



BIGHORN-DESERT VIEW WATER AGENCY
622 S Jemez Trail, Yucca Valley, CA 92284 (760)364-
2315 FAX (760)364-3412

CALL FOR A SPECIAL MEETING

A SPECIAL MEETING OF THE
PLANNING & ENGINEERING/LEGISLATIVE/GRANT COMMITTEE
WITH BOARD OF DIRECTORS*

*The BDVWA Planning & Engineering/Legislative/Grant Committee meeting is noticed as a joint meeting with the Board of Directors for the purpose of strict compliance with the Brown Act. Members of the Board who are not assigned to the Planning & Engineering/ Legislative/Grant Committee will participate as observers at the meeting.

WILL BE HELD ON AUGUST 26, 2009 AT 08:45 A.M. IN THE AGENCY
FACILITY LOCATED AT 1720 NORTH CHEROKEE TRAIL,
LANDERS, CALIFORNIA

THIS SPECIAL MEETING IS CALLED BY THE UNDERSIGNED
FOR THE EXPRESS PURPOSES
OUTLINED IN THE ATTACHED AGENDA

By: Judy Cori-Lorono
Judy Cori-Lorono, Board President

Date: August 26, 2009



BIGHORN-DESERT VIEW WATER AGENCY

SPECIAL MEETING PLANNING & ENGINEERING/LEGISLATIVE/GRANT COMMITTEE MEETING WITH BOARD OF DIRECTORS* AGENDA

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

**AUGUST 26, 2009
WEDNESDAY
8:45 A.M.**

*The BDVWA Planning & Engineering/Legislative/Grant Committee meeting is noticed as a joint meeting with the Board of Directors for the purpose of strict compliance with the Brown Act. Members of the Board who are not assigned to the Finance/Personnel/Public Relations & Education Committee will participate as observers at the meeting.

- **CALL TO ORDER**
- **PLEDGE OF ALLEGIANCE**
- **ROLL CALL**

Public Participation-Public is invited to comment on any item on the agenda during discussion of that item. You may wish to submit your comments in writing to assure that you are able to express yourself adequately. In giving your public comment, please state your name and have your information prepared. Due to time constraints, a three minute time limit may be imposed. 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, please contact the Board Secretary during Agency business hours by calling 760-364-2315.

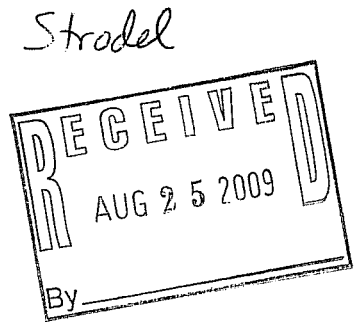
1. **CONFERENCE CALL WITH MOJAVE WATER AGENCY'S LEGAL/LEGISLATIVE AND PUBLIC INFORMATION COMMITTEE**- Committee to participate via teleconference for an update on State Advocate and Issues at the State Level and update on Federal Advocate and Issues at the Federal Level.
2. **PUBLIC PARTICIPATION**- Any person may address the Committee on any matter within the District's jurisdiction on items not appearing on this agenda.
3. **STANDING COMMITTEE PROJECT LIST**

4. DIRECTORS' COMMENTS/REPORTS
5. ITEMS FOR NEXT AGENDA
6. ADJOURNMENT

Materials related to an item on this Agenda submitted to the Committee Members after distribution of the agenda packet are available for public inspection in the Bighorn-Desert View Water Agency office at 622 S. Jemez Tr., Yucca Valley, CA during normal business hours.



**LEGAL/LEGISLATIVE AND
PUBLIC INFORMATION
COMMITTEE MEETING**
AGENDA



Mojave Water Agency
Board Room
22450 Headquarters Drive
Apple Valley, CA 92307

August 26, 2009
9:00 a.m.

NO ACTION WILL BE TAKEN – STUDY SESSION ONLY

1. Approval of Agenda
2. Adopt Actions from the Legal/Legislative and Public Information Committee Meeting of July 16, 2009
3. Update on State Advocate and Issues at the State Level (teleconference)
4. Update on Federal Advocate and Issues at the Federal Level (no report this month)
5. Public Information Update (oral report)
6. General Manager's Report (oral report)
7. Public Participation
8. Comments/Discussion Items for Next or Future Agendas
9. Adjournment

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



**LEGAL/LEGISLATIVE AND
PUBLIC INFORMATION
COMMITTEE MEETING**

ADOPTED COMMITTEE ACTIONS
JULY 16, 2009

CALL TO ORDER:

Chairperson Art Bishop called the meeting to order at 9:00 a.m.

ATTENDANCE:

- ‡ Committee - Chairperson Art Bishop, Director Beverly Lowry, and Director Doug Shumway
- ‡ Absent – None
- ‡ Staff – General Manager Kirby Brill; Water Conservation Program Manager Tamara Alaniz; and Senior Administrative Assistant, Public Information Gloria Golike
- ‡ Consultants – State Advocate Pilar Onate-Quintana, KP Public Affairs and Federal Advocates Heather McNatt and Letitia White, Innovative Federal Strategies, LLC joined by teleconference
- ‡ Others – Four visitors were in the audience and two entities joined the meeting online

1. Approval of Agenda

Action: The agenda was approved as presented.

2. Adopt Actions from the Legal/Legislative and Public Information Committee Meeting of June 18, 2009

Action: The actions of the June 18, 2009 meeting were adopted as submitted.

3. Update on State Advocate and Issues at the State Level

Ms. Pilar Onate-Quintana joined the meeting by teleconference. She gave an update on the California State Budget. She responded to some questions from the Committee members regarding different funding issues. She gave an update on the Delta bills "package" and she also gave a brief status of the two water conservation bills – SB 261 and AB 49.

Action: Informational purposes only. No action taken.

4. **Update on Federal Advocate and Issues at the Federal Level**

Ms. Heather McNatt and Ms. Letitia White joined the meeting by teleconference. Ms. McNatt announced that the Mojave Water Agency received \$13.4 million in Stimulus Funding from the Bureau of Reclamation. She gave a brief update on 2009-10 funding of the Non-Native Species project. She mentioned that Congress would be in recess during the month of August. She also addressed questions from the Committee members regarding mining laws, Army Corps of Engineers funding, and other issues.

Action: Informational purposes only. No action taken.

5. **Public Information Update**

Ms. Alaniz mentioned that a news release was sent out regarding the \$13.4 million received in Stimulus Funding. She also talked about the success of the Legislative Outreach Training that occurred on July 10. She stated that a special section on water awareness and conservation will be appearing in the Daily Press in August. She concluded with the announcement of the ABC's of Water session scheduled for July 28.

6. **General Manager's Report**

There was no initial report from the General Manager. There was a question from the Committee regarding this year's agenda for the San Bernardino County Water Conference. A brief discussion followed.

7. **Public Participation**

None noted.

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

There were comments regarding the success of the Legislative Outreach Training on July 10 at the City of Victorville, co-hosted by the Association of California Water Agencies (ACWA) and MWA.

9. **Adjournment**

Chairperson Bishop adjourned the meeting at 10:00 a.m.

Submitted by: _____
Gloria Golike
Senior Administrative Assistant,
Public Information

Attachments on-file:
Sign-in sheet

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

August 17, 2009

Senator Fran Pavley
Senator Joseph Simitian
Senator Lois Wolk
Assemblyman Jared Huffman
Assemblyman Mike Feuer



RE: Water, Agriculture and Business Community Initial Review of Water Proposal Package

Dear Senators Pavley, Simitian, Wolk and Assemblymembers Huffman and Feuer:

California's Sacramento-San Joaquin Delta faces an immediate crisis and an unsustainable future as sea level rises and an outdated, seismically vulnerable water delivery system threatens the entire state economy. Without a reliable water supply that supports and sustains a recovering economy there is no capacity to invest in the environment. And without a robust and sustainable Delta environment there won't be reliable water supply. The status quo threatens devastating statewide consequences and bold action is long overdue.

We appreciate your efforts in bringing forth your legislative ideas to address these issues. Many of the broad mechanisms and themes contained in the legislation will be necessary to achieve the coequal goals of a reliable water supply and a restored and sustainable Delta ecosystem. However, we believe many of the specifics within the package, as currently drafted, would impede California's ability to meet the water supply reliability component of the coequal goals, which in turn, makes progress on ecosystem restoration an empty promise. Broadly speaking, some proposals do not enhance governance in the Delta as they add new and unnecessary layers of approval and inappropriate decision criteria.

We believe a comprehensive and effective package is achievable by first identifying a framework that has broad support and then resolving important matters of detail. With this approach in mind we support main elements of a package crafted as follows:

1. Identify water supply reliability and the Delta ecosystem as the coequal goals. Legislation should codify these goals and all actions must be tested only against the fundamental criterion that they help achieve the coequal goals. Programs and projects to construct new storage and conveyance should be included in the Delta legislative package and subject only to findings that they assist in meeting the coequal goals of ecosystem restoration and water supply reliability.

2. Create a Delta Stewardship Council, Delta Conservancy and Independent Science Board. We believe a Delta Stewardship Council focused on the statutory Delta that develops a master plan guiding existing agencies actions toward achievement of the coequal goals and performing a coordination function is desirable. Its function should be to ensure Delta actions work collectively toward the coequal goals, but not override or duplicate existing authority. We also believe a Delta Conservancy and Independent Science Board support a successful adaptive management strategy in

the Delta. New institutions, such as a “watermaster” as proposed in existing legislative preprints, could create overlapping and duplicative jurisdictions that don’t serve the coequal goals of Delta policy.

3. Provide a balanced approach to funding. Public funding must complement water agency investments in Delta. Water agencies are prepared to invest billions of dollars for water system and ecosystem improvements, but public investments will be necessary to fully meet the coequal goals and address all ecosystem stressors. The legislative package must identify an equitable and achievable means of securing the public funds. Assurances that these funding sources remain dedicated to addressing planned actions in the Delta will be necessary

4. Support the Bay Delta Conservation Plan. The Bay-Delta Conservation Plan is the keystone element in a comprehensive Delta Plan to achieve the coequal goals. When complete, the plan will be in full compliance with a range of state and federal statutes. The BDCP should not be subject to new legislative mandates in the middle of the planning process. The Delta legislative package should facilitate rather than hinder collaborative efforts to solve Delta issues under existing federal and state environmental statutes.

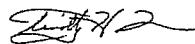
5. Focus on the Delta. Broader, statewide issues of water rights, groundwater management and water conservation should be considered, but should not be allowed to slow or stop a much needed Delta solution. Those important issues have statewide significance and must not suffer from the need to focus on the Delta now. The scope of the Delta Plan must focus on the statutory Delta. However, this does not preclude recognizing that actions outside of the Delta may need to take place to achieve critical goals where they can be accomplished via agreement.

We look forward to working with you on successful legislation that provides for the good of all those who depend upon the Delta and for the future health of the California economy.

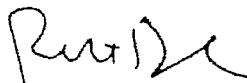
Sincerely,



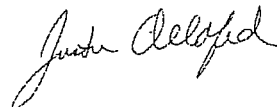
Paul Piraino, General Manager
Alameda County Water District



Timothy H. Quinn, Executive Director
Association of California Water Agencies



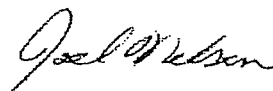
Robert Dolezal, Executive Vice President
California Association of Nurseries and Garden Centers



Justin Oldfield, Director of Industry Affairs
California Cattlemen’s Association



Allan Zaremberg, President and CEO
California Chamber of Commerce



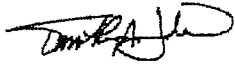
Joel Nelsen, President
California Citrus Mutual



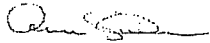
Earl Williams, President
California Cotton Ginners and Growers Association



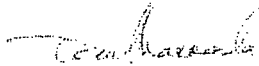
Chris Zanobini, Executive Vice President
California Grain and Feed Association



Tim Johnson, President
California Rice Commission



Ann Quinn, Executive Vice President
California Warehouse Association



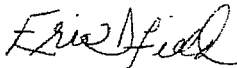
Dan Masnada, General Manager
Castaic Lake Water Agency



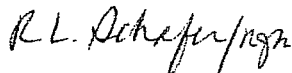
Steve Robbins, General Manager
Coachella Valley Water District



Thomas D. Cumpston, General Counsel/GM
El Dorado Irrigation District



Erin Field,
Irrigation Association



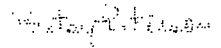
R.L. Schafer, Engineer
Liberty Water District



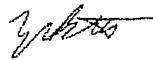
Danny Merkley, Director of Water Resources
California Farm Bureau Federation



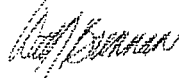
Ed Yates, President
California League of Food Processors



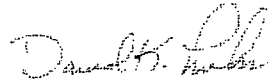
Betsy Peterson, Executive Vice President
California Seed Association



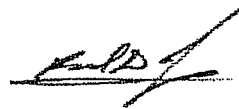
Tyler Bennett, Chairman of the Board
California Water Alliance



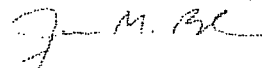
William J. Brennan, Executive Director
Central Coast Water Authority



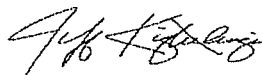
David K. Luker, General Manager/Chief Engineer
Desert Water Agency



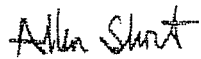
Ron Jacobsma, General Manager
Friant Water Authority



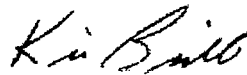
Jim Beck, General Manager
Kern County Water Agency



Jeffrey Kightlinger, General Manager
Metropolitan Water District of So. California



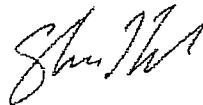
Allen Short, General Manager
Modesto Irrigation District



Kirby Brill, General Manager
Mojave Water Agency



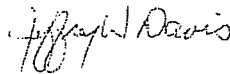
Manuel Cunha, Jr., President
Nisei Farmers League



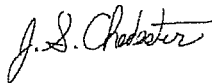
Steve Cole, General Manager
Newhall County Water District



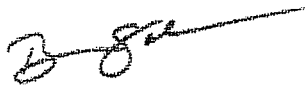
Donn Zea, President/CEO
Northern California Water Association



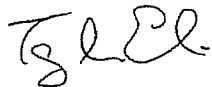
Jeff Davis, General Manager
San Geronio Pass Water Agency



Steve Chedester, Executive Director
San Joaquin River Exchange Contractors Water Authority



Beau Goldie, Chief Executive Officer
Santa Clara Valley Water District



Terry Erlewine, General Manager
State Water Contractors



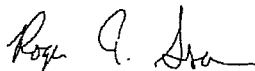
Charles Wilson, Chairman of the Board
Southern California Water Committee



Mark Gilkey, General Manager
Tulare Lake Basin Water Storage District



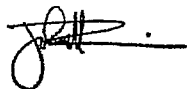
Robert J. Reeb, Executive Director
Valley Ag Water Coalition



Roger Isom, President
Western Agricultural Processors Association



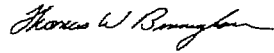
Dave Puglia, Sr. Vice President, Gov't Affairs
Western Growers Association



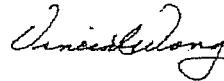
John Rossi, External Affairs Officer
Western Municipal Water District



Renee Pinel, President/CEO
Western Plant Health Association



Thomas Birmingham, General Manager/General Counsel
Westlands Water District

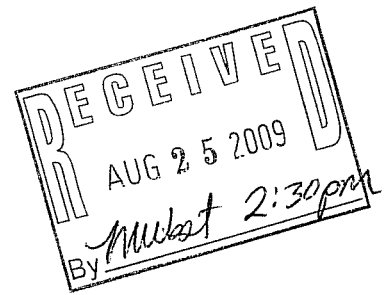


Vincent D. Wong, Assistant General Manager
Zone 7 Water Agency

Cc: Governor Arnold Schwarzenegger
John Moffatt
Mike Chrisman
Lester Snow
Senator Pro Tem Darrel Steinberg
Senator Dennis Hollingsworth
Assembly Speaker Karen Bass
Assemblyman Sam Blakeslee

latimes.com

CAPITOL JOURNAL



On water issue, Democrats try to give up some power

To get around Sacramento gridlock, legislators attempt to create an independent body to decide how to restore and upgrade the Sacramento-San Joaquin River Delta.

George Skelton

Capitol Journal

August 25, 2009

From Sacramento

Take a good look because you won't see this often: The Legislature's majority party trying to surrender power.

It's power that Democrats have been incapable or unwilling to exercise anyway. And it's not like they're giving it to Republicans.

They're attempting to create an independent governing body to decide how to restore the ecosystem and remodel the waterworks of the deteriorating Sacramento-San Joaquin River Delta, a major source of drinking water for Southern Californians and irrigation for San Joaquin Valley farms.

Wealth, livelihoods and ways of life are at stake. Some of California's most combative interests -- agricultural, business, urban, environmental -- have been battling over the delta for decades. Because these stakeholders can't agree, neither can the politicians whose policies tend to be shaped by their patron interests. That's the system.

Handing off the decision-making authority to an outside entity was suggested by a special commission -- the Delta Vision Blue Ribbon Task Force -- created by Gov. Arnold Schwarzenegger and headed by attorney Philip Isenberg, a former high-ranking legislator and Sacramento mayor.

More than 200 federal, state and local entities have their fingers in delta water, the panel noted in its report last October. "Everyone is involved but no one is in charge. . . . Continuation of the current system of governance . . . guarantees continued deadlock and inevitable litigation."

Sen. Joe Simitian (D-Palo Alto), author of a bill to create a powerful Delta Stewardship Council, blames California's "reform tradition" for much of Sacramento's gridlock.

"In response to big-city machine politics on the East Coast, California created lots of checks and balances so nothing bad can happen," Simitian says. "The flip side is nothing good gets done. At some point, you have to let go and let somebody make the hard decisions.

"Those decisions would be better made in a less political environment by people who know what the hell they're talking about. The lesson of the last 25 years is that political institutions are not very well equipped to make plumbing decisions. We need to provide for independence and expertise."

The senator's mention of the last 25 years refers roughly to the last time the Legislature and governor had the courage to step up and make a major water decision. They were slapped down by voters.

Gov. Jerry Brown and the Legislature authorized a "peripheral canal" to funnel Sacramento River water around the brackish delta and directly into a southbound aqueduct. But in 1982 an unlikely coalition of rich farmers and skittish environmentalists talked voters into repealing the legislation. Farmers thought the canal's operation would be too friendly to the environment, while environmentalists believed it wouldn't be friendly enough.

Voters actually had approved the canal in 1960 when they authorized bonds for Gov. Pat Brown's State Water Project. But by the time Oroville Dam and the California Aqueduct were built, the state had run out of money for the canal.

The canal originally was proposed by state wildlife officials to protect fish from being sucked into pumps draining delta water into the aqueduct. But many environmentalists, delta farmers and Bay Area cities over the decades have fought the canal, envisioning it as a giant straw to siphon additional northern water into valley irrigation ditches and Southland swimming pools.

But things have changed. We've entered a new era in the perpetual water wars.

The fishery has tanked and courts have curtailed deliveries to save the remaining fish. Delta levees are crumbling and are vulnerable to flooding or the inevitable big earthquake that could cut off all water shipments for years.

Global warming threatens to reduce the Sierra snowpack and melt it faster, requiring more water storage -- reservoirs and underground -- to prevent worse droughts and flooding. Scientists also predict that climate change will raise the sea level, swamping the delta with salt water.

The new fight against time is to restore the ecosystem while providing a reliable water supply -- emphasis on *reliable*, even if the supply is reduced from previous commitments.

There's a growing consensus among farm, urban and many environmental interests -- but still not delta farmers who rely on fresh Sacramento River water -- that some peripheral canal is needed. Or perhaps a peripheral *tunnel*. Or a combo of both. Or both combined with a more secure water route through the delta -- a route that could devastate one of the estuary's most scenic boating areas.

Whatever the "conveyance" -- new water lingo for the emotional word "peripheral" -- Democratic legislators want it to be decided by a seven-member Delta Stewardship Council. The governor would appoint four members and the Legislature two. The chairman of a Delta Protection Commission would be the seventh member.

The council's co-equal mission would be to improve both the ecosystem and water supply. It would assess fees on users of delta water to pay for the billions in upgrades.

The Simitian bill is part of a comprehensive Democratic package that also would, among other things, require a 20% reduction in urban water consumption by 2020. Crop irrigation likewise would have to be more efficient. And all groundwater levels would be monitored by local agencies and reported to the state.

"This is the most profound, the most radical change in water policy in my lifetime," says Rande Kanouse, veteran lobbyist for the East Bay Municipal Utility District. He says much tinkering is needed and urges the Legislature to delay final action until next year.

But Democrats are holding weekly committee hearings in hopes of passing legislation by Sept. 11, the end of this year's regular session.

Schwarzenegger, backed by Republicans, dampened optimism by vowing not to sign legislation that doesn't include bonds for dams. A bond bill would require a two-thirds majority vote, a generator of gridlock. The other water bills need only a simple majority vote.

"The governor has to decide whether he wants to solve this problem or have another food fight," says Assemblyman Jared Huffman (D-San Rafael), who heads the water committee.

Dams are needed. But they'd be of little use without a healthy delta. This is a once-in-a-generation chance to heal the estuary.

Critics might accuse Democrats of passing the buck. But it's a wise move that recognizes the Legislature's limitations.