill is not in print as of today, but it could go into print as early as tomorrow (August 17).

ACWA continues to remain at an 'Oppose-Unless-Amended' position because of the reasons stated on the attached draft legislative alert. The State could implement a voluntary contribution check off on the California Form 540 easily – but this twist on the water tax would be very challenging, costly and inefficient for over 3000 local water agencies to implement.

If the language goes into print, ACWA will quickly send the final version of the coalition letter with your entity's name listed on the letter. If the bill goes into print, we will also be in touch about making contacts to Legislators.

Thank you for being part of our coalition. If you have any concerns, please contact Melissa Sparks at (916) 441-4545 or [melissas@acwa.com](mailto:melissas@acwa.com) by **3:30 p.m. on Friday, August 17**. If you have questions regarding the legislation or strategy in this area, please contact me at [cindy@acwa.com](mailto:cindy@acwa.com).

Thank you, Cindy Tuck

**Cindy Tuck, P.E.**

Deputy Executive Director for Government Relations  
Association of California Water Agencies  
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## Bighorn-Desert View Water Agency

### Board of Directors

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

:  
Marina D West, P.G., General Manager



### Agency Office

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A Public Agency

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## Planning/Legislative/Engineering Grant & Security Committee Regular Meeting Report

Board Meeting Office  
1720 N. Cherokee Trail, Landers, CA 92285  
Tuesday, June 19, 2018 - 8:15 a.m.

**Committee Members: Vice President Corl-Lorono & Secretary Burkhart**

### Call to Order

Vice President Corl-Lorono called the meeting to order at 9:19 a.m.

### Pledge of Allegiance

Led by John Burkhart

### Roll Call

Directors: Judy Corl-Lorono  
Terry Burkhart

### Staff:

Marina West  
Seth Kish

### Approval of the Agenda

Vice President Corl-Lorono and Secretary Burkhart approved the agenda as presented.

### Conference Call with Mojave Water Agency's Legal/Legislative and Public Information Committee

Committee to participate via teleconference for an update by the State Advocate of Issues at the State Level, as well as an update by the Federal Advocate of Issues at the Federal Level. General Manager West dialed the number at 9:30AM. The conference call starts at 9:32AM, Ed Manning and Carolyn Jensen discuss the legislative calendar as well as the legislative updates regarding the KP Public Affairs Ledge Report.

Public comment: No Public Comment

explained to the Board how long the whole process took, how the leaks are found, as well as how they were repaired.

Public Comment: No Public Comment

#### **Prop. 1 Planning Grant for Water System Integration and Interties Update**

General Manager West gave the Board an update on the Prop.1 Planning Grant and explained the main goals. The first goal was to consolidate the Bighorn-Desert View and Goat Mountain systems. The next goal would be to connect wells in the Aimes/Reche area to the water tanks at Jemez trail. General Manager West also discussed the different projects in development which include looping systems, booster station improvements at Goat Mountain, and also well improvements that bring wells up to sanitary standards. General Manager West explained to the Board that Bighorn-Desert View ranked too low for grant funding and then explained how the ranking works. General Manager West concluded by informing the Board that Bighorn-Desert View Water Agency is functioning without water quality violations, without maximum day demand supply issues, without maximum day demand storage issues, and without financial challenges. Which means that Bighorn-Desert View Water Agency isn't in a desperate situation which would elevate its score for the funding. It was also mentioned that the Division of Drinking Water said, "Bighorn-Desert View Water Agency is one of the best run smaller agencies".

Public Comment: No Public Comment

#### **Consent Items**

- a. PLEGS Committee Meeting Report, April 19, 2018
- b. Receive and file letter outlining "Oppose-Unless-Amended to Statewide Water Tax: Budget Trailer" sent to the State Capital representatives.

Public comment: No Public Comment

Vice President Corl-Lorono and Secretary Burkhardt approved the report.

#### **Public Participation**

John Burkhardt asked how the payment system for Well 10 is working out.

#### **Verbal Reports**

General Manager Marina West showed a video made by Mr. Seth Kish of the Water Education Festival held at LaContenta Middle School.

#### **Items for Next Agenda**

**Adjournment** – Vice President Corl-Lorono adjourned the meeting at 11:42 a.m.