



BIGHORN-DESERT VIEW WATER AGENCY

Our Mission - "To provide a high quality supply of water and reliable service to all customers at a fair and reasonable rate."

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

Committee Members: Vice President Burkhart & President Corl-Lorono

**BOARD MEETING OFFICE
1720 N. CHEROKEE TR.
LANDERS, CALIFORNIA 92285**

**February 18, 2020
Time – 9:15 A.M.**

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

Discussion and Action Items - The Committee will discuss the following items, and the Committee will consider taking action, 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. CA Water Systems Alliance Update**
- 7. Prop. 1 / Round 1 Grant Application Update**
- 8. Disadvantaged Community Involvement Grant Update (DACI) Update**

9. Consent Items – The following items are expected to be routine and non-controversial and will be acted on by the Committee at one time without discussion, unless a member of the Public or member of the Committee requests that the item be held for discussion or further action.

a. PLEGS Committee Meeting Minutes, **December 17, 2019**

Recommended Action:

Approve as presented (Item a):

10. Public Comment Period

Any person may address the Committee on any matter within the Agency’s jurisdiction on items not appearing on this agenda. When giving your public comment, please have your information prepared. If you wish to be identified for the record, then please state your name. Due to time constraints, each member of the public will be allotted three minutes to provide their public comment. State Law prohibits the Committee from discussing or taking action on items not included on the agenda.

11. Verbal Reports - Including Reports on Courses/Conferences/Meetings

1. Committee Members’ Comments/Reports
2. General Manager’s Report

12. 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 have 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.

Item #5



LEGAL, LEGISLATIVE, AND PUBLIC INFORMATION COMMITTEE MEETING

AGENDA

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

Teleconference Line 760-946-7044

**February 18, 2020
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 January 21, 2020
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

APPROVED MEETING SUMMARY January 21, 2020

CALL TO ORDER:

Chairperson Richard Hall called the meeting to order at 9:30 a.m.

ATTENDANCE:

- ✚ Committee – Chairperson Richard Hall, Director Jeanette Hayhurst, and Director Carl Coleman
- ✚ Staff – General Manager Tom McCarthy, Director of Community Outreach and Cultural Relations Yvonne Hester, Water Conservation and Forecast Manager Nicholas Schneider, Public Information Specialist Bryan Kawasaki, and Administrative Assistant Arlynn Caasi
- ✚ 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 – Five guests were in the audience and one via teleconference

1. **Approve Agenda**

The Committee agreed upon the agenda as presented.

2. **Approve Meeting Summary from the Legal, Legislative, and Public Information Committee Meeting of November 19, 2019**

The Committee agreed upon the meeting summary as presented.

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

Carolyn Jensen spoke on bill deadlines on the legislative calendar and provided an update on AB1204. Ms. Jensen also gave an overview of the 2020-2021 Proposed State Budget.

Ed Manning spoke on the California Water Resilience Program.

Questions from the Committee were addressed.

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

Leticia White provided updates on the President's budget. She stated they will get ready to advocate on programs on behalf of the Agency when they receive the budget.

Drew Tatum provided an update on PFAS and the regulations related to forever chemicals. Mr. Tatum also spoke about bill S1932. He stated it is currently being held up in the Senate and encouraged the Agency to draft a letter in support for Senator Feinstein's bill that will reauthorize provisions under WIND Act.

Questions from the Committee were addressed.

5. **Public Information Update**

Staff provided updates on education, the Innovators High Desert Water Summit, advocacy

and upcoming events.

6. General Manager's Report

None.

7. Public Participation

None

8. Comments/Discussion Items for Next or Future Agendas

None

9. Adjournment

Chairperson Hall adjourned the meeting at 10:16 a.m.

Submitted by: _____

Arlynn Caasi
Administrative Assistant

Attachments on-file:

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

DRAFT



TO: Legal, Legislative and Public Information Committee
FROM: Ed Manning and Carolyn Jensen
RE: KP Public Affairs Agenda
DATE: February 11, 2020

1. Legislative Calendar

- February 21st: Bill Introduction Deadline

2. Legislative Update

- Assembly Water Parks and Wildlife Informational Hearing: Impacts of Public Safety Power Shutoffs on Water Agencies.

3. Regulatory Update

- Voluntary Agreements Framework Released – See Attachment A
- Updated PFOA/PFOS Response Levels for Drinking Water – See Attachment B

FRAMEWORK OF VOLUNTARY AGREEMENTS

TO UPDATE AND IMPLEMENT THE BAY-DELTA WATER QUALITY CONTROL PLAN

February 4, 2020



Voluntary Agreements

- State and federal law require the State Water Board to protect beneficial uses.
- The State Water Board must complete its update to the Bay-Delta Water Quality Control Plan to protect beneficial uses in the Sacramento and San Joaquin Rivers and Bay-Delta.
- In recent years, salmon and other fish species that rely on these waterways have experienced dramatic declines and several native species are now threatened with extinction.
- Voluntary commitments of flows and habitat can help recover these fish populations more quickly and holistically than regulatory requirements, and with less negative social and economic impacts.

Refined Voluntary Agreements

- Includes the essential terms to finalize Voluntary Agreements to implement the update to the Bay-Delta Water Quality Control Plan.
- Supplements the Planning Agreement (March 2019) and the Framework Proposal (December 2018).
- Expands commitments of flows, habitat restoration and funding to build a package that the state team believes can meet scientific and legal adequacy.
- Goal is to execute enforceable VA agreement with commitments. We have made significant progress towards securing the assets required.

State Team's Process to Generate Refined VA Framework

- Water users detailed commitments from December 2018 Proposal in March 2019 Planning Agreement.
- State Team modeled flows and habitat commitments.
- Worked with water users and conservation groups to build a governance structure that will adaptively manage flows and habitat through scientific monitoring and experimentation.
- Interagency team performed a preliminary assessment of proposed Voluntary Agreements and what is needed for scientific and legal adequacy to implement the Bay Delta Plan update.

New Voluntary Agreement Framework

- Provides 800,000-900,000 acre feet of new flows for the environment above existing conditions in dry, below normal and above normal water year types, and several hundred thousand acre feet in critical and wet years to help recover fish populations.
- Restores over 60,000 acres of new habitat, from targeted improvements in tributaries to large landscape-level restoration in the Sacramento Valley.
- Generates over \$5 billion in new funding for environmental improvements.
- Enables a new, collaborative science hub for monitoring and experimentation.
- Expands tools to recover fish populations; more adaptiveness to respond to changing conditions.
- Expedites implementation; gets water and habitat added quickly.

Baseline for Improvements

- The baseline to which VA flows are to be added is recent long-term average annual tributary flows and Delta outflows, including flows required by Water Rights Decision 1641 (D-1641) and the 2008/09 Biological Opinion (BiOp) as well as other flows that are recent historical conditions. For purposes of implementation, this total volume of water may be flexibly re-shaped in timing and seasonality in order to test biological hypotheses while reasonably protecting beneficial uses. Such shaping will be subject to VAs' governance program.
- The baseline for habitat restoration measures is physical conditions and regulatory requirements existing as of December 2018, when the State Water Board adopted Resolution 2018-0059.

Key Water Quality Objectives

- Advances a goal to achieve doubling of CA salmon populations by 2050. This puts a target date on what is known as the Doubling Objective for Salmon.
- Implements an objective that provides for viability of native fish populations.

Increased Flows above Baseline

| (TAF) | C | D | BN | AN | W |
|--|---------------------|-----------------------|-----------------------|-----------------------|----------------------|
| San Joaquin Basin | 63 | 215 | 249 | 182 | 50 |
| Sacramento Basin | 37 | 276 | 256 | 281 | 45 |
| Water Purchase Programs | 125 | 109 | 195 | 237 | 205 |
| Exporters | 0 | 100 | 0 | 0 | 0 |
| Subtotal New Outflow Above Baseline (Year 1) | 225 | 700 | 700 | 700 | 300 |
| New Water Projects & Programs (Before Year 8) | 45 | 202 | 212 | 115 | 45 |
| Total New Outflow Above Baseline (Year 1-8) | 270 | 902 | 912 | 815 | 345 |
| Exporters (Spring baseline maintenance) | 0 | 200 | 300 | 300 | 0 |
| Total New and Re-operated Outflows | 270 | 1,102 | 1,212 | 1,115 | 345 |
| State Team's Adequacy Target | 260- 350 | 740- 1,000 | 840- 1,100 | 840- 1,200 | 300*- 350 |

*Only applies to a subset of wet years

Habitat Improvements Above Baseline

| Area | Acres pursuant to Planning Agreement | Additional Acres per Framework to support > 50% of Doubling Objective |
|----------------------------------|--|---|
| San Joaquin Basin | 35 (instream), 80 (floodplain) | 246 (floodplain) |
| Sacramento Basin | 307 (spawning habitat) | 200 (tributary floodplain habitat) |
| | 487.5 (instream habitat) | 8,000 (floodplain habitat: lower Sutter Bypass) |
| | Up to 5,360 (floodplain habitat, middle Sutter Bypass and tributary habitat) | 58,600 (floodplain habitat: Sutter Bypass, Butte Sink, Colusa Basin) |
| | | 110,000 (food production from flooding rice fields) |
| North Delta Arc and Suisun Marsh | 5,455 | 5,000* |

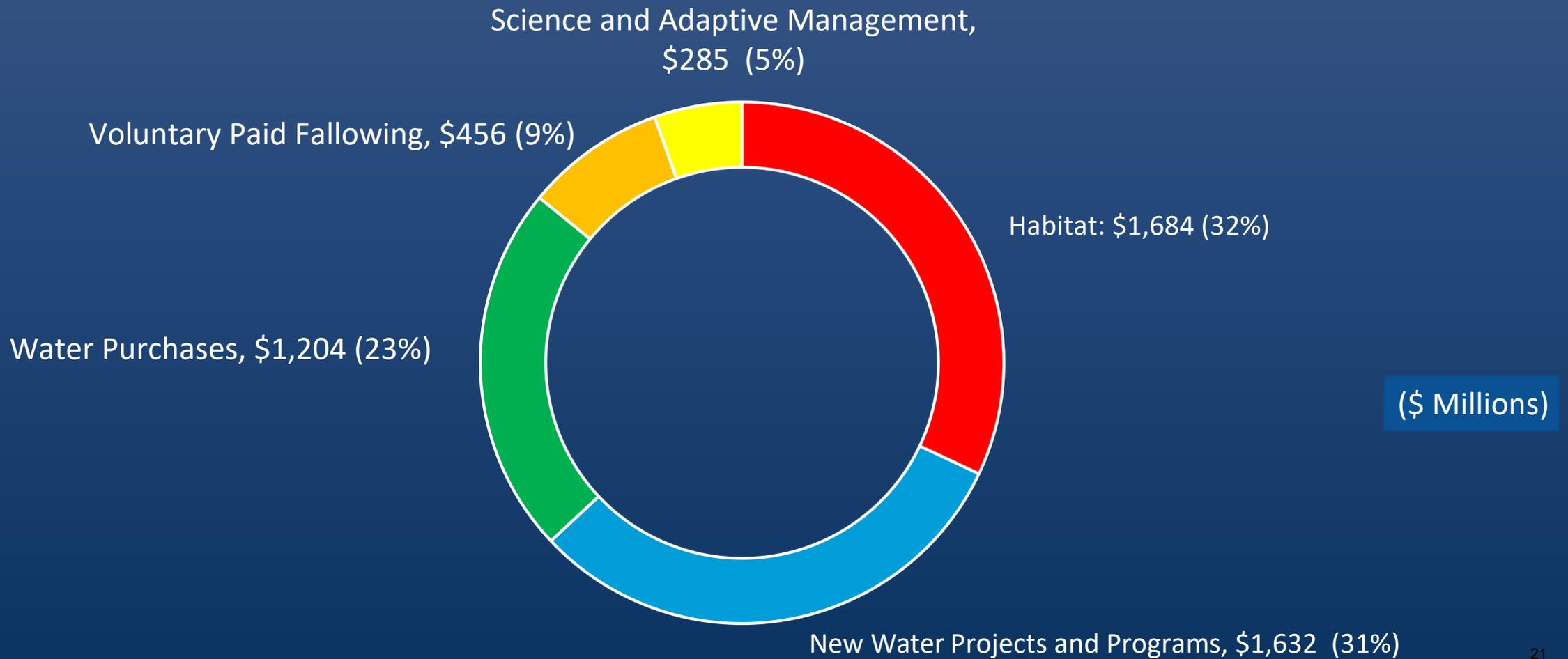
*Contingent on securing additional funding^{9g}

Governance, Science and Adaptive Management

- Governance program to strategically deploy flows and habitat, implement a science program, and develop strategic plans and annual reports.
 - Dedicated staff
 - Environmental water trustee
- Comprehensive science program guided by structured decision-making processes to determine and/or to adjust flow and non-flow measures.
- This program will implement specific experiments to test specific outcomes, learn from the experiments, and facilitate a collaborative and transparent process.

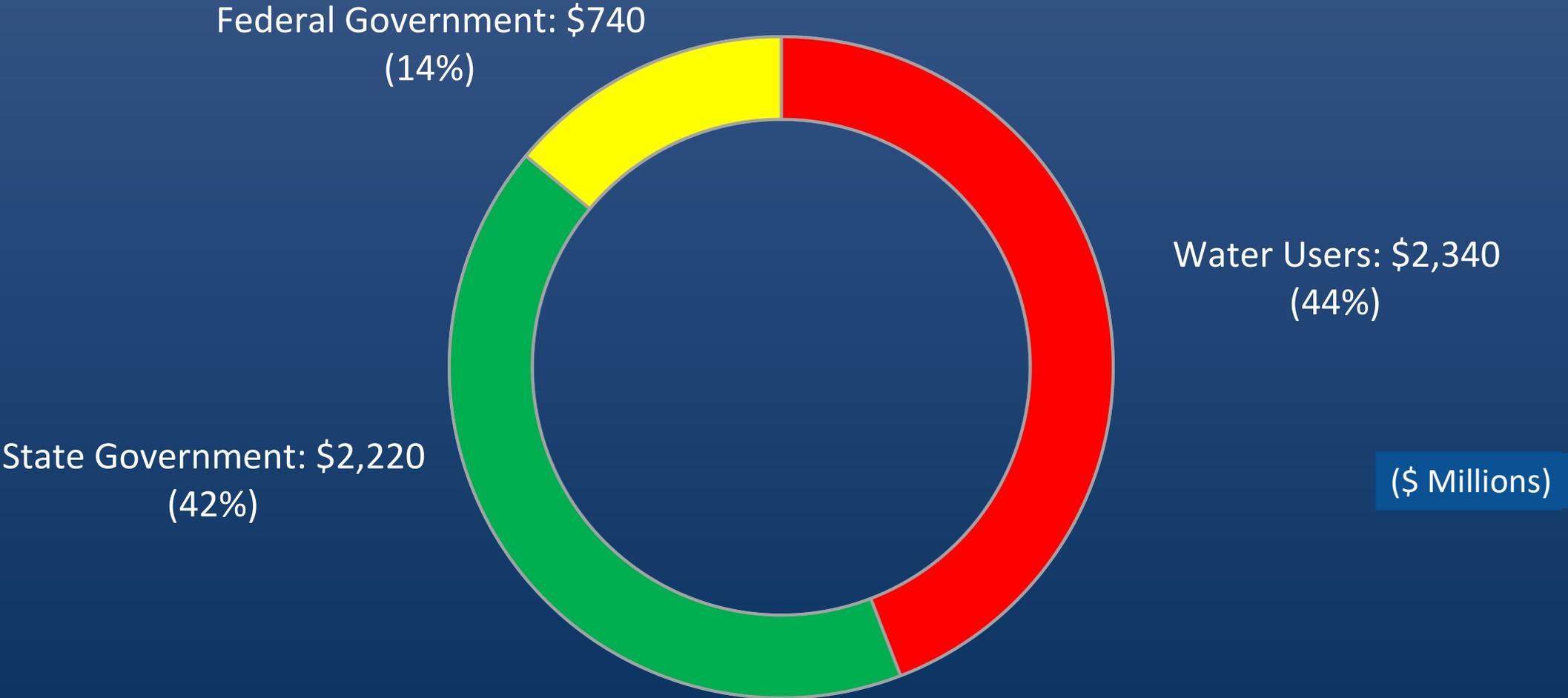
15-year Implementation Costs

\$5.2 billion investment to improve environmental conditions within the watershed.



Funding Sources for VA Investment

(proposed for the 15-year term)



Implementation

- The VAs remain in effect for a term of 15 years.
- The State Water Board will work with stakeholders to develop accounting procedures to ensure VA flows materialize as envisioned.
- The State Water Board will use its legal authority to protect VA flows against diversions for other purposes.
- Non-signatories to the VA will be subject to the State Water Board's regulatory requirements to achieve unimpaired flows.
- The State Team will work with willing participants to expedite early implementation in 2020, or as soon as possible following applicable environmental review, including, but not limited to, dedication of new flows, advanced planning and implementation of habitat projects.

Steps to Finalize VAs

- This Framework is an important milestone – but there is work ahead to finalize the VAs.
- Work to harmonize VA with pumping rules to protect endangered species.
- Work with VA participants to refine framework to finalize outstanding governance, policy and legal issues.
- Submit proposal to the State Water Board for a third-party scientific review, environmental review, and a public consideration.
- Consistent with applicable laws, certain early actions could also be implemented to accelerate realization of VA benefits.

THANK YOU

For your continued constructive engagement and
support



Media Release

Response Levels Lowered for Water Systems Statewide as PFAS Investigation Continues

New Stricter Standard Established for PFOA and PFOS

February 6, 2020

Contact: Blair Robertson

Blair.robertson@waterboards.ca.gov

SACRAMENTO – The State Water Resources Control Board announced today it will reduce the levels of perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS) in drinking water that trigger responses by local water systems.

The Board will set new response levels (RLs) of 10 parts per trillion (ppt) for PFOA and 40 ppt for PFOS. Previously, the RL was 70 ppt for the total concentration of the two contaminants combined.

Under a new California law (Assembly Bill 756), if a water system receives a State Water Board order for testing and finds that the PFOA or PFOS concentration exceeds their RL, the system is required to take the water source out of service, provide treatment, or notify their customers in writing. Water systems are also required to take several other measures to communicate the test results to the public.

Today's action follows the State Water Board's [August 2019 reduction of the notification levels \(NLs\)](#) for the two contaminants from 14 to 5.1 ppt for PFOA and from 13 to 6.5 ppt for PFOS. A notification level is a health-based concentration of a contaminant in drinking water that warrants notification and further monitoring and further monitoring and assessment.

The new RLs and NLs are based on updated health recommendations from the California Environmental Protection Agency's Office of Environmental Health Hazard Assessment (OEHHA).

The reductions of the response and notification levels are part of the State Water Board's comprehensive investigation into the extent of PFOA and PFOS contamination in water systems and groundwater statewide. They have been widely used in fire-fighting foams, non-stick coatings, and numerous grease and stain-resistant products.

PFOA and PFOS are part of a broader group of per- and polyfluoroalkyl substances (PFAS) that includes nearly 5,000 chemicals. Through the State Water Board's investigation, seven additional PFAS chemicals have been detected in multiple

wells in California. The State Water Board has requested OEHHA's recommendation in developing notification levels for these chemicals.

Exposure to PFOA and PFOS can cause adverse health effects, including harm to a developing fetus or infant, immune system and liver effects, and cancer. While consumer products are a large source of exposure to these chemicals, drinking water has become an increasing concern due to their persistence in the environment and their tendency to accumulate in groundwater.

The State Water Board is also seeking to establish its first enforceable regulatory standards for PFOA and PFOS. In August, the Board requested that OEHHA develop public health goals (PHGs) for the two chemicals as the next step in developing regulatory standards, known as maximum contaminant levels (MCLs). Other PFAS chemicals may be considered for PHG and MCL development later, as data permits.

Data on PFAS detections from more than 600 water system sites in California have been reported to the State Water Board since August 2019 and continue to be collected on a quarterly basis. The data can be found on a [special web portal](#).

In the first phase of testing, public water systems were ordered to sample drinking water supply wells near landfills and airports, locations where these chemicals are believed to be especially prevalent. They were also ordered to test wells near where the contaminants had been previously found. Subsequent phases of testing will look at other sources, such as industrial sites and wastewater treatment systems.

For more information about PFOA and PFOS, the updated notification and response levels, and the work the State Water Board's Division of Drinking Water is doing to assess the presence of these contaminants in drinking water, please visit the following resources:

- [Fact Sheet on PFOA and PFOS](#)
- [PFAS Web Portal](#) (sampling results and interactive map)
- [Assembly Bill 756 Fact Sheet](#)
- [Resources page on PFOA and PFOS](#)

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Comprehensive Government Relations

MEMORANDUM

To: Legal, Legislative, and Public Information Committee

From: Letitia White, Jean Denton, Drew Tatum, Shavenor Winters

Date: January 31, 2020

Re: January Monthly Legislative Update

House Democrats Prepare for Trump's FY21 Request

House Democrats are preparing to move quickly on fiscal year 2021 appropriations bills, with party leaders planning for the vast majority of spending measures to be out of the House Appropriations Committee, through the House floor, and to the Senate before the end of June.

House Majority Leader Steny Hoyer (D-MD) said he was hopeful that the ten appropriation bills that passed in fiscal year 2020 would be passed by June. Hoyer did not say Democrats will try to pass all twelve annual spending bills on the floor this summer, suggesting some may be left behind.

The fiscal year 2020 Homeland Security spending measure never made it to the floor last year, bogged down by President Donald Trump's request for funds to build a wall along the southern U.S. border. The Homeland Security Subcommittee's bill could again present a challenge. The panel's chairwoman, Representative Lucille Roybal-Allard (D-CA) said she expects another battle over Trump's bid for billions in border wall money. The President's Budget Request for fiscal year 2021 has not yet been delivered to Congress, so it is unclear how much President Trump will request.

The Legislative Branch bill was also held from the floor, tripped up by debate about whether to allow a cost of living adjustment (COLA) for lawmakers take effect. Lawmaker pay has been frozen for the last decade. While Democrats sought to allow the COLA in the FY20 bill by removing a rider that prohibited it, a bipartisan group of lawmakers filed amendments to include the prohibition, potentially striking a contentious debate and vote on the floor.

Aiding House appropriators' work is the expectation that Trump this year will send his budget in February, with the administration indicating it will be delivered on the 10th, just one week after this year's statutory deadline of February 3. That contrasts to previous years when the budget blueprint arrived late, delaying the start of committee hearings and markups. While the topline numbers are expected to be delivered on the 10th, it is unclear if federal agencies will deliver their budget justifications the same day.

Appropriations Committee Chairwoman Nita Lowey (D-NY) and the subcommittee "cardinals" responsible for shepherding the bills said the completion of the fiscal year 2020 bills in December and an on-time budget is helpful. The two-year budget caps agreement setting

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spending levels for both defense and non-defense discretionary programs for 2021 also could help lighten this fiscal year's workload.

"That's critical for us so we have a budget we can mark to," Energy and Water Subcommittee Chairman Marcy Kaptur (D-Ohio) said about the topline spending figure. "We know what the parameters are. One of the problems we had last time is we had nothing to go on."

Chairman Betty McCollum (D-MN), who leads the Interior-Environment Subcommittee, said her panel is kicking off hearings even before the Administration submits his budget request. Her panel is planning to hold a public witness hearing on February 6. The panel also announced February 11th and 12th hearings for tribal programs.

Lawmakers still face the challenge of negotiating the spending levels for each of the 12 bills between the House and Senate.

Cabinet secretaries could begin heading to Capitol Hill as soon as the week of February 10 to begin defending the budget submission. The hearings before the House and Senate Appropriations committees could accelerate after lawmakers return from the week-long President's Day recess on February 24. Subcommittee markups of the bills could then begin in April.

While Congress will begin fiscal year 2021 with a deal to lift the budget caps for the final year of budget sequestration, appropriators are feeling pressure from competing priorities with only a \$5 billion increase over the fiscal year 2020 appropriations caps.

In August 2019, the Bipartisan Budget Act of 2019 was signed into law by President Trump, which set the topline appropriation caps for both fiscal year 2020 and 2021. While there was a significant adjustment from the caps set in the 2011 Budget Control Act, there was a less significant adjustment made between the two fiscal years.

In fiscal year 2021, Congress will only have an additional \$5 billion in funding in spending allocated under the caps. For that reason, the House and Senate Appropriations Committees are experiencing pressure from differing priorities to allocate that funding.

Without a special cap adjustment for veterans health care accounts that provide access to private care in certain situations, observers say, other nondefense programs could suffer cuts to their budgets next year. Congress has resisted previous efforts to make special adjustments for the program. Many Congressional aides believe that without an adjustment, most other spending accounts will be held flat or cut in the upcoming fiscal year.

The VA funding problem is tied to the popular VA Choice program that allowed veterans to seek care outside of the VA system. The program proved so popular that in 2017, Congress had to provide an additional \$4.2 billion. The following year, lawmakers overhauled the program and replaced Choice with broader 'community care' services and added \$5.2 billion more, in what was dubbed the VA MISSION Act.

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The increase in VA MISSION costs alone eats up nearly all of the additional \$2.5 billion nondefense funding for fiscal 2021 allotted under the new budget caps. Some advocate for making the veteran's program exempt from the spending caps, but not all appropriators support the idea.

Senator James Lankford (R-OK) is one Appropriations Committee member who doesn't believe total spending should go up any more than planned. "We should always look for other areas where we can spend less, if we've got to spend more. And VA MISSION is one of those areas we've got to be able to spend more. We've all agreed on that," Lankford said.

House Democrats Eye Limited Return of Congressionally Directed Spending

House Democrats have floated the idea of returning earmarks in a narrower version of the practice of directing funds directly to projects than what was in place a decade ago. While there were talks of examining the practice for the fiscal year 2020 process, House Appropriations Committee Chairwoman Nita Lowey (D-CA) sent a Dear Colleague to lawmakers in the spring of 2019 noting that while they would not return for the FY20 appropriations cycle, she hoped conversations would continue.

In late January, the House Appropriations Subcommittee clerks were instructed to draw up plans for the potential return of earmarks in fiscal year 2021. The outline, which is currently in its early stages, could potentially fund a limited number of lawmakers' local projects from limited appropriations accounts.

The draft outline would also see earmarks governed by a new set of rules designed to keep the system in check, likely barring any money from flowing to for-profit businesses.

The House Select Committee on the Modernization of Congress, which was instituted under the Rules of the House when Democrats gained the majority in 2019, has itself looked at the practice. No official recommendation on the practice has been put forward by that Committee.

While some members of House leadership, including Majority Leader Steny Hoyer have called for their return, support within the Democratic caucus and among Republicans isn't unanimous. Democratic lawmaker have noted that there is more interest than heartburn at this point when it comes to the idea, but there is a growing concern by some swing-seat members that a return to the practice could hurt them in the November elections.

"We're not going to have a majority if we bring back earmarks," said a top aide to a freshman Democrat who flipped a GOP-held seat in 2018. "This is not what we came to Congress to do. Voters made it clear years ago that they were tired of pork and special interest spending in Washington and sweetheart deals."

Challenges could also emerge in the Senate, where the majority of Republicans have called for a permanent ban of the practice.

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Chairwoman Lowey has said she expects a final decision on the process for fiscal year 2021 will come early in February.

Infrastructure Discussion Gains Momentum

Democrats plan to jump-start work on an infrastructure package with only about eight months until the current federal surface transportation authorization (FAST Act) expires on September 30, 2020.

So far only the Senate Environment and Public Works Committee has successfully advanced a measure (S. 2302) to reauthorize highway and related environment programs through fiscal 2025. The Senate version included \$600 million from the general fund and \$600 million in from the Highway Trust Fund in fiscal 2021 for bridge repair and replacement, with increases in subsequent years and \$500 million annually through fiscal 2025 for safety incentive grants.

The Senate measure also created climate change programs to improve infrastructure resiliency, reduce road-related carbon emissions, and would fund alternative vehicle charging stations. The legislation also sought to expedite regulatory approval for infrastructure reviews and would codify the Administration's "one federal decision policy".

This Congress, House Democrats have introduced several other infrastructure proposals, including legislation to fund school, energy, and water infrastructure.

Late this month House Democrats proposed a \$760 billion infrastructure blueprint that would cover highways, rail, wastewater, and broadband over five years, without offering a plan to pay for it. The outline, called the "Moving Forward Framework", calls for spending in the following areas:

- Highway and Highway Safety Investments - \$329 billion
- Transit - \$105 billion
- Rail - \$55 billion
- Airports - \$30 billion
- Clean Water and Wastewater Infrastructure - \$50.5 billion
- Water Infrastructure (flood protection, navigation, etc.) - \$10 billion
- Harbor Infrastructure - \$19.7 billion
- Brownfield Restoration - \$2.7 billion
- Drinking Water - \$25.4 billion
- Clean Energy - \$34.3 billion
- Broadband & Communication - \$86 billion
- Public Safety Communication - \$12 billion

Ultimately, three other Senate committees and two House committees will need to be involved in crafting the final authorizing legislation.

The toughest challenge may be for the House Ways and Means and Senate Finance committee to determine the best means to cover the cost of the reauthorization. The 18.3 cents per gallon federal tax on gasoline, which supplies the bulk of Highway Trust Fund revenue, hasn't been

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increased since 1993. Options for potential funding streams were discussed at the House Ways and Means Committee's hearing on January 29. Generally, the House's "Moving Forward Framework" calls for the exploration of user-based mechanisms.

Infrastructure is one of the rare policy areas where Democrats and President Trump share mutual interest in pursuing change. But efforts by Democratic leaders last year to engage with Trump failed after the president walked out of a May meeting and declared he wouldn't work with lawmakers while they investigate him.

Pelosi expressed hope for a path forward pointing to recent bipartisan agreement on the revamped trade pact with Mexico and Canada which the President signed into law.

Debate on Forever Chemicals Continued into the New Year

PFAS and PFSOS 'Forever Chemicals' have remained a continued topic of discussion on Capitol Hill and in the administration after a flurry of activity in 2019 produced limited legislative results.

On Friday, December 20, the Environmental Protection Agency (EPA) issued interim recommendations for addressing groundwater contaminated with perfluorooctanoic acid (PFOA) and perfluorooctanesulfonate (PFOS). As part of the PFAS Action Plan, the EPA says that it will continue to assess toxicity information, test methods, laboratory methods, analytical methods, exposure models, and treatment methods, among other research efforts to improve knowledge about this class of chemicals. The agency has said it will consider additional recommendations as the agency advances its knowledge of these other substances as new information becomes available.

While last year Democrats lost on their efforts to include provisions in the annual defense policy bill that would regulate "forever chemicals" this month the House Energy and Commerce Committee compiled a package from 12 separate PFAS-focused bills that would take several steps to regulate and mitigate pollution from per- and polyfluoroalkyl substances. The package, H.R. 535, would require the Administrator of the Environmental Protection Agency to designate per- and polyfluoroalkyl substances as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 and the measure would require the agency to take several steps to regulate and mitigate pollution from per- and polyfluoroalkyl substances.

The bill would effectively bar the manufacture of new PFAS chemicals by requiring the EPA to automatically designate any processing notice regarding PFAS as posing an "unreasonable risk" to human health or the environment and to issue an order blocking the activity. The requirement would end five years after the bill's enactment.

The measure would also permanently disqualify PFAS processing or manufacturing from exemptions to EPA notification requirements. The EPA, within one year of the bill's enactment, would have to designate perfluorooctanoic acid (PFOA), perfluorooctanesulfonic acid (PFOS), and any salts that produce them as hazardous substances under 1980 Comprehensive

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Environmental Response, Compensation, and Liability Act (CERCLA), which governs the Superfund program. Salts refer to solids that produce the acids when dissolved.

Within five years of enactment, the agency would have to determine whether all PFAS chemicals should be designated as hazardous substances under CERCLA individually or in groups.

Designation under CERCLA triggers reporting requirements related to the chemicals and enables federal response—including assessment and treatment—to releases or threatened releases. The EPA would issue a primary drinking water regulation for PFAS under the 1974 Safe Drinking Water Act within two years of the bill’s enactment. At a minimum it would have to include standards for PFOA and PFOS.

Under the measure, the EPA would publish a health advisory of PFAS, or for any class of the chemicals, not subject to a drinking water regulation within one year of finalizing a toxicity value for PFAS or validating an effective control and testing procedure, whichever is later. It could forgo the requirement if it determines that an advisory isn’t justified because contamination is unlikely.

The bill would authorize \$100 million per year for fiscal 2020 through 2024 for capitalization grants to Drinking Water State Revolving Funds to provide financial support for addressing “emerging contaminants” with a focus on PFAS.

At least 25% of any funding provided to a state under the bill would have to be used for grants to disadvantaged communities and public water systems serving fewer than 25,000 people. States couldn’t use the funding to pay for or secure bonds. In addition, the measure would direct the EPA to establish a grant program to support community water systems that implement PFAS treatment technologies. It would authorize \$100 million in each of fiscal 2020 and 2021.

To be eligible, water systems would have to demonstrate that their water contains PFAS and certify that current treatment technology isn’t sufficient to remove all detectable PFAS. The agency would publish a list of eligible technologies every two years. Funding for water systems that serve disadvantaged communities, will cover at least 10% of the costs, or demonstrate capacity to maintain the treatment technology would be prioritized.

The measure ultimately passed the House by a vote of 247 – 159; however, the Senate is not likely to consider the measure as is. In addition, the White House has threatened to veto the measure should it pass the Senate- arguing the legislation would unduly and irresponsible increase industry liability and it would not be cost-effective.

Despite legislation stalling, late this month the EPA released a list of 160 “forever chemicals” that companies and federal facilities must for the first-time report to the agency’s Toxics Release Inventory. The per- and polyfluoroalkyl substances, or PFAS, met specific criteria included in the 2020 National Defense Authorization Act (NDAA), which became law on December 20, 2019.

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Impeachment Likely Near Conclusion in the Senate

House Democrats finished their opening arguments in President Trump's impeachment trial Friday, January 24 after making their last, best effort to convince Republican Senators that the President's behavior merits his removal from office. The House Democratic Managers used around 23 of the 24 hours they had allotted over three days to present their case to Senators.

The lead House Manager and Chairman of the House Intelligence Committee, Adam Schiff (D-CA), wrapped up the House managers' case on the first article of impeachment, abuse of power, with an argument about character. Whether this closing argument convinces the handful of Republicans that they need to hear more from the witnesses Democrats want to call remains an open question.

Managers spent a considerable amount of time walking through the chronology of their case and actions they say warrant President Trump's removal from office. They also took turns walking through both articles of impeachment, finishing with their case that the President obstructed Congress unlike any past administration in connection with its impeachment investigation.

The President's legal team began its opening arguments on Saturday January 25, but Trump's attorneys only used around 2 hours of the 24 available to his legal team. Arguments resumed on Monday, January 27 at 1pm. Between Monday and Tuesday, the Defense presented its case, but fell well short of using the entire 24 hours allotted to their side.

On Wednesday, January 29 and Thursday, January 30 Senators submitted questions to the House Managers and President's counsel through Chief Justice John Roberts. Roberts read questions over two days in eight hour periods.

On Friday, January 31, the Senate is expected to have four hours of debate divided between the House Managers and President Trump's counsel on whether or not additional witnesses are needed. It is possible that the Senate will meet in closed session, where all media, guest, and most staff are removed from the chamber, so that Senators can debate. During an impeachment trial, Senators are not permitted to debate on the floor unless they are in closed session.

Depending what the Senate decides during that phase of the trial, it could stretch on several more weeks to allow witnesses to be deposed and heard from or end quickly if no witnesses are called and no documents are subpoenaed. With an announcement from Senator Lamar Alexander (R-TN) that he will vote against calling additional witnesses, it is likely that the Senate will not vote to call additional witnesses.

There have been growing calls among Democratic lawmakers to subpoena witnesses—especially in light of a New York Times article published that states that former National Security Advisor John Bolton plans to say in an upcoming book that President Trump did seek to condition aid to Ukraine on the announcement of investigations into Joe and Hunter Biden and possible interference in the 2016 presidential election.

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Provided that the Senate does not call additional witnesses and there are no procedural delays, the Senate could take final votes on the Articles of Impeachment exhibited by the House on Friday or early into Saturday morning.

Regardless of the timing of the vote, President Trump is expected to be acquitted in the Senate, as a 2/3 majority would be needed to convict and remove him from office. Dispensing with the trial before Monday, February 3 would allow Democratic Senators running for President to return to the campaign trail ahead of the Iowa Caucuses. Further, it would mean that President Trump would no longer be facing a trial when he is scheduled to deliver his State of the Union address on Tuesday.

Trump Issues New Rule Replacing Obama-Era Waterway Protections

The Environmental Protection Agency (EPA) announced a major rule change to regulations for streams and other smaller bodies of water on Thursday, January 23 with the Administration saying the change would institute a new rule advocated by farmers and other industry groups.

The new rule would replace the already-repealed Waters of the United States rule (WOTUS), crafted under President Obama, which expanded the types of waterways protected by federal law.

In creating the WOTUS rule, the Obama Administration argued smaller bodies of water, even some seasonal ones caused by snowmelt, must be protected in order to stop pollution from reaching larger sources, including those used for drinking water.

Critics of the proposed Trump era rule argued the changes will eviscerate the protections guaranteed by the Clean Water Act, not just reversing Obama-era protections but setting the U.S. even further back.

Late this month, President Trump touted his plans to roll back the rule in front of farmer coalitions and others.

Farmers and other groups have argued that the Obama-era law was too far-reaching, requiring grand efforts to protect relatively small bodies of water that run through their property, ultimately subjecting large swaths of land to federal oversight.

Trump's latest rule, the Navigable Waters Protection Rule, will be implemented in the coming weeks and critics argue that the rule is likely to increase the amount of pesticides and other industrial chemicals that leach into streams, wetlands and underground water sources, leaving much environmental regulation to state and local authorities.

Critics say the Environmental Protection Agency's (EPA) water policy unveiled Thursday, January 23 is one of the biggest rollbacks to water policy in decades, but it's tough to know the extent of its impact because of challenges that come with mapping America's waterways.

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The new rule cements a campaign promise from Trump to repeal the Obama-era Waters of the United States (WOTUS) rule and replace it with something more friendly to industry.

“President Trump is delivering on his promise to give Americans clean water and clear rules. Regulations must follow the law and be easy for Americans to understand,” Senator John Barrasso (R-WY), chair of the Environment and Public Works Committee, said in a statement.

Groups Request More Time to Comment on NEPA Changes

A coalition of more than 320 groups is asking the White House to extend its comment period on planned changes to a bedrock environmental law.

President Trump, earlier this month, announced the proposed changes to the National Environmental Policy Act (NEPA), which would allow greater industry involvement in environmental reviews of projects and reduce the role climate change plays in those assessments.

The first major overhaul of the National Environmental Policy Act (NEPA) in 40 years would make it easier for major federal construction projects to move forward, proponents say, but legal challenges are expected from environmental groups who say proposed changes would gut the project environmental review process and exacerbate the effects of climate change.

The National Environmental Policy Act (NEPA), signed into law in 1970, is a procedural statute that requires Federal agencies to assess the environmental impacts of proposed major Federal actions. The Council on Environmental Quality (CEQ) issued regulations for Federal agencies to implement NEPA in 1978. CEQ has not comprehensively updated these regulations in over 40 years, and has made only one limited substantive amendment in 1986.

In 2017, President Trump issued Executive Order 13807 establishing a One Federal Decision policy, including a two-year goal for completing environmental reviews for major infrastructure projects, and directing CEQ to consider revisions to modernize its regulations. In 2018, CEQ issued an Advance Notice of Proposed Rulemaking (ANPRM) requesting comment on potential updates to its regulations. CEQ received over 12,500 comments, which informed CEQ’s proposed rule.

CEQ has found that the average length of an EIS is over 600 pages, and that the average time for Federal agencies to conduct these NEPA reviews is four and a half years. However, reviews for some projects have taken much longer. NEPA analyses are frequently challenged in the courts, and while Federal agencies ultimately prevail in many cases, litigation can unnecessarily delay and increase costs for important projects such as needed transportation, water, and other infrastructure that benefit States, Tribes, and local communities. The increased costs and complexity of NEPA reviews and litigation make it very challenging for large and small businesses to plan, finance, and build projects in the United States.

The Administration released on Thursday, December 9 a draft of its notice of proposed rulemaking in response to a 2017 executive order from President Donald Trump calling for a NEPA review and modernization to enable more infrastructure projects to be built.

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The proposed rule in general is expected to establish presumptive time limits of two years for completion of environmental impact statements (EISs) and one year for completion of environmental assessments (EAs), specify presumptive page limits, require joint schedules, a single EIS, and a single record of decision (ROD), where appropriate, for EISs involving multiple agencies, promote use of modern technologies for information sharing and public outreach, and clarify terms, application and scope of NEPA Review.

The coalition of 320 will send a letter to the White House Council on Environmental Quality (CEQ) asking for the extension. Currently CEQ is requesting public comment on or before March 10, 2020.

"Currently, the Trump administration is offering an extremely short 60-day public comment period and mere two public hearings," said a statement from the groups.

Major opponents of the changes have included environmental groups, who argue that it would allow the government to turn a blind eye when projects emit large quantities of greenhouse gases.

"The Trump administration is silencing the people's voices for the sake of polluters' profits," said Stephen Schima, Senior Legislative Counsel for Earthjustice, in the statement. "Rushed comment periods, hearings held at odd daytime hours to discourage working families from attending, and space so limited that the room fills up in five minutes – it all adds up to a concerted effort to sideline communities."

"Shutting out public input on this latest egregious attack on our environmental protections adds insult to injury," said Matthew Gravatt, deputy legislative director for Sierra Club. "Our communities will not be silenced about the threats posed by this administration's dangerous pro-polluter agenda."

Meanwhile, proponents of the changes to NEPA have argued that the current law has slowed down construction and infrastructure projects.

"From day one, my administration has made fixing this regulatory nightmare a top priority. And we want to build new roads, bridges, tunnels, highways bigger, better, faster, and we want to build them at less cost," President Trump said this month.

California Sues Trump Administration Over Fracking

California is suing the Bureau of Land Management (BLM) over its plan to open up public lands in the state to oil and gas drilling including fracking, California Attorney General Xavier Becerra (D) announced Friday, January 17.

The lawsuit, filed in federal court in California, claims that the administration's environmental impacts statement ignores possible effects on people living near oil and gas wells.

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"BLM's analysis of impacts from increased air pollution and groundwater contamination on disadvantaged communities living near federal oil and gas operations was particularly deficient," it said.

House Minority Leader Kevin McCarthy (R-CA) criticized his home state over the lawsuit.

"The state's decision to once again sue the Trump Administration – this time by refusing to accept the BLM's science-based analysis – is another political stunt that will adversely impact the people who call California home," McCarthy said in a statement. "The oil and gas industry annually contribute over 350,000 jobs to California's economy."

In December, the administration approved new oil and gas leases across more than 1 million acres of land in California, ending a five-year moratorium.

BLM has defended opening up lands to fracking, saying that it will create jobs and generate tax revenue.

Trump Plans to Divert Additional Funding from Pentagon for Border Wall

President Trump is preparing to divert an additional \$7.2 billion in Pentagon funding for border wall construction this year, five times what Congress authorized him to spend on the project in the 2020 budget. The Pentagon funds would be extracted, for the second year in a row, from military construction projects and counternarcotics funding.

The move would bring the total amount of federal funds allocated to border fencing to \$18.4 billion under Trump, who made the border barrier a priority during his campaign for the presidency in 2016.

The Trump administration has completed 101 miles of new barriers so far, according to the latest figures, far less than the 450 miles the president has promised to erect by the end of the year. But construction along the border — largely on land the federal government already owns — has been continuing even as legal challenges have aimed to disrupt it.

A federal-district court in El Paso ruled last month that the White House broke the law when it commandeered funds for the border wall that had been authorized by Congress for another purpose. The court froze \$3.6 billion the administration budgeted for new barriers.

The Trump administration appealed that ruling, and a federal appeals court late Wednesday, January 8 lifted a lower court's order blocking the administration from tapping into military funds to help construct President Trump's long-sought wall along the southern border. The president and his administration viewed that ruling as additional encouragement to utilize the money again this year.

In its decision, to stay the lower court's ruling the 5th Circuit Court noted that the Supreme Court stayed a similar injunction last year to allow Trump to begin using military funds for the border wall. The most recent ruling applies to a separate set of funds.

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Trump hailed the court's decision in a tweet saying, “Entire Wall is under construction or getting ready to start!”

Last September, Defense Secretary Mark Esper authorized moving \$3.6 billion in military construction funds to 11 projects pertaining to the wall along the U.S.-Mexico border. The Defense Department said that about half of the funds were coming from international projects, and that the other half had been set for use in the United States.

President Trump last February declared a national emergency to bypass Congress and spend roughly \$6 billion in military funds to start building a border wall. The President is also expected to divert funds from the fiscal year 2020 appropriations bills for the wall. While Congress had contemplated limiting the administration’s transfer authority, no such prohibitions were included in the final bills.

| Bill Number | Sponsor/ Cosponsor | Title and/or Summary | Summary/Status | Latest Action |
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| S.1932 | Sen. Cory Gardner (R-CO) / Sen. Dianne Feinstein | Drought Resiliency and Water Supply Infrastructure Act | <p>This legislation would authorize and/or reauthorize surface and groundwater storage and supporting projects, water recycling and reuse projects, and desalination projects. It would also establish an infrastructure finance and innovation pilot program at the Bureau of Reclamation. The legislation would also establish a process to deauthorize Bureau of Reclamation projects that have failed to receive a minimum federal investment or initiate construction.</p> <p>The bill would increase support for water infrastructure projects that are likely to provide a more-reliable water supply and increase the water management flexibility and water reliability.</p> | <p>The legislation was introduced on June 20, 2019. The Water and Power Subcommittee of the Energy and Natural Resources Committee held hearings on 7/18/2019.</p> <p>A markup has not been scheduled due to disagreements between the Ranking Member and Sponsors of the legislation.</p> |
| S. 2356 | Sen. Mike Braun (R-IN) | Define WOTUS Act of 2019 | The measure would create a new WOTUS definition the void the previous Obama era definition that is currently tied up in litigation. | The legislation was introduced on July 31 and referred to the Committee on Environment and Public Works. |
| S. 1097 | Sen. John Barrasso (R-WY) | Water Quality Certification Improvement Act of 2019 | The measure would amend the Federal Water Pollution Control Act to make changes with respect to water quality certification. | <p>The measure was introduced in the Senate on April 19 and was referred to Committee on Environment and Public Works.</p> <p>On November 19 the committee held a hearing to discuss impacts of the act if implemented.</p> |

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| H.R. 1764 | Rep. John Garamendi (D-CA) | The bill to amend the Federal Water Pollution Act | The legislation would amend the Federal Water Pollution Control Act with respect to permitting terms, and for other purposes. | <p>Introduced on March 15 and then referred to the Subcommittee on Water Resources and Environment.</p> <p>This legislation has bipartisan cosponsorship and hearings were held on the measure in November 2019.</p> |
| H.R.1497 | Rep. Peter DeFazio (D-OR) | Water Quality Protection and Job Creation Act of 2019 | <p>Requires a report to Congress on the current and future workforce needs for publicly owned treatment works and information on steps taken to meet those needs.</p> <p>Reauthorizes sections of the Federal Water Pollution Control Act that provide grants to States and interstate agencies, including: State Management Assistance: Section 106(a); Watershed Pilot Projects: Section 122(c); Alternative Water Source Projects Pilot Program: Section 220(d); Sewer Overflow and Stormwater Reuse Municipal Grants: Section 221(f)1); and State Water Pollution Control Revolving Funds.</p> <p>Changes the length of permits for NPDES permits to not exceeding 10 years in certain circumstances.</p> | <p>Introduced on March 6 and referred to the Subcommittee on Water Resources and Environment of the House Transportation Committee.</p> <p>The Committee marked up the legislation and reported it with an amendment in the nature of a substitute--expanding the scope of the legislation.</p> |

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| <p>H.R. 1508 / S. 146</p> | <p>Rep. Blumenauer (D-OR) / Sen. John Hoeven (R-ND)</p> | <p>Move America Act of 2019</p> | <p>The measure would amend the Internal Revenue Code of 1986 to provide for Move America bonds and Move America credits which would be applicable to projects relating to flood diversions, inland waterways, sewage facilities.</p> | <p>The House bill was introduced on March 5 and then referred to the House Committee on Ways and Means.</p> <p>Note: All tax issues are likely to be addressed as part of a larger tax package. The Ways and Means Committee is considering forming a tax extenders package, which would be the most likely venue for this legislation.</p> <p>The Senate bill was introduced in the Senate on January 16th and referred to the Senate Committee on Finance.</p> |
| <p>H.R.1162</p> | <p>Rep. Grace Napolitano (D-CA)</p> | <p>Water Recycling Investment and Improvement Act</p> | <p>This legislation would create a competitive grant program for the funding of water recycling and reuse projects by raising the authorization cap for the Title XVI program from \$50 million to \$500 million. The legislation would also raise the authorization cap from \$20 million to \$30 million for the Reclamation Wastewater and Groundwater Study and Facilities Act.</p> | <p>Introduced in the House on February 13.</p> <p>The House Natural Resources Subcommittee on Water, Oceans, and Wildlife held a hearing on the legislation on June 13.</p> |
| <p>S. 361/H.R. 807</p> | <p>Sen. Cory Gardner (R-CO) / Rep. Ken Buck (R-CO)</p> | <p>Water and Agriculture Tax Reform Act of 2019</p> | <p>The measure would work to amend the Internal Revenue Code of 1986 to facilitate water leasing and water transfers to promote conservation and efficiency.</p> | <p>Introduced and referred to the Committee on Finance (Senate) and Ways and Means Committee (House). Neither chamber has recently engaged on the measures.</p> |

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| H.R.579 | Rep. Scott Tipton (R-CO) | Water Rights Protection Act of 2019 | This bill would prohibit the conditioning of any permit, lease, or other use agreement on the transfer of any water right to the United States by the Secretaries of the Interior and Agriculture, and for other purposes. | <p>Introduced in the House on January 15th. Referred to the Conservation and Forestry Subcommittee of the Agriculture Committee on 2/7 and to the Water, Oceans, and Wildlife Subcommittee of the House Natural Resources Committee on 2/4.</p> <p>A similar amendment was submitted to the House Rules Committee for consideration in the Interior-Environment Appropriations bill, but was not made in order by the Committee for floor consideration.</p> |
| H.R.34 | Rep. Eddie Bernice Johnson (D-TX) | Energy and Water Research Integration Act of 2019 | The legislation would ensure consideration of water intensity in the Department of Energy's energy research, development, and demonstration programs to help guarantee efficient, reliable, and sustainable delivery of energy and clean water resources. | The bill was introduced in the House on January 3rd. It was marked up and ordered to be reported by the House Science and Technology Committee on May 1, 2019 and was passed by the House on July 23, 2019 by voice vote. On July 24, the bill was referred to the Senate Committee on Energy and Natural Resources. |
| H.R. 2313 | Rep. Jared Huffman (D-CA) | Water Conservation Rebate Tax Parity Act | The measure would amend the Internal Revenue Code of 1986 to expand the exclusion for certain conservation subsidies to include subsidies for water conservation or efficiency measures and storm water management measures. | <p>The bill was introduced in the House on April 12 and then referred to the Committee on Ways and Means.</p> <p>Note: All tax issues are likely to be addressed as part of a larger tax package. The Ways and Means Committee is considering forming a tax extenders package, which would be the most likely venue for this legislation.</p> |

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| H.R.1747 | Rep. Rob Whittman (R-VA) | National Fish Habitat Conservation Through Partnerships Act | <p>The measure aims to achieve measurable habitat conservation results through strategic actions of Fish Habitat Partnerships that lead to better fish habitat conditions and increased fishing opportunities, establish a consensus set of national conservation strategies as a framework to guide future actions and investment by Fish Habitat Partnerships, broaden the community of support for fish habitat conservation, fill gaps in the National Fish Habitat Assessment and the associated database of the National Fish Habitat Assessment, and communicate to the public and conservation partners.</p> | <p>A hearing has been held in the House Natural Resources Committee on the legislation and the legislation was ordered to be reported out of committee on September 25.</p> |
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| S.1419 | Sen. James Lankford (R-OK) | Early Participation in Regulations Act | The legislation would direct agencies to issue advanced notices for rules costing more than \$100 million annually. The bill would require agencies must outline the problem the rule intends to solve and listen to the public's input on the subject. | <p>On May 13, the bill was introduced into the Senate. It was then referred to the Committee on Homeland Security and Governmental Affairs. Hearings on the bill were held in both the Committee on Homeland Security and the Committee on Small Business. On July 19 the Committee on Homeland Security and Governmental Affairs ordered the measure to be reported favorably with an amendment in the nature of a substitute.</p> <p>On September 10, the bill was placed on the Senate Legislative Calendar under General Orders. However the bill has yet to be considered on the Senate floor.</p> <p>The legislation has bipartisan cosponsor ship.</p> |
| S. 1097 | Sen. John Barrasso (R-WY) | Water Quality Certification Improvement Act of 2019 | The measure would amend the Federal Water Pollution Control Act to make changes with respect to water quality certification. | <p>The measure was introduced in the Senate on April 19 and was referred to Committee on Environment and Public Works.</p> <p>On November 19 the committee held a hearing to discuss impacts of the act if implemented.</p> |
| H.R. 1695 | Rep. Betty McCollum (D-MN) | Community Services Block Grant Reauthorization Act of 2019 | The legislation would amend the Community Services Block Grant Act to reauthorize and modernize the Act. | <p>The measure was introduced in the House on March 12, 2019 to the House Committee on Education and Labor.</p> <p>The legislation has bipartisan cosponsor ship.</p> |

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| H.R. 1744 | Rep. Mark Takano (D-CA) | S.T.O.R.A.G.E. Act (Storage Technology for Operational Readiness And Generating Energy Act) Energy Storage Systems by Electric Utilities | The bill would provide for the consideration of energy storage systems by electric utilities as part of a supply side resource process, and for other purposes. | The bill was introduced on March 13 and the referred to the Committee on Energy and Commerce, and in addition to the Subcommittee on Energy of the Committee on Science, Space, and Technology. |
| H.R.579 | Rep. Scott Tipton (R-CO) | Water Rights Protection Act of 2019 | This bill would prohibit the conditioning of any permit, lease, or other use agreement on the transfer of any water right to the United States by the Secretaries of the Interior and Agriculture, and for other purposes. | Introduced in the House on January 15th. Referred to the Conservation and Forestry Subcommittee of the Agriculture Committee on 2/7 and to the Water, Oceans, and Wildlife Subcommittee of the House Natural Resources Committee on 2/4. |
| H. R. 855 | Rep. Scott Peters (D-CA) | STRONG (Strengthening the Resiliency of our Nation on the Ground Act) Act | The bill would work to minimize the economic and social costs resulting from losses of life, property, well-being, business activity, and economic growth associated with extreme weather events by ensuring that the United States is more resilient to the impacts of extreme weather events in the short- and long-term, and for other purpose | Introduced in the House and referred to the Subcommittee on Economic Development, Public Buildings, and Emergency Management of the House Transportation Committee on February 7th. |
| H.R. 420 | Rep. Earl Blumenauer (D-OR) | Regulate Marijuana Like Alcohol Act | The bill would decriminalize marijuana and sets up legal framework to regulate marijuana. | Introduced in the House on January 9th and referred to the Committees on Energy and Commerce, Ways and Means, Natural Resources, and Agriculture. |

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| <p>S.420 /H.R. 1120</p> | <p>Sen. Ron Wyden (D-OR) / Rep. Earl Blumenauer (D-OR)</p> | <p>Marijuana Revenue and Regulation Act</p> | <p>A bill to amend the Internal Revenue Code of 1986 to provide for the taxation and regulation of marijuana products, and for other purposes.</p> | <p>The bill was introduced in the Senate on February 7th and was referred to the Finance Committee.</p> <p>Introduced in the House on February 8th and was referred to the Committees on Judiciary, Agriculture, and Natural Resources.</p> |
| <p>H.R. 3794</p> | <p>Rep. Paul A. Gosar (R-AZ)</p> | <p>Public Land Renewable Energy Development Act of 2019</p> | <p>The bill would work to promote the development of renewable energy on public lands</p> | <p>The measure was introduced in the House on July 17, 2019 and was then referred to both the Committee on Natural Resources and the Committee on Agriculture. A hearing on the bill was held on July 25 by the Subcommittee on Energy and Mineral Resources. On August 9th, the bill was referred to the Subcommittee on Conservation and Energy of the House Agriculture Committee.</p> <p>The measure was later referred to the Subcommittee on Energy and Mineral Resources where a hearing was held on the legislation. On November 20th, a Mark-up session was held and the bill was ordered to be Reported by Voice Vote.</p> <p>The legislation has bipartisan cosponsorship.</p> |

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| S. 1344 | Sen. Cory Booker (D-NJ) and Tim Scott (R-SC) | Reinstate Opportunity Zone Data Mandates | <p>The bill would require the Secretary of the Treasury to collect data and issue a report on the opportunity zone tax incentives enacted by the 2017 tax reform legislation.</p> <p>The reporting requirements were part of the original legislation as introduced, but they were not incorporated in H.R.1 (the tax package) when it was advanced in the House and Senate.</p> | <p>The legislation was introduced in the Senate on May 7, 2019 and referred to the Finance Committee.</p> <p>The legislation has bipartisan cosponsorship.</p> |
| H.R.535 | Rep. Debbie Dingell (D-MI) | PFAS Action Act of 2019 | <p>The legislation combines 12 different bills that had previously been introduced into one legislative package that would change the way the federal government regulates “forever chemicals” known as PFAS.</p> <p>The consolidated version of H.R. 535 would place these chemicals on the Superfund hazards substances list from the Environmental Protection Agency, force the agency to set nationwide drinking water standards for PFAS, and block companies from producing new chemicals in this class.</p> | <p>The legislation was reported out of the House Energy and Commerce Committee on November 20, 2019 by a vote of 31 to 19, largely along party lines. The bill passed the House on January 10, 2020 by a vote of 247 - 159. The bill was received in the Senate on January 13, 2020 and referred to the Committee on Environment and Public Works.</p> |

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| H.R.4236 | Rep. Quigley, Mike (D-IL) | Reducing Waste in National Parks Act | The legislation would encourage recycling and reduction of disposable plastic bottles in units of the National Park System, | The bill was introduced on September 6 and was referred to the House Subcommittee on National Parks, Forests, and Public Lands. |
| Discussion Draft (not yet introduced) | Sen. Tom Udall (D-N.M.) and Rep. Alan Lowenthal (D-CA) | Legislation to Address the Global Plastic Waste Crisis | <p>Sen. Tom Udall and Rep. Alan Lowenthal have released a discussion draft of legislation that seeks to address the global plastic waste crisis.</p> <p>They are currently seeking feedback on the legislation before introducing a bill.</p> <p>The draft would require plastic producers to take responsibility for collecting and recycling materials, require nationwide container deposits, ban certain pollutant products, impose a fee on the distribution of non-reusable carryout bags, create a new minimum recycled content requirement, protect state and local governments by allowing them to enact more stringent standards, requirements, and additional product bans, and give environmental agencies the valuable time needed to investigate the cumulative impacts of new plastic-producing facilities on the air, water, and climate.</p> | Open comments were taken until November 21, 2019. A final bill has not yet been introduced. |

Enacted Legislation (removed from report after 2 months)

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| <p>S. 1790</p> | <p>Sen. Jim Inhofe (R-OK)</p> | <p>National Defense Authorization Act, 2020</p> <p>Note: Included a rider on PFAS</p> | <p>The National Defense Authorization Act, 2020 is the annual authorization for Defense programs.</p> <p>This year, the legislation included legislation aimed at addressing the risks and challenges associated with per- and polyfluoroalkyl substances (PFAS). This provision will ensure that the EPA sets a national drinking water standard for PFAS and PFOS. It will also require industrial manufactures and users to notify the public when PFAS chemicals are released into the environment. The EPA will also have to issue guidance on how to dispose of and destroy PFAS. The legislation also provides authorization for funding for monitoring and sampling, and requires better interagency coordination on PFAS chemicals.</p> | <p>Passed the Senate on Thursday, June 27, 2019, though an amendment vote was held the following day.</p> <p>On December 9, 2019, a Conference report was filed, and on December 11, the Conference report was agreed to in the House by a vote of 377 to 48.</p> <p>On December 17, the Conference report was agreed to in the Senate by a vote of 86 to 8.</p> <p>The President signed the measure into law on December 20.</p> |
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Item #6

From: [Adan Ortega](#)
To:
Cc: Fwd: RE: SB 971, as introduced, Hertzberg. Small water supplier and countywide water shortage contingency planning.
Subject: Wednesday, February 12, 2020 4:41:28 AM
Date:

This is a bill co-sponsored by Community Water Center and CMUA. It's called the CDAG bill setting requirements for information/data for drought preparedness of small systems and requiring counties to provide information and basic contingencies. Given where things left off with AB1666/SB606, I think that it's fairly basic. The question rests with the type of reaction the counties have given their lack of presence at the year long County Drought Advisory Group meetings Dave Michalko and I attended.

This bill would require a small water supplier, as defined, with 1,000 to 2,999 service connections, inclusive, to prepare and adopt a small water supplier water shortage contingency plan that consists of specified elements.

Requires a small water supplier with 15 to 999 service connections, inclusive, to take specified actions related to water shortage planning and response.

Requires small water suppliers to provide to the public, and to report, the plan and specified water shortage planning information, as prescribed.

Requires a county at risk of drought or water shortage, as determined by the department and the state board, to take specified actions related to water shortage planning and response, including, among other actions, including drought and water shortage planning information in the county's existing planning processes and establishing a county drought and water shortage task force.

Requires the department, the state board, the Office of Emergency Services, or a relevant state agency to take specified actions to support a county's implementation of these provisions.

Imposes requirements on the department and the state board to support implementation of the recommendations of the department's County Drought and Advisory Group, including requiring the department to maintain its drought and water shortage risk vulnerability tool for small water suppliers and rural communities, requiring the state board to identify state small water systems, small water suppliers and rural communities, and concentrations of domestic wells in California through a data system similar to the department's data system for public water systems, and requiring the department, in consultation with the state board and relevant state agencies, to establish a standing interagency drought and water shortage task force, as prescribed.

Requires a county drought and water shortage task force and the interagency drought and water shortage task force to include, among other representatives, representatives from local governments. By imposing additional requirements on local governments, the bill would impose a state-mandated local program.

Introduced by Senator HertzbergFebruary 11, 2020

An act to add Part 2.56 (commencing with Section 10609.50) to Division 6 of the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

SB 971, as introduced, Hertzberg. Small water supplier and countywide water shortage contingency planning. Existing law, the Urban Water Management Planning Act, requires every public and private urban water supplier that directly or indirectly provides water for municipal purposes to prepare and adopt an urban water management plan. The act requires an urban water management plan to include a water shortage contingency plan, as provided.

Existing law required the Department of Water Resources, in consultation with the State Water Resources Control Board and other relevant state and local agencies and stakeholders, to use available data to identify, no later than January 1, 2020, small water suppliers and rural communities that may be at risk of drought and water shortage vulnerability. Existing law required the department, in consultation with the state board, to propose to the Governor and the Legislature, by January 1, 2020, recommendations and guidance relating to the development and implementation of countywide drought and water shortage contingency plans to address the planning needs of small water suppliers and rural communities, as provided.

This bill would require a small water supplier, as defined, with 1,000 to 2,999 service connections, inclusive, to prepare and adopt a small water supplier water shortage contingency plan that consists of specified elements. The bill would require a small water supplier with 15 to 999 service connections, inclusive, to take specified actions related to water shortage planning and response. The bill would require small water suppliers to provide to the public, and to report, the plan and specified water shortage planning information, as prescribed.

This bill would require a county at risk of drought or water shortage, as determined by the department and the state board, to take specified actions related to water shortage planning and response, including, among other actions, including drought and water shortage planning information in the county's existing planning processes and establishing a county drought and water shortage task force. By imposing additional duties on counties, the bill would impose a state-mandated local program. The bill would require the department, the state board, the Office of Emergency Services, or a relevant state agency to take specified actions to support a county's implementation of these provisions.

This bill would impose requirements on the department and the state board to support implementation of the recommendations of the department's County Drought and Advisory Group, including requiring the department to maintain its drought and water shortage risk vulnerability tool for small water suppliers and rural communities, requiring the state board to identify state small water systems, small water suppliers and rural communities, and concentrations of domestic wells in California through a data system similar to the department's data system for public water systems, and requiring the department, in consultation with the state board and relevant state agencies, to establish a standing interagency drought and water shortage task force, as prescribed. The bill would require a county drought and water shortage task force and the interagency drought and water shortage task force to include, among other representatives, representatives from local governments. By imposing additional requirements on local governments, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions

noted above.

DIGEST KEY

Vote: MAJORITY Appropriation: NO Fiscal Committee: YES Local Program: YES

BILL TEXT

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

SECTION 1.

Part 2.56 (commencing with Section 10609.50) is added to Division 6 of the Water Code, to read:

PART 2.56. Small Water Supplier and Countywide Water Shortage Contingency Planning

CHAPTER 1. General Provisions

10609.50.

The Legislature finds and declares all of the following:

- (a) Droughts are predicted to become more frequent, longer, and more severe as climate change progresses, putting drinking water supplies at risk of running dry or becoming contaminated.
- (b) As demonstrated by the most recent drought from 2012 to 2016, inclusive, (2012–16 drought) drought conditions disproportionately impact low-income, small, and rural communities, as demonstrated by all of the following:
 - (1) (A) Rural communities are more likely to rely solely on groundwater from small water suppliers or domestic wells.
 - (B) Domestic wells tend to be shallower and are susceptible to running dry when groundwater is overpumped.
 - (2) (A) The 2012–16 drought negatively impacted over 480,000 people relying on drought-impacted public water systems.
 - (B) Seventy-six percent of impacted public water systems were small, serving 1,000 service connections or fewer and concentrated in the southern San Joaquin Valley.
 - (c) There are currently varying levels of water contingency planning and coverage across counties for small water suppliers and self-supplied communities, leaving hundreds of thousands of people at risk of going without water to meet their basic household and drinking water needs during the next drought.
 - (d) If another drought occurs that is as severe as the 2012–16 drought, more than 4,500 domestic wells in the San Joaquin Valley may be impacted. The cost to mitigate this damage could be more than one hundred fifteen million dollars (\$115,000,000).
 - (e) No one should go without running water during a drought. California can take basic steps to implement more proactive drought planning that would benefit the communities most at risk, and by doing so help prevent catastrophic impacts on drinking water for the communities most vulnerable to the impacts of climate change.

10609.52.

For purposes of this part, the following definitions apply:

- (a) “Community water system” has the same meaning as defined in Section 116275 of the Health and Safety Code.
- (b) “County Drought and Advisory Group” means the group created by the department to implement Chapter 10 (commencing with Section 10609.40) of Part 2.55.
- (c) “Department” means the Department of Water Resources.
- (d) “Domestic well” has the same meaning as defined in Section 116681 of the Health and Safety Code.
- (e) “Public water system” has the same meaning as defined in Section 116275 of the Health and Safety Code.
- (f) “Risk vulnerability tool” means the tool created by the department to implement Chapter 10 (commencing with Section 10609.40) of Part 2.55.
- (g) “Rural community” means a community with fewer than 15 service connections.
- (h) “Small water supplier” means a community water system with fewer than 3,000 service connections that provides less than 3,000 acre-feet of water annually.
- (i) “Small water supplier water shortage contingency plan” or “plan” means a water shortage contingency plan adopted by a small water supplier pursuant to Section 10609.60.
- (j) “State board” means the State Water Resources Control Board.
- (k) “State small water system” has the same meaning as defined in Section 116275 of the Health and Safety Code.

CHAPTER 2. Small Water Suppliers

10609.60.

- (a) A small water supplier with 1,000 to 2,999 service connections, inclusive, shall prepare and adopt a small

water supplier water shortage contingency plan that consists of all of the following elements:

(1) Water supply conditions, including all of the following:

- (A) An inventory and assessment of water supply and demand, including average and peak demand.
- (B) Anticipated drought-related challenges and methods to determine if a water shortage is imminent.
- (C) Any alternative water sources.

(2) Drought planning contacts, including all of the following:

- (A) At least one contact at the water system for water shortage planning and response and the development of the plan.
- (B) Contacts for local public safety partners and potential vendors that can provide repairs or alternative water sources.
- (C) Regional water planning groups, including the county drought and water shortage task force if one is required pursuant to paragraph (3) of subdivision (a) of Section 10609.70.

(3) Information demonstrating that the small water supplier is participating in a mutual aid network.

(4) Triggering mechanisms and levels for action, including both of the following:

- (A) Standard water shortage levels corresponding to progressive ranges based on the water supply conditions described in paragraph (1).
- (B) Water shortage response actions that align with the water shortage levels outlined in subparagraph (A).
- (5) Public education, notification, and participation, including actions that will be taken to educate, inform, and encourage participation from customers about planning efforts and water shortage actions.

(b) The plan shall be adopted by the small water supplier's governing body, provided to the public, and included in the small water supplier's emergency response plan pursuant to the federal Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (P.L. 107-188) if the small water supplier is required to submit that plan under federal law.

(c) A small water supplier subject to this section shall report the information in its plan annually through the state board's electronic annual report system.

10609.62.

(a) A small water supplier with 15 to 999 service connections, inclusive, shall take all of the following actions related to water shortage planning and response:

- (1) Identify at least one contact for water shortage planning and response activities.
- (2) Coordinate with regional water planning groups, including the county drought and water shortage task force if one is required pursuant to paragraph (3) of subdivision (a) of Section 10609.70, to identify alternative water sources or other opportunities to secure assistance during an emergency.
- (3) If reliant on a well, install a water measurement device on the well.
- (4) Provide information demonstrating that the small water supplier is participating in a mutual aid network.
- (5) Provide information on steps that will be taken to educate and inform customers about planning efforts and resources available in a water shortage, including a drought.

(b) A small water supplier subject to this section shall include the information required pursuant to this section in its emergency notification plan required pursuant to Section 116460 of the Health and Safety Code, provide the information to the public, and report the information annually through the state board's electronic annual report system.

CHAPTER 3. County Implementation

10609.70.

(a) A county at risk of drought or water shortage, as determined by the department and the state board using available data and science, shall take the following actions related to water shortage planning and response:

(1) (A) For a rural community not covered by an urban water supplier water shortage contingency plan adopted pursuant to subdivision (a) of Section 10632 or a small water supplier water shortage contingency plan, include drought and water shortage planning elements as part of existing planning processes, such as the county's emergency operation plan, local hazard mitigation plan, general plan, or other county plan as appropriate.

(B) A county subject to subparagraph (A) shall include in existing planning processes a plan for both of the following:

- (i) Community outreach.
- (ii) Informing communities of the resources available in the event of a drought or water shortage emergency, including a list of who to contact when the communities need assistance or information.

(2) Use the risk analysis prepared as part of the department's risk vulnerability tool to prioritize water shortage contingency deficiencies and document the analysis in the county's general plan or another county plan.

(3) Establish a standing county drought and water shortage task force to facilitate drought and water shortage preparedness within the county and include representatives from local governments, community-based organizations, local water suppliers, and members of the public. The formation of the county drought and water shortage task force shall be included in the county's general plan or another county plan.

(b) The state board, the department, the Office of Emergency Services, or a relevant state agency shall take the following actions to support county implementation under this section:

(1) On a regular basis, including at a minimum on the finalization or revision of a county general plan or other county plan that includes one or more drought and water shortage planning elements, review the drought and water shortage planning elements in the plan.

(2) In instances where the integration of water shortage contingency planning with existing county plans is missing or insufficient, send the plan to the county with proposed recommendations for the county to incorporate.

(3) Provide guidance and technical assistance to counties to facilitate effective implementation of the requirements of this section.

CHAPTER 4. State Agency Implementation

10609.80.

(a) The department shall take all of the following actions to support implementation of the recommendations of its County Drought and Advisory Group:

(1) Maintain, in partnership with the state board and other relevant state agencies, the risk vulnerability tool developed as part of the County Drought and Advisory Group process and continue to refine existing data and to gather new data for the tool, including, but not limited to, data on all of the following:

(A) State small water systems.

(B) Small water suppliers and rural communities.

(C) Concentrations of domestic wells.

(2) Annually update the risk vulnerability tool for small water suppliers and rural communities, as follows:

(A) Regularly revise the indicators and construction of the scoring as more data becomes readily available.

(B) Make existing and new data publicly available in a centralized location similar to the Human Right to Water Portal on the state board's internet website.

(C) In consultation with other relevant state agencies, identify deficits in data quality and availability and develop recommendations to address these gaps.

(b) The state board shall take the following actions to support implementation of the County Drought and Advisory Group recommendations:

(1) Identify state small water systems, small water suppliers and rural communities, and concentrations of domestic wells in California through a data system that includes the location and the amount of people served. The data system for state small water systems, small water suppliers and rural communities, and concentrations of domestic wells shall be similar to the department's data system for public water systems.

(2) Provide technical assistance resources to ensure equitable implementation of the requirements of this section.

(c) (1) The department, in consultation with the state board and relevant state agencies, shall establish a standing interagency drought and water shortage task force to facilitate proactive state planning and coordination, both for predrought planning and postdrought emergency response.

(2) The interagency drought and water shortage task force shall be a continuation of, or modeled off of, the existing County Drought and Advisory Group and shall include representatives from local governments, community-based organizations, and the public.

SEC. 2.

If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

Item #7

QUARTERLY STATUS REPORT

To: SWRCB/Division of Financial Assistance **Date:** 02 January 2020
Lawrence Sanchez

From: Bighorn-Desert View Water Agency **FA No.:** D17-02022
Marina West, General Manager

CC: NV5 / James F. Owens

Subject: Quarterly Reporting Project Status as of 31 December 2019

Summary of Progress to Date

Bighorn-Desert View Water Agency (BDVWA) resubmitted a draft preliminary engineering report (PER) to DFA for review in early January 2019, following receipt of review comments on a previous version of the PER from the SWRCB and BDVWA. The revised PER groups proposed projects into construction phases. Some projects are noted to be completed near term directly by BDVWA (without DFA financing). Some proposed projects that are a lower priority and require extensive environmental documentation and permitting efforts were deferred indefinitely. The draft PER proposes that all other project alternatives be advanced through the environmental documentation phase (CEQA and NEPA compliance) and through various levels of design completion utilizing planning phase funding assistance from DFA (the funding agreement noted above). The environmental documentation efforts, including associated biological, cultural resources, and paleontological studies, will likely be greater than the budget line item in the executed funding agreement. Therefore, a budget rebalance may be required and requested in the future.

BDVWA requests that DFA formally approve the draft PER. The draft PER prioritizes the proposed projects and BDVWA is evaluating how to finance construction of the improvements, as DFA grant funding may be limited or unavailable.

BDVWA identified a property in a tax sale that could be used as part of interconnection and system reliability improvements. BDVWA purchased that property (APN 0631-041-25), and anticipates utilizing the property for the B Booster Station and second interconnection with Hi-Desert Water District. BDVWA will not seek reimbursement for the purchase of that property under the planning funding agreement.

BDVWA signed Amendment No. 1 to the Funding Agreement in August 2019.

Anticipated Environmental Documentation

BDVWA has selected projects to advance with DFA planning phase funding. BDVWA anticipates completing CEQA and NEPA documentation for the proposed improvements. NEPA documentation is anticipated due to some work taking place on federal properties (Bureau of Land Management, BLM). Completing the NEPA documentation may also enable BDVWA to solicit funds from federal agencies to assist with construction of the improvements, e.g. U.S. Department of Agriculture Rural Development, Bureau of Reclamation.

BDVWA anticipates being the lead agency for CEQA. BDVWA will welcome a review of progress documents by DFA as the CEQA documentation is developed. BDVWA does not believe the proposed improvements are exempt from CEQA. BDVWA will prepare a CEQA initial study to identify environmental impacts. A mitigated negative declaration is currently anticipated.

BLM is anticipated to be the federal lead agency for NEPA. BDVWA submitted Form 299 to BLM in October 2019 to formally initiate environmental process with BLM. BLM has not scheduled a kickoff meeting.

BDVWA submitted a Jurisdictional Request to the Army Corps of Engineers for streambed crossing (Pipes Wash). The USACE determined this portion of Pipes Wash is not a Waters of the United States (File No. SPL-2010-00824-VN).

BDVWA has retained a consultant to prepare biological, paleontological, and cultural resources studies (PaleoWest). Initial work on these efforts has begun.

Design Efforts

BDVWA completed a blending and facility sizing technical memorandum that outlined sizes of transmission/blending pipeline, well pumps/motors, and booster station improvements. BDVWA completed an alignment analysis for the Zone B Blending Pipeline and Transmission Pipeline. The proposed alignment traverses Pipes Wash along Winters Road/Tracy Boulevard.

50% design drawings have been prepared for the consolidation pipelines, booster station improvements, and GM Well No. 2 destruction and replacement well. The design drawings for the consolidation pipelines, and well replacement are currently advancing toward 90%. The transmission/blending pipeline design drawings are currently advancing toward 50%.

The Zone D Booster Station improvements are reduced in scope from what is presented in the PER. BDVWA proposes to utilize an existing, empty vertical turbine pump can within the existing booster station, with a separate discharge pipeline. BDVWA will merge the Zone B Booster Station and Zone D Booster Station improvements into a single drawing set. BDVWA has requested funds for the replacement of the GM Well No. 2 from the IRWM program. If BDVWA is not successful in this funding request, BDVWA may separate the replacement well drilling and destruction of Well No. 2 from the building and mechanical improvements for the new well. The building and mechanical improvements would be included with the merged Zone B and Zone D booster station improvements package.

Geotechnical Investigation

BDVWA completed field investigation and laboratory testing for the project. The geotechnical report was completed in November 2019. Additional investigations and testing may be warranted under a construction funding agreement prior to the start of construction.

Land Surveying Efforts

BDVWA has completed site surveys for the project's booster stations, storage tank, and well site improvement areas. BDVWA has initiated mapping of section lines, rights of way, easements, and other items for pipeline corridors, focusing on areas west of SR247.

Schedule and Costs

A summary of BDVWA’s overall schedule, costs, and progress is shown in the table below.

| | |
|--------------------------------|----------------|
| Date of FA Execution | October 2017 |
| Date of FA Comp | March 31, 2023 |
| | |
| Amount of FA Funds | \$500,000 |
| Funds Claimed Through Claim 06 | \$230,277 |
| % of Funds Claimed | 46% |

Additional costs have been incurred since the submittal of Claim 06. These costs will be included in an upcoming claim. Development of environmental documentation has been delayed due to the inability to schedule a kickoff meeting with BLM.

Upcoming Project Activities

Through March 2020, project activities are anticipated to include:

- Kickoff meeting with BLM’s Barstow Field Office
- Review the proposed improvements with USDA Rural Development
- Advance environmental studies (general biological, paleontological, cultural resources)
- Additional land surveying along transmission/blending pipeline corridor and at some consolidation pipeline segments
- Submit pipeline design drawings to San Bernardino County Department of Public Works
- Submit electrical service request to SCE for new Zone D booster station
- Submit 90% design drawings for consolidation pipelines, including DWSAP document
- Initiate electrical engineering for well and booster station sites

Problems Encountered

Problems previously noted in quarterly reportings appear to have been addressed: DFA’s pauses in reimbursement processing and need for funding agreement extension.

* * * * *

Consent Items



BIGHORN-DESERT VIEW WATER AGENCY

Our Mission - "To provide a high quality supply of water and reliable service to all customers at a fair and reasonable rate."

Planning/Legislative/Engineering Grant & Security

Standing Committee Meeting Minutes

Committee Members: Vice President Corl-Lorono & Secretary Burkhart

BOARD MEETING OFFICE
1720 N. CHEROKEE TR.
LANDERS, CALIFORNIA 92285

December 17, 2019
Time – 9:15 A.M.

Call to Order

Vice President Corl-Lorono called the meeting to order at 9: 15 A.M.

Pledge of Allegiance

Led by John Burkhart

Roll Call

Directors: Judy Corl-Lorono
 John R. Burkhart

Staff: Seth Kish
 Marina West

Approval of the Agenda

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

CA Water Systems Alliance Update

General Manager West gave her report to the Committee and reviewed the 2019 legislative highlights: California Water Systems Alliance (CWSA) met with over 30 legislators and recommended options to fund various assembly and senate bills introduced to help underperforming water systems; garnered recognition for suggesting Greenhouse Gas Funding rather than the residential meter tax proposal; successfully lobbied for amendments to AB134 highlighting regional strategies to engage larger regional water systems in deploying aid to smaller underperforming water system; and met with members of the State Water Resources Control Board and staff to discuss the impacts of using response levels for compliance rather than Maximum Contaminant Levels. The outcome of the 2020 CWSA collaboration workshop yielded the following priorities: lobbying for legislative and regulatory priorities; reinforcing the need for regional approaches to help disadvantaged communities and smaller underperforming water systems; advocacy and representation; sponsorships to officials from disadvantaged water systems to increase participation in Sacramento; using case studies to demonstrate the success of regional approaches; advocacy training for local officials aimed at building a better understanding of the legislative process; and encouraging a statewide drinking water regulatory

communication initiative that would produce a risk communications strategy and program to help the public understand the difference between Notification Levels (NL), Reporting Levels (RL) and Maximum Contaminant Levels (MCLs).

No Public Comment

Prop. 1 / Round 1 Grant Application Update

General Manager West gave her report to the Committee regarding the status of the Prop. 1 Planning Grant issued September 7, 2017. She reviewed the status of the major project components. The Agency awaits approval of the Draft Preliminary Engineering Report (PER) but continues with the activities as they were outlined. The Agency originally had a full package of projects that were unfortunately denied funding so they were separated into specific projects such as physical consolidation of the BDV and GM systems; uranium blending pipeline, replacement production well at Goat Mountain; and projects the agency would complete without seeking grant funding such as the already completed pump replacement project.

Project progress includes blending pipeline and pump station design efforts to 50%, right-of-way identified, geotechnical investigations throughout the study area are completed, awarded subcontracts and initiated environmental review of the project alternatives for CEQA and NEPA. The Agency has also received a technical memorandum outlining the blending strategy that would bring Uranium levels down to an acceptable. The Agency also met with the State Water Board engineers that oversee the Agency's systems and they brought the new state consolidation coordinator to visit, who will be conducting the full sanitary inspection of the two systems in January. The Agency has also applied for the Prop.1 Round 1 competitive grant funds for the Goat Mountain replacement well and an answer is expected by the end of 2019.

No Public Comment

Discuss 2020 Election Cycle

General Manager West gave her report to the Committee. This was put on the agenda to discuss the challenges of upcoming elections. Vice President Corl-Lorono discussed what she learned at the CSDA fall conference. Director Burkhardt suggested getting started with the necessary demographic studies for our area so the Agency can comply with election rules. This matter will be brought back to the Committee for further evaluation and input.

No Public Comment

Review Old Woman Springs Groundwater Resources Discussion – Hi Desert Water District Engineering Committee November 21, 2019

General Manager West gave her report to the Committee. The Agency was contacted by Hi-Desert Water District and was notified that on their Engineering Committee Agenda of November 21, 2019 would be a presentation by the ranch owners consultant, E. F. Moore & Company. GM West explained some perceived implications of transporting this water through

the Morongo Basin Pipeline. VP Corl-Lorono attended the meeting on behalf of the Agency and provided additional comment.

No Public Comment

Consent Items

- a. Special PLEGS Committee Meeting Minutes, **October 15, 2019**

No Public Comment

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

Public Comment Period

No Public Comment

Verbal Reports

Adjournment – Vice President Corl-Lorono adjourned the meeting at 10:23 AM

Approved by:

Vice President Corl-Lorono, Committee Chair