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September 3, 2020

D. Paul Stanfield, President
Gregory H. Beberian, Vice President
David Cehrs, PhD
Ceil W. Howe, Jr.
Mark C. McKean
Chris Kapheim
Masaru Yoshimoto

BOARD OF DIRECTORS

of the

KINGS RIVER CONSERVATION DISTRICT

Gentlemen and Members of the Public:

The Regular Monthly Meeting of the Board of Directors of the Kings River Conservation District is to be held on **Tuesday, September 8, 2020, via ZOOM Web/Teleconference. The web link and call-in information are on the Agenda.**

The Regular Monthly Meeting will begin at 1:35 p.m., following the meeting of the Kings River Conservation District Public Financing Corporation

As a result of the COVID-19 emergency and the Governor's Executive Orders N-29-20 and N-33-20, this meeting will occur via remote presence by video and teleconference. There will not be a physical public access location. The District is conducting the meeting in this manner to protect public health by avoiding public gatherings and requiring social distancing. At the same time, the District remains committed to transparency. Members of the public will be able to listen to and watch the meeting, and comment if desired. Public comments and questions will only be possible during the agendized Public Comment portion of the meeting.

The patience and cooperation of all participants is appreciated. While every effort has been made to streamline the experience and conduct meetings in the manner to which our stakeholders have grown accustomed, there may be technical issues and human error. We will attempt to promptly correct any issues that arise.

Individuals who require special accommodations are requested to contact the Assistant Secretary of the Board by phone at: (559) 237-5567 or by email at: cmclaughlin@krcd.org.

Sincerely,

Paul G. Peschel,
Board Secretary

PP/cm

File: 200.01

BOARD OF DIRECTORS

Division I, CHRIS M. KAPHEIM, Dinuba · Division II, MASARU YOSHIMOTO, Fowler · Division III, GREGORY BEBERIAN, Fresno · Division IV, MARK MCKEAN, Riverdale · Division V, D. PAUL STANFIELD, Hanford
Division VI, CEIL W. HOWE, JR., Stratford · Division VII, DR. DAVID CEHRS, Sanger

OFFICERS

D. PAUL STANFIELD, President · GREGORY BEBERIAN, Vice President · PAUL PESCHEL, General Manager · Secretary · BRIAN TREVARROW, Auditor

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Agenda

KINGS RIVER CONSERVATION DISTRICT Board of Directors Meeting

Date: September 8, 2020 – Tuesday

Time: 1:35 P.M.

Location: Web or Teleconference via **ZOOM**

ZOOM Link:

<https://us02web.zoom.us/j/87330232609?pwd=TS8wckZoQ01KNEFGVTMxSXREYk5zQT09>

ZOOM Call-In: +1 669 900 6833 ; Meeting ID: 873 3023 2609 ; Password: 411608

ZOOM One-Tap Mobile: +16699006833,,87330232609#,,,,,0#,,411608#

1. Additions to or Deletions from the Agenda
2. Public Presentations or Comments
Presentations or comments by the public on matters on the agenda and within the jurisdiction of the Board, limited to a timeframe set by the Board President. *This is the only portion of the meeting where the public can comment.*
3. Approval of Minutes of the August 11, 2020 Regular Board Meeting

REPORTS

4. Water Conditions (KRWA Staff)
The Kings River Watermaster or Staff will give a report on the water storage on the Kings River system, inflow and outflow at Pine Flat Reservoir, and the available flood control space on the system.
5. Directors' Reports
Each member of the Board will have the opportunity to report on meetings and conferences attended during the prior month on behalf of the District. No action will be taken.
6. Staff Reports
The Board will receive reports on the prior month's activities from members of the District management staff:
 - a. Paul Peschel, General Manager
 - b. Cristel Tufenkjian, Director of External Affairs
 - c. Charlotte Gallock, Director of Water Resources
 - d. David Merritt, Deputy General Manager
 - e. Brian Trevarrow, Chief Financial Officer

ACTION ITEMS

7. Financial Report
 - a. Budget Expenditures (Brian Trevarrow)
The Auditor will present expenditure to budget comparison reports for the period ending August 31, 2020. In addition, the monthly investment report for August 2020 will be presented.

b. Review of Monthly Disbursements (Greg Beberian)

A member of the Board will report on his review of all bills paid subsequent to the last Board meeting, the current accounts payable, and will make a recommendation at the meeting.

8. RESOLUTION 20-05 AUTHORIZING APPLICATION FOR GRANT UNDER PROPOSITION 50 SUSTAINABLE GROUNDWATER MANAGEMENT WATERSHED COORDINATOR PROGRAM (Charlotte Gallock)

The Board will be asked to consider adoption of Resolution 20-05, authorizing application for grant funds under the Proposition 50 Sustainable Groundwater Management Watershed Coordinator Program.

9. CLOSED SESSION 2:30 p.m. (Paul Peschel)

Government Code Section 54956.9(d)(2) To confer with its Legal Counsel regarding exposure to one matter of potential litigation.

10. RECONVENE FROM CLOSED SESSION/REPORT CLOSED SESSION ACTIONS

ADJOURNMENT

Note: The public will be given the opportunity to address the Board on any item on the agenda before the Board's consideration of that item. The President may limit the total amount of time allocated for public testimony on particular issues for each individual speaker.

A person with a qualifying disability under the Americans with Disabilities Act of 1990 may request the District provide a disability related modification or accommodation in order to participate in any public meeting of the District. Such assistance includes appropriate alternative formats for the Agendas and Agenda packets used for any public meetings of the District. Requests for such assistance and for Agendas and Agenda packets shall be made in person, by telephone, facsimile, or written correspondence to the Secretary to the Board of Directors of Kings River Conservation District at the District offices: 4886 E Jensen, Fresno, CA, 93725, at least 48 hours before a public District meeting.

Materials related to any item on this Agenda submitted to the District at the time of or after distribution of the agenda packet are available for public inspection in the District's Office at 4886 E. Jensen Avenue, Fresno, CA during normal business hours or by calling (559) 237-5567.

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Minutes

KINGS RIVER CONSERVATION DISTRICT
Board of Directors Meeting

Date: August 11, 2020 – Tuesday
Time: 1:30 p.m.
Location: 4886 E. Jensen Avenue, Fresno

President Stanfield called the meeting to order at 1:31 p.m.

DIRECTORS PRESENT

Paul Stanfield, President
 Gregory Beberian, Vice President (via Zoom)
 David Cehrs, Ph.D. (via Zoom)
 Ceil W. Howe Jr. (via Zoom)
 Chris Kapheim (via Zoom)
 Mark C. McKean
 Mike Yoshimoto

DIRECTORS ABSENT

None

OTHERS PRESENT

KRCD Staff
 Paul Peschel
 David Merritt
 Brian Trevarrow
 Binu Brar (via Zoom)
 Charlotte Gallock (via Zoom)
 Rebecca Quist (via Zoom)
 Stacy Wright (via Zoom)
 Corey McLaughlin

Consultants & Others
 Matthew Meadows (via Zoom)

ROUTINE OPENING BUSINESS

1. Additions to or Deletions from the Agenda

None.

2. Public Presentations or Comments

None.

3. Approval of Minutes of the July 14, 2020 Regular Board Meeting

It was moved by Director Yoshimoto, seconded by Director McKean, and unanimously carried, that the minutes of the July 14, 2020 Regular Board Meeting be approved.

Roll Call Vote:

Director Stanfield: Aye
 Director Beberian: Aye
 Director Cehrs: Aye
 Director Howe: Aye
 Director Kapheim: Aye
 Director McKean: Aye
 Director Yoshimoto: Aye

REPORTS**4. Water Conditions**

The Kings River Water Association Assistant Water Master reported on water storage on the Kings River System, inflow and outflow at Pine Flat Reservoir, and the available flood control space on the system.

5. Directors' Reports

Director Cehrs reported on his attendance at the virtual ACWA Board Meeting and on presentations they received during the meeting.

Director Kapheim reported on his attendance at the virtual JPIA Board meeting and on items of note from the meeting.

6. Staff Reports

The Board received reports on the prior month's activities from members of the District management staff:

- a. Paul Peschel, General Manager, reported the following:
 - i. State and Federal legislative, budgetary, and regulatory activities of note.
 - ii. Upcoming events and meetings of note.
 - iii. Addressed questions from Board Members on several items.
- b. Cristel Tufenkjian, Director of External Affairs was absent and there was nothing to present in addition to her written report.
- c. Charlotte Gallock, Director of Water Resources, reported the following:
 - i. Developments with CV-SALTS and the Management Zones.
 - ii. Various Kings River Water Quality Coalition membership activities and submittal processes.
 - iii. Progress of the various drinking water fill station projects.
 - iv. Activities and developments related to SGMA.
 - v. Addressed questions from Board Members on several items.
- d. David Merritt, Deputy General Manager, reported the following:
 - i. Performance and activities at Pine Flat power plant, including generation, Unit 4 development progress, and FERC License Amendment progress
 - ii. Update on recent hiring process for open positions at Pine Flat, Riverdale and District office.
 - iii. Flood Project maintenance activities.
 - iv. Construction update on the McMullin Flood Water Capture and Recharge Project (Terranova project).
 - v. Progress on engineering review of storage enhancement projects.
 - vi. Fisheries Management Program is on-track for stocking activities for the year.
- e. Brian Trevarrow, CFO, reported that KRCD has hired a new Controller: Binu Brar.

ACTION ITEMS**7. Financial Report****a. Budget Expenditures (Brian Trevarrow)**

The Auditor presented expenditure to budget comparison reports for the period ending July 31, 2020. In addition, the monthly investment report for July 2020 was presented.

b. Review of Monthly Disbursements (D. Paul Stanfield)

It was moved by Director Stanfield, seconded by Director McKean, and unanimously carried, that bills in the amount of \$664,474.50, as presented in the schedule of Disbursements and Current Accounts Payable, be approved and ordered paid.

Roll Call Vote:

Director Stanfield: Aye
 Director Beberian: Aye
 Director Cehrs: Aye
 Director Howe: Aye
 Director Kapheim: Aye
 Director McKean: Aye
 Director Yoshimoto: Aye

8. CLOSED SESSION 2:30 p.m. (Paul Peschel)

Government Code Section 54956.9(d)(2) To confer with its Legal Counsel regarding exposure to one matter of potential litigation.

9. RECONVENE FROM CLOSED SESSION/REPORT CLOSED SESSION ACTIONS (2:56 p.m.)

No action was taken.

ADJOURNMENT

There being no further business, President Stanfield adjourned the meeting at 2:57 p.m.

 Paul G. Peschel
 Board Secretary

 Board President

Approved on _____, 2020

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KINGS RIVER WATER ASSOCIATION

4888 EAST JENSEN AVE.
FRESNO, CALIFORNIA

WATER CONDITIONS

Storage *2400 hrs. September 3, 2020*

Pine Flat	24 Hr. Storage Change	-1,165	210,410	A.F.
Upstream	24 Hr. Storage Change	-339	124,161	A.F.
Subtotal			334,571	A.F.
Less P.G. & E.			-60,000	A.F.
Net K.R.W.A.			274,571	A.F.

Vacant Space *2400 hrs. September 3, 2020*

Pine Flat	789,590	A.F.
Upstream	129,839	A.F.
Total	919,429	A.F.

Inflow *2400 hrs. September 3, 2020*

Pre-Project Piedra	206	C.F.S.
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Available for Distribution

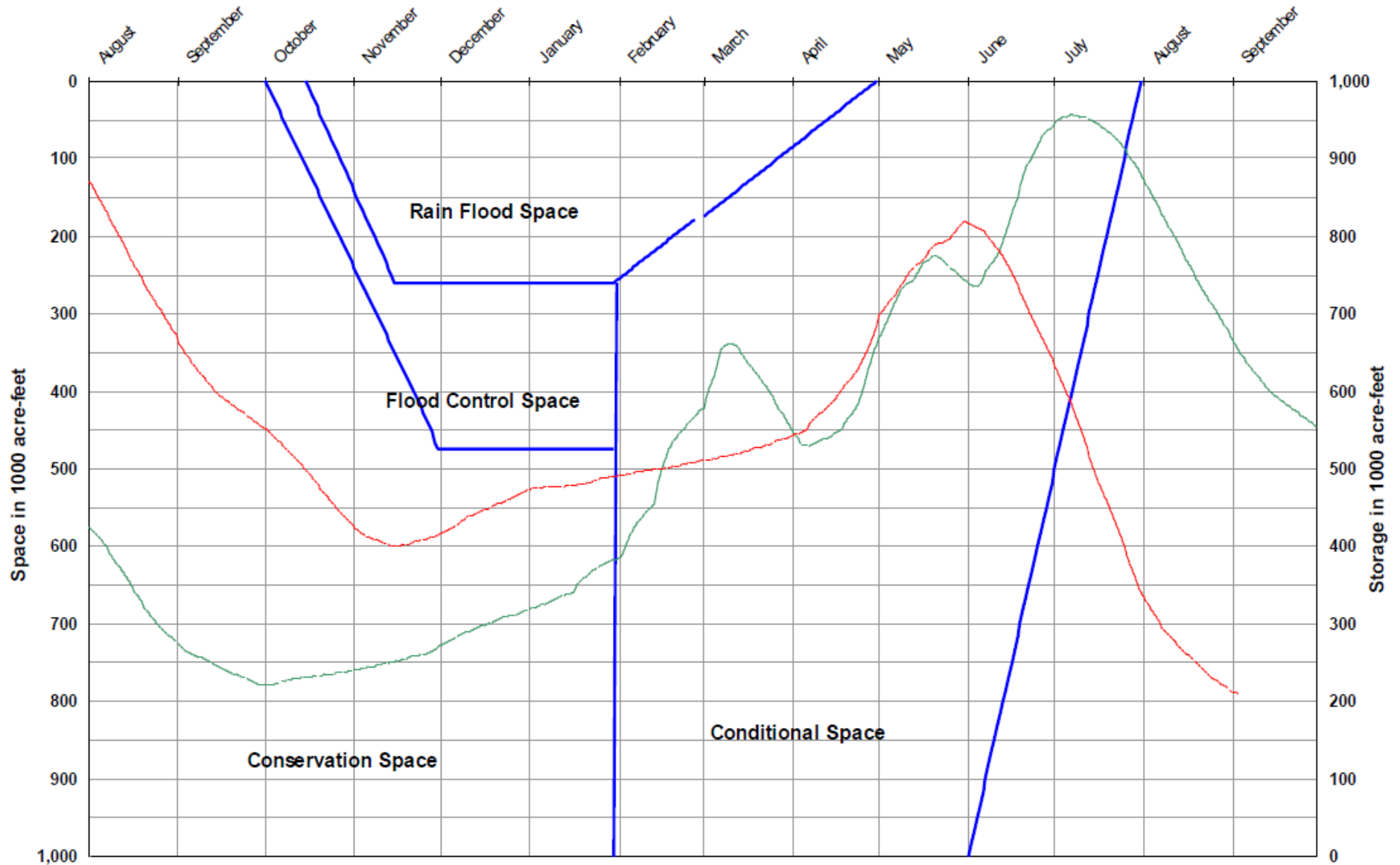
0700 hrs. September 5, 2020

Pine Flat Release	950	C.F.S.
Mill & Hughes Creeks	0	C.F.S.
Friant-Kern	0	C.F.S.
Total Available	950	C.F.S.

Precipitation at Pine Flat

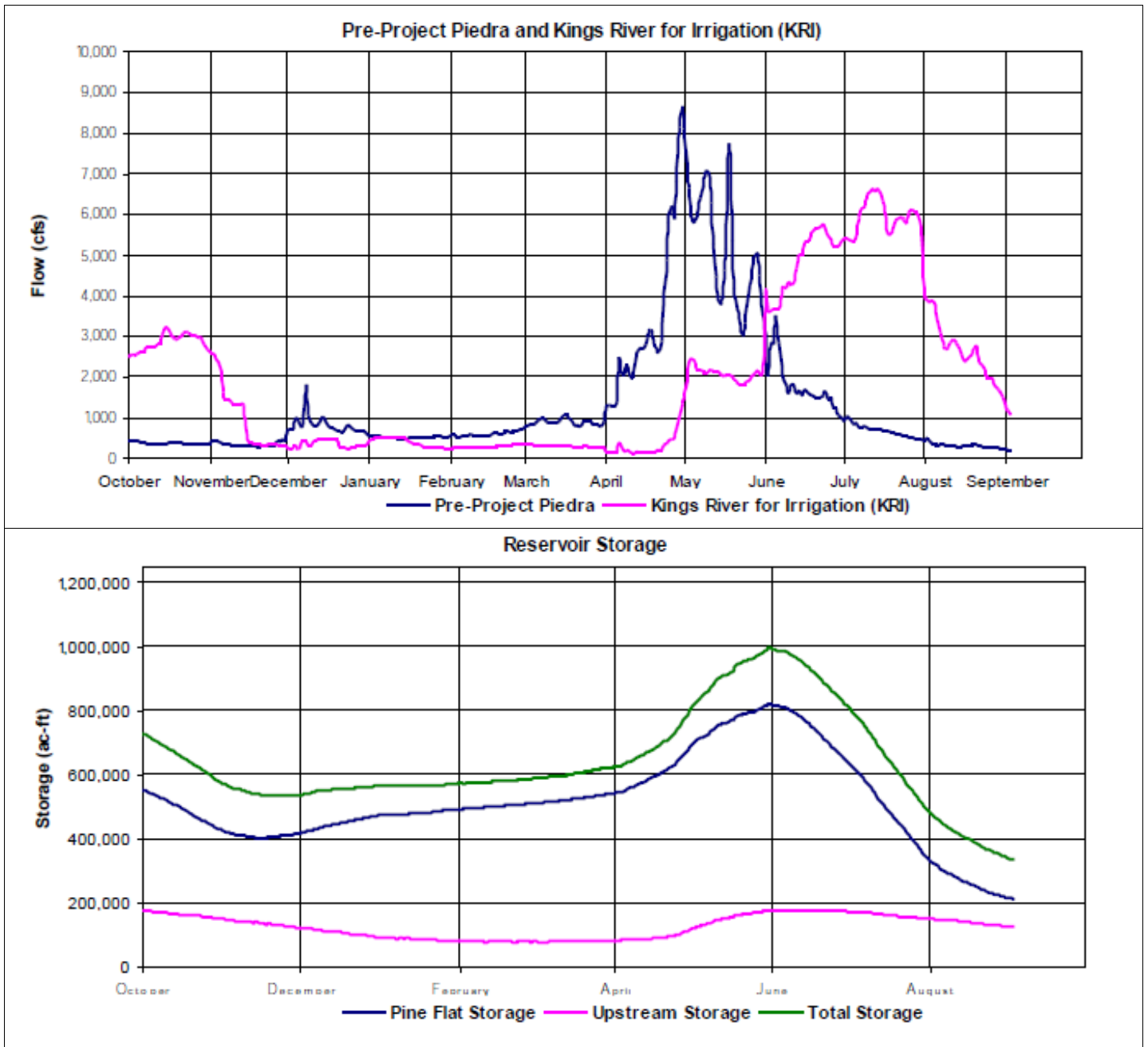
October 1 thru September 3, 2020	13.39
Average for Date	19.08
Percent of Average	70.2%

PINE FLAT LAKE Flood Control Diagram



Kings River Water Association 2019–2020 Water Year Hydrologic Data

October 1 to September 3



Pre-Project Piedra		Date
Water Year:	905,484 af	YTD
Maximum:	8,656 cfs	4/30/2020
Minimum:	206 cfs	9/3/2020
April-July Runoff:	669,870 af	YTD
% of Average:	54.54%	YTD

Precipitation at Pine Flat		Date
Water Year:	13.39in	YTD
Average:	18.99in	YTD
% of Average:	70.50%	YTD

Kings River for Irrigation		Date
Total K.R.I.:	1,284,712 af	YTD
Maximum:	6,652 cfs	7/14/2020
Minimum:	131 cfs	4/11/2020

Storage		Date
Pine Flat (Max.):	819,375 af	5/31/2020
Pine Flat (Min.):	210,410 af	9/3/2020
Upstream (Max.):	175,328 af	6/16/2020
Upstream (Min.):	76,516 af	3/3/2020

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September 1, 2020

Memorandum

TO: Board of Directors

FROM: Paul G. Peschel, P.E., General Manager

SUBJECT: General Manager's Status Report for the Month of August 2020

This memorandum was prepared to supplement the monthly reports of the District's management team and to highlight specific items and activities for the month of August 2020.

State Affairs

The Governor's Office is down two key senior staff members. Legislative Secretary Anthony Williams departs August 31st, at the end of the legislative session. One of the legislative secretary's major duties is making recommendations throughout September on the hundreds of bills awaiting gubernatorial action by the end of next month. Also, Dan Seeman – a deputy cabinet secretary who specialized in criminal justice and public safety policy – and Chongtoua Mouavangsou – the Governor's Central Valley coordinator for external affairs – are leaving. The Department of Finance (DOF) chief deputy for the budget also remains vacant as the former incumbent, Vivek Viswanathan, moved to a lower senior advisor role. Lastly, Department of Public Health Director, Dr. Sonia Angell, resigned amidst revelations that COVID-19 data tracking was flawed, which resulted in the Governor making an announcement based on that flawed data.

Legislative

The California Senate postponed a floor session on Wednesday, August 26th, amid a report that a senator or staff member had tested positive for the coronavirus. Since March, lawmakers have had to navigate legislating during global pandemic concerns. This navigation effort has required extensive cleaning protocols while limiting the number of staff present. The Senate has allowed members to vote remotely from their district offices on bills during committee hearings, but required senators to travel to Sacramento for floor sessions scheduled during the last two weeks, when final votes are cast. The positive test complicates the final week of the 2020 session which adjourns at midnight on August 31st, as this is when lawmakers meet all day on their respective floors to finalize remaining bills. Two Assembly members had previously tested positive for the virus this summer, resulting in the summer recess being lengthened by two weeks through the end of July. The shortened timeline resulted in both houses reducing their bill loads, along with a single meeting for hearings.

Bills

Staff are monitoring several bills (see attachment). Below are updates on new bills or bills that have had activity during the month of August:

AB 1659 (Bloom) Large electrical corporations: wildfire mitigation: securitization:

AB 1659 would appropriate hundreds of millions of dollars for wildlife prevention, emergency communications projects along with unrelated workforce training and water resource projects. The projects have merit, but the funding mechanism would be an extension of the Department of Water Resources (DWR) 2001 energy crisis surcharge on Investor Owned Utilities customer electric bills through the year 2051. The latter provision prompted opposition from production agriculture, industry, IOUs, and utility ratepayer organizations. In the August 28th ACWA State Legislative Committee

meeting ACWA members were split on the legislation. As a result, ACWA remains neutral, which is inconsistent with the position taken on funding of safe drinking water.

On August 30th, Senators Jim Nielsen (R) and Hertzberg (D) were drafting a State budget appropriation (AB 1873) to address the expenditures outlined in AB 1659 (see attached summary chart). Under their proposal, funding would come from the General and Greenhouse Gas Reduction Funds. The draft version includes \$5 million for unspecified conveyance facilities that have suffered subsidence damage. VAWC took an Oppose position. See attached letter. AB 1659 and AB 1873 both failed to pass out of the Senate on the last day of the legislative session, August 31st.

AB 3030 (Kalra) Resource conservation: land and ocean conservation goals:

A bill to enact State policy to protect 30% of lands and ocean resources. Much like previous bills that enact broad policy goals (e.g. climate change and human right to water), opponents are fearful of future legislation and litigation that will point to the legislative enactment as justification for efforts to stymy infrastructure, housing, and other projects needed to support a growing economy and communities. State Water Contractors and a broad coalition of agricultural and business interests are opposed. ACWA, KRCD, and the Kings River Water Association have an oppose position. AB 3030 failed to pass out of the Senate Appropriations Committee on August 21st.

AB 3364 (Committee on Judiciary) Judiciary Omnibus.

KRCD, as part of a Coalition led by the Valley Ag Water Committee (VAWC), was successful in removing a controversial provision from AB 3364. Section 31 of this bill would authorize the California Attorney General (AG), upon their own initiative, to prosecute Section 5650 Fish and Game Code violations (discharge of waste). The AG may only petition a court of law to seek enforcement of that section upon a complaint from the Department of Fish and Wildlife or a county or city district attorney. This bill would create a precedent to expand AG authority to other areas of law although there are existing laws that authorize regulatory agencies like the State Water Resources Control Board (SWRCB) to take enforcement actions on its own or to refer complaints to the AG.

AB 6.

The objectionable AB 3364 provisions became a stand-alone bill, contained in the newly amended AB 6. AB 6 was further amended on August 27th with opioid settlement language and an unrelated appropriation, and became a Budget Trailer Bill. VAWC and the Kings River Legislative Committee took an Oppose position. See attached letter. AB 6 failed to pass out of the Senate on the last day of the legislative session, August 31.

SB 559 (Hurtado) Department of Water Resources: federal funding: Friant-Kern Canal.

This bill was amended to remove the \$400 million of funding and now requires DWR to report to the Legislature, no later than March 31, 2021, on Federal funding approved by the United States Congress in its 2021 Congressional Budget Resolution and related appropriations bills, or otherwise provided to the Friant Water Authority or other government agency to restore the capacity of the Friant-Kern Canal, as specified. The bill would require the Department to include in its report a proposal for the State to pay a share of the project cost, not to exceed 35%, and how the money will be spent. The bill has been enrolled and is being delivered to the Governor.

ACWA State Legislative Committee

The ACWA State Legislative Committee met on August 14th and August 28th. On August 14th, the Committee took positions on 5 bills; and on August 28th the Committee took position on 2 bills. There were two bills of interest to KRCD and our constituents: AB 6 and AB 1659.

VAWC

Executive Director Bob Reeb reported on two bills that VAWC is tracking and prepared to take action on: AB 1720 (Carrillo) Energy: long-duration energy storage: procurement and AB 3030 (Kalra)

Resource Conservation: land and conservation goals. Both bills are also being tracked by KRCD (see bills report above).

Water Resilience Portfolio

Governor Gavin Newsom released the final version of California's Water Resilience Portfolio. It includes 142 actions to help build a climate-resilient water system. The Portfolio provides California with a guide to cope with extreme droughts and floods, over-reliance on groundwater, and other challenges. The actions cover efforts to provide safe drinking water, groundwater sustainability, and water-use efficiency.

San Joaquin Valley Blueprint (SJVB)

There are high-level planning efforts in progress, including briefing with State and Federal legislature and exploring ways to improve diversions in the Delta. The group is looking at broad infrastructure development that would help capture and convey water during high flow events to recharge areas; current canal alignments include Chowchilla, portions of Mid-Valley canal, and the Trans-Valley canal. Fundraising development is ongoing. Outreach on benefits of groundwater recharge and high flow projects aligns with local efforts, compounding the work to educate elected officials on the topic. I attended the August 20th Blueprint meeting.

Budget

The Department of Finance sent notice to State agencies to prepare for a \$10 billion deficit absent Federal aid, seeing a minimum 5% reduction in administrative overhead and 9.2% pay deferment. There will be no new contracts or new hires. The budget position will impact the rate permits are approved, including at the SWRCB.

Aerial Snow Observatory

The program is not anticipated to be a budget expenditure for the next year. Discussions with State officials indicate broad support for the ASO program, but there has not yet been willingness to push for funding at the State level, particularly considering the State's current budget position. Under a current grant, funding has been secured for one flight next year.

Regulatory

SWRCB Fees

In addition to the initial proposal in May of no increase for the SWRCB's 8 Waste Discharge Fund Program fees, the State Board is reviewing three additional options for those Programs. Specific to the Irrigated Lands Regulatory Program, the additional fee increase options for Fiscal Year 2021 are: a) less than 1% b) 1.4% or c) 1.9%. The second-year increases would be a) 4.4% b) 2.2% or c) 2.5% and the third year 7.3%. In total, fees would increase by approximately 12% over three years. We are working with Bob Gore to push for the less than 1% fee increase, with indications being that the SWRCB does not want to maintain current fees. The SWRCB is also looking at three options for water rights fee increases to reach 10% in 3 years. There is an option of no increase this year with higher increases in the two following years, or incremental increases to reach the 10%. It is likely the SWRCB staff will recommend a more incremental increase to avoid high increases later. The SWRCB will take action on fees at their September 15th meeting.

Agricultural Water Management Plans

ACWA is reinitiating the Agricultural Water Management Plan (AWMP) Working Group. The intent is to address issues and upcoming AWMP deadlines. This is a requirement for agricultural water suppliers providing water to more than 25,000 irrigated acres. The Plan must be adopted by April 1st, 2021 and submitted to DWR within 30 days of adoption. I have joined the Working Group as part of our broader proactive and comprehensive approach, and our efforts to monitor and manage fees.

Other

On August 16th, Governor Newsom issued a proclamation in response to the extreme heat wave and energy demands Californians are facing. The proclamation temporarily allows some energy users and utilities to use backup energy sources to relieve stress on the grid during peak energy demand. The following day the Governor signed Executive Order N-74-20, which freed up additional energy capacity.

Federal Affairs

Congress adjourned for the traditional August break at the beginning of the month after they were unsuccessful in reaching an agreement with the White House on the next coronavirus relief package. Both Chambers are set to return to work on September 8th after the Labor Day holiday. Despite being home in their states and districts, Senators and Members of the House were instructed to be ready to return to Washington if votes were needed on another coronavirus relief package. The House held a special session, in this regard, on August 22nd and approved \$25 billion in aid for the United States Postal Service to help ensure the agency was prepared to process mail-in ballots during the November election. However, the bill is unlikely to advance in the Senate.

Legislative

COVID-19

Coronavirus Relief Package

Negotiations between the House, Senate, and the White House on another coronavirus relief bill stalled shortly before Congress left Washington for the August recess after the parties were unable to reach agreement on the total cost of the package. One of the issues that is still undecided is if the next package will contain additional relief for local and state agencies. Negotiations between House and Senate leadership continued through that later part of July with additional coordination between Congress and the White House. However, a final agreement, and official action is not expected until the end of September and will most likely be included in considerations for a Continuing Resolution to keep the government operating in the absence of final appropriations

Corps Bills

Water Resources Development Act (WRDA)

The Water Resources Development Act (WRDA) is the bill that Congress uses for omnibus legislation for authorizing United States Army Corps of Engineers (Corps) civil works activities and directing the agency's practices. The Corps activities are focused on three primary purposes: improving navigation, reducing flood risk, and restoring aquatic ecosystems. No significant action has occurred on the reauthorization of WRDA since July. It is expected the House WRDA bill, HR 7575 introduced by Representative DeFazio (D-OR) and the Senate WRDA bill, S 3591 introduced by Senator Barrasso (R-WY) will be conferenced in September with a final bill most likely slated for consideration after the November election in a lame duck session.

Water Infrastructure Finance and Innovation Act (WIFIA) Funding

The Environmental Protection Agency (EPA) announced the 2020 notice of funding availability (NOFA) for long-term 49% loans under its WIFIA program, including funding for the new State WIFIA (SWIFIA) program. The WIFIA program accelerates investment in U.S. water infrastructure by providing long-term, low-cost supplemental loans for regionally and nationally significant projects. EPA is also, for the first time, providing funds under SWIFIA. Funds have low interest rates (around

2% over 30 years); ideal for projects of \$25m or more, as well as for projects of \$5m or more that benefit disadvantaged areas.

Reclamation Bills

Water Resource Legislation

Staff are monitoring several bills (see attachment) that are being considered for possible inclusion in a "Reclamation title" of either the final WRDA bill or a larger public infrastructure package. Below are updates on new bills or bills that have had activity during the month of August.

Aerial Snowpack Observatory (ASO) and Snowpack Measurement Technologies

On August 14, Representative Josh Harder (D-CA) and Senator Dianne Feinstein (D-CA) introduced H.R. 8041/S. 4530, the Snow Water Supply Forecasting Program Authorization Act to establish an Airborne Snow Observatory (ASO) and measurement program within the Department of the Interior. According to a joint statement, without accurate readings water managers could be forced to unnecessarily release water from reservoirs, resulting in millions of dollars in financial losses. The statement also noted that the program, which was run by the National Aeronautics and Space Administration's (NASA) Jet Propulsion Laboratory, is no longer in operation Unless funded, this does not allow water managers to make intelligent water resource decisions. The bill would establish a program, with the Bureau of Reclamation as the lead coordinating Federal agency, and would authorize a total of \$15 million for Fiscal Years 2022 to 2026.

Conventional survey techniques can only achieve 50 to 90 percent accuracy when measuring snow runoff. The ASO technology developed by NASA's Jet Propulsion Laboratory can perform more precise measurements, increasing accuracy to within 96 to 99 percent when paired with conventional techniques, providing an error rate as low as 1 to 3 percent. More precise measurements allow water managers to make better determinations on water allocations, using more water when it is available and conserving water when it is not.

KRCD and KRWA both support the bill. Other supporters include ACWA, Turlock Irrigation District, Modesto Irrigation District, South Valley Water Association, Friant Water Authority, Family Farm Alliance, and the San Francisco Public Utilities Commission.

H.R. 5316 and S. 3811 – Friant-Kern Canal Repairs

As discussed above, California Senate Bill 559 (Hurtado) had \$400 million to address capacity issues on the Friant-Kern Canal resulting from subsidence. Funding was removed from the bill on August 20th. Without a limited likelihood of California providing funding, the only realistic options are two bills in Congress. One bill is sponsored by Representative. T.J. Cox, D-Fresno, and one by Senator Dianne Feinstein. The Cox bill, HR 5316 Move Water Now Act, would provide \$200 million toward the Friant-Kern Canal as well as the Delta-Mendota Canal, which delivers water from the Sacramento-San Joaquin Delta to Mendota. The Feinstein bill, S 3811 Restoration of Essential Conveyance Act, would provide an equal amount for both canals.

ACWA Federal Affairs Committee

There was no ACWA Federal Affairs Committee meeting held in August. The next meeting is September 28th.

Budget

The FY 2021 Appropriations bills, by law, need to be approved prior to the start of the new Federal Fiscal Year on October 1st, 2020. Only the House has passed any independent bills. The Senate bills have yet to be introduced. Thus, Congress will need to pass a Continuing Resolution (CR) to ensure

funding for Fiscal Year 2021 by September 30th. Because Congress was unable to pass a subsequent round of coronavirus relief, the CR could be combined with coronavirus relief funding.

Regulatory

Clean Water Act (CWA)

County of Maui v. Hawaii Wildlife Fund

In response to the United States Supreme Court ruling in *County of Maui v. Hawaii Wildlife Fund*, EPA is contemplating crafting guidance on implementing the 6-3 ruling, which created a new "functional equivalent" test for determining, on a case-by-case basis, when CWA permits are needed for discharges of pollutants that travel through groundwater to surface waters. The ruling outlines seven factors that may prove relevant in defining the instances where a CWA permit may be required for such pollutants, but which could pose a significant challenge for the agency in developing guidance and cause numerous additional lawsuits in the process. The seven factors include transit time, distance traveled, the nature of the material through which the pollutant travels, the extent to which the pollutant is diluted or chemically changed as it travels, the amount of pollutant entering the navigable waters relative to the amount of the pollutant that leaves the point source, the manner by or area in which the pollutant enters the navigable waters, and the degree to which the pollution at that point has maintained its specific identity.

California dischargers are unlikely to face additional regulation under this decision. Under the Porter-Cologne Water Quality Control Act, California requires permits for discharges to groundwater, even if they do not meet the "functional equivalent" test outlined by Justice Breyer's majority opinion. California regulators may need to adjust their approach to reflect that some of these permits will also serve as CWA permits under the State's authority, but this should not impose significant new burdens on regulated entities.

CWA Nationwide Permits

The Corps is proposing to reissue its existing Nationwide Permits (NWP) and associated general conditions and definitions, with some modifications, and to issue five new NWPs. NWPs are necessary for work in streams, wetlands and other waters of the United States under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act. NWPs are used to encourage project proponents to avoid and minimize impacts to wetlands, streams, and other aquatic resources.

Two of the proposed NWPs would authorize certain categories of mariculture activities (i.e., seaweed and finfish mariculture). The agency is also proposing to divide the current NWP that authorizes utility line activities (NWP 12) into three separate NWPs that address the differences in how different linear projects are constructed, the substances they convey, and the different standards and best management practices that help ensure those NWPs authorize only those activities that have no more than minimal adverse environmental effects. Specifically, they are proposing to modify the current utility line NWP 12 to authorize only oil and natural gas pipeline activities. Two proposed NWPs would authorize activities associated with the construction, maintenance, repair, and removal of electric utility lines/telecommunication lines and utility lines that convey water, sewage, and other substances. The fifth proposed NWP would authorize discharges of dredged or fill material into jurisdictional waters for the construction, expansion, and maintenance of water reuse and reclamation facilities.

The Corps states that they are proposing these modifications to simplify and clarify NWPs, reduce burdens on the regulated public, and continue to comply with the statutory requirement authorized by these NWPs and only authorize activities with no more than minimal individual and cumulative

adverse environmental effects. The Corps is requesting comment once published in the *Federal Register*.

Waters of the United States (WOTUS) and Navigable Protection Rule

EPA/Corps Issue Guidance Memos to Clarify WOTUS, Contemplates Groundwater Permitting Policies

The EPA and the Corps have issued guidance documents to clarify their joint WOTUS CWA jurisdiction rule, known as the Navigable Waters Protection Rule. The agencies issued four implementation memos dealing with both general and specific provisions in the rule, including a memo on traditional navigable waters; a ditch exemption memo (attached); an agricultural memo (attached) on prior converted cropland; and a more general memo on field coordination in implementing the rule.

The revised WOTUS definition excludes the following categories from regulation:

- Groundwater, including groundwater drained through subsurface drainage systems;
- Ephemeral features that flow only in direct response to precipitation, including ephemeral streams, swales, gullies, rills, and pools;
- Diffuse stormwater runoff and directional sheet flow over upland;
- Ditches that are not traditional navigable waters, tributaries, or that are not constructed in adjacent wetlands, subject to certain limitations;
- Prior converted cropland;
- Artificially irrigated areas that would revert to upland if artificial irrigation ceases;
- Artificial lakes and ponds that are not jurisdictional impoundments and that are constructed or excavated in upland or non-jurisdictional waters;
- Water-filled depressions constructed or excavated in upland or in non-jurisdictional waters incidental to mining or construction activity, and pits excavated in upland or in non-jurisdictional waters for the purpose of obtaining fill, sand, or gravel;
- Stormwater control features constructed or excavated in upland or in non-jurisdictional waters to convey, treat, infiltrate, or store stormwater run-off;
- Groundwater recharge, water reuse, and wastewater recycling structures constructed or excavated in upland or in non-jurisdictional waters; and
- Waste treatment systems.

This publication of the final WOTUS definition replaces the rule published in October 2019.

National Environmental Policy Act (NEPA)

Twenty-one states, the District of Columbia and Guam have sued in Federal court to rescind the Trump Administration's changes to the implementing rules for NEPA. The lawsuit, filed in the United States District Court for the Northern District of California, argues that the Council on Environmental Quality's (CEQ's) revisions to the NEPA regulations will undermine vulnerable communities' power to get involved in decision making on pipelines, bridges, and other major projects. The Trump Administration's NEPA rule revisions have previously been challenged by environmental groups and advocates.

Other

Judge Restores Migratory Bird Protections

The United States District Court for the Southern District of New York struck down the Interior Department's 2017 interpretation of the Migratory Bird Treaty Act (MBTA) that removed penalties for activities or hazards, such as power line electrocutions, that result in the accidental taking of a bird. The Trump Administration's interpretation of the MBTA was backed by Interior Solicitor General

Daniel Jorjani's 2017 legal opinion, which was rejected by the Federal judge in the decision. However, the Interior Department is moving forward with their proposed regulation that would codify the Interior solicitor's opinion that an incidental bird take resulting from an otherwise lawful activity is not prohibited under the MBTA. In a regulatory impact analysis that accompanied the proposed rule, the United States Fish and Wildlife Service reported it had pursued an average of 57 incidental take cases annually between 2010 and 2018. Eighty-one percent of the cases were brought against electrical or oil and gas businesses while four percent of the cases were brought against wind energy companies.

Senate Democrats Release Climate Report

The Democratic Special Committee on the Climate Crisis issued a climate report recommending trillions of dollars in expenditures and a Federal plan for reducing greenhouse gas emissions. To achieve net-zero greenhouse gas emissions goals, the report recommends increased Federal regulation and spending on climate amounting to at least 2% of gross domestic product (GDP); about \$400 billion per year. The report also calls for more transparency in reporting spending on lobbying by the fossil fuel industry.

PP/CT/cm

R20-00xx
File: 202.01

Key Activities, Events, and Meetings

- July 29 – 30: ACWA Virtual Conference
- August 3: Review of Model with Stantec
- August 3: Meeting with CEO, XIO Water
- August 3: Special ACWA State Legislative Committee Meeting
- August 3: Weekly Meeting with Leadership Team
- August 4: ACWA Agriculture Committee Meeting
- August 5: Drinking Water Fees Stakeholder Meeting - SWRCB
- August 6: Water Quality Fees Stakeholder Meeting – SWRCB
- August 6: Water Rights Fees Stakeholder Meeting – SWRCB
- August 7: Staff Meeting to discuss water resource study proposal data needs
- August 10: Discussion with State Lobbyist regarding next-steps from SWRCB and DWR meetings.
- August 10: Weekly Meeting with Leadership Team
- August 11: KRCD Board Meeting
- August 12: Pre-Leg. Committee Meeting Conference Call
- August 14: ACWA State Legislative Committee Meeting
- August 17: Kings River Legislative Committee Meeting
- August 17: Weekly Meeting with Leadership Team
- August 18: KRWA Executive Committee Meeting
- August 18: KRWQC Board Meeting
- August 20: Conversation with Dr. Cehrs regarding taxes, fees, and costs associated with farming
- August 24: Weekly Meeting with Leadership Team
- August 25: ACWA Energy Committee Meeting
- August 26: Meeting with Staff re: Coalition Budget and Program Vision
- August 27: Conversation with Federal Lobbyist regarding funding strategy and planning for projects
- August 27: Webinar regarding application to join SAFER Program Advisory Group
- August 28: Special ACWA State Legislative Committee Meeting
- August 29: Weekly Meeting with Leadership Team

State Position Matrix


Bill	KRWA	KRCD	ACWA	VAWC	Status
AB 352 (Garcia, Edurado D) Wildfire Prevention, Safe Drinking Water, Prep., Flood Protect. Bond Act 2020			FIA		FAILED to Move This Year
AB 609 (Levine D) California Environmental Quality Act: notices and documents: electronic filing and posting.		Watch			FAILED to Move This Year
AB 916 (Muratsuchi D) Pesticide use: glyphosate	Oppose	Oppose			FAILED to Move This Year
AB 2182 (Rubio, Blanca D) Emergency backup generators: water and wastewater facilities exemption.	Favor	Favor			FAILED to Move This Year
AB 2502 (Quirk D) GSPs: impacts on managed wetlands	Oppose	Oppose	Oppose	Oppose	FAILED to Move This Year
AB 2623 (Arambula D) Sustainable groundwater management				Watch	FAILED to Move This Year
AB 2642 (Salas D) Department of Conservation, Multibenefit Land Conversion Incentive Program: administration			SIA	Watch	FAILED to Move This Year
AB 2693 (Bloom D) Watershed Restoration Administration: Oroville, Shasta, and Trintiy Reservoirs	Watch	Watch		NFUA	FAILED to Move This Year
AB 2720 (Salas D) CEQA: negative decs and mitgated negative decs: groundwater recharge projects	Watch	Watch		Watch	FAILED to Move This Year
AB 3030 (Kalra) Resource conservation: land and ocean conservation goals	Oppose	Oppose	Oppose		FAILED to Move This Year
AB 3256 (Garcia, Eduardo D) Climate risks: bond measures	Watch	Watch		SIA	FAILED to Move This Year
ACA 3 (Mathis R) Clean Water for All Act	Watch	Watch	Watch		FAILED to Move This Year
SB 45 (Allen D) Wildfire Prevention, Safe Drinking Water, Drought Prep, and Flood Protect. Bond Act of 2020	Watch	Watch	FIA	SIA	FAILED to Move This Year
SB 69 (Wiener D) Ocean Resiliency Act of 2019	Oppose/C.	Oppose/C.	Watch		FAILED to Move This Year
SB 350 (Hill) The Golden State Energy Act		Watch			Signed by the Governor and Chaptered
SB 559 (Hurtado D) California Water Commission: grant: Friant-Kern Canal	Watch	Watch	Favor		To The Governor
SB 797 (Wilk R) Water resources: permit to appropriate: application procedure	Watch	Watch	Oppose		FAILED to Move This Year
SB 917 (Weiner D) California Consumer Energy and Conservation Financing Authority: eminent domain: Northern California Local Energy Utility District: Northern California Energy Utility Services.		Watch			FAILED to Move This Year
SB 964 (Skinner D) Chemicals: outdoor application: residential areas				Oppose	FAILED to Move This Year
SB 1099 (Dodd D) Emergency backup generators: critical facilities: exemption.	Favor	Favor			FAILED to Move This Year
SB 1215 (Stern D) Electricity: microgrids: grant program					FAILED to Move This Year
SB 1249 (Hurtado D) Water quality: state policy: public hearing				Watch	FAILED to Move This Year
SB 1280 (Monning D) Drinking water: consolidation & extension service: at-risk systems	Watch	Watch			FAILED to Move This Year
SB 1356 (Borgeas R) Groundwater sustainability agency: financial authority				Watch	FAILED to Move This Year


NFUA = Not Favored Unless Amended

SIA = Support if Amended

Oppose/C = Oppose/Coalition

blue donates dead bill

 <p>AB 1873 – As Proposed To Be Amended (RN 20 16076) – August 28, 2020</p>	Budget Item Number	Amount	Source of Funding
Funding Category			
Secretary of Natural Resources – Urban greening programs	0540-101-0001	\$25,000,000	General Fund
Office of Planning and Research			
<i>Strategic Growth Council – cooling centers, clean air centers, hydration stations, emergency shelters, backup solar electrical generation and storage facilities</i>	0650-101-0001	\$85,000,000	General Fund
Office of Emergency Services			
<i>Special Programs and Grant Management – prehazard mitigation grant program developed with Department of Forestry and Fire Protection grants to local agencies for detection, warning, evacuation systems, emergency notification systems, improvement in fire and disaster response planning. May also be used for microgrids, distributed generation, and storage systems powered by clean energy</i>	0690-102-0001	\$96,000,000	General Fund
Department of Forestry and Fire Protection – Resource Management	3540-001-3228	\$39,613,000	Greenhouse Gas Reduction Fund
<i>Use to be consistent with Section 45 of Chapter 626 of Statutes of 2018 (SB 901)</i>			
<i>California Conservation Corps - fire prevention projects and activities in or adjacent to state responsibility areas</i>		<i>Not Less Than \$5,000,000</i>	
<i>Salaries, benefits, associated operating and equipment expenses</i>		<i>Up To \$8,250,000</i>	
Department of Forestry and Fire Protection - Resource Management	3540-003-3228	\$35,000,000	Greenhouse Gas Reduction Fund
<i>Use to be consistent with Section 45 of Chapter 626 of Statutes of 2018 (SB 901)</i>			
Department of Forestry and Fire Protection	3540-101-0001	\$110,000,000	General Fund
<i>Healthy forest projects</i>		\$85,000,000	
<i>Fire projects and other activities that align with recommendations of the Forest Carbon Plan</i>		\$25,000,000	
Department of Forestry and Fire Protection – Resource Management	3540-101-3228	125,000,000	Greenhouse Gas Reduction Fund
<i>Use to be consistent with Section 45 of Chapter 626 of Statutes of 2018 (SB 901)</i>		\$100,000,000	
<i>Fire projects and other activities that align with recommendations of the Forest Carbon Plan</i>		\$25,000,000	
Wildlife Conservation Board	3640-103-6088	17,170,000	California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Fund
<i>Forest health and watershed protection, restoration, and improvement projects consistent with subdivision (f) of Section 80132 of the Public Resources Code</i>			
<i>Planning, monitoring, and administration, not to exceed thresholds specified in Sections 80004 and 80006 of the Public Resources Code</i>		<i>Up to 15%</i>	

 <p>AB 1873 – As Proposed To Be Amended (RN 20 16076) – August 28, 2020</p>	Budget Item Number	Amount	Source of Funding
California Coastal Commission – Coastal Management Program	3720-001-3228	\$750,000	Greenhouse Gas Reduction Fund
Sierra Nevada Conservancy – Implementation of the Nevada Watershed Improvement Program consistent with subdivision (c) of Section 80135 of the Public Resources Code	3855-101-6088	\$2,267,000	California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Fund
Sierra Nevada Conservancy – Forest health and other Conservancy projects consistent with paragraph (9) of subdivision (b) of Section 80110 of the Public Resources Code	3855-103-6088	\$10,075,000	California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Fund
<i>Planning, monitoring, and administration, not to exceed threshold specified in Sections 80004 and 80006 of the Public Resources Code</i>		Up to 15%	
Department of Water Resources – Continuing formation of the California Water Plan	3860-101-0001	23,000,000	General Fund
<i>Canal repair in the Central Valley to support the Sustainable Groundwater Management Act to support water supply reliability</i>		\$5,000,000	
California Workforce Development Board – Support or local assistance for workforce training and development programs, expanding volunteering opportunities, and career pathways including, but not limited to fire prevention and management, emergency medical technician, watershed and forest restoration, prescribed fire, forest and vegetation management, and sustainable forest practices industries	7120-002-0001	\$25,000,000	General Fund
Total		\$593,875,000	

Reference Resources

Chapter 626, Statutes of 2018 (SB 901)

SEC. 45.

(a) The sum of one hundred sixty-five million dollars (\$165,000,000) shall be appropriated from the Greenhouse Gas Reduction Fund in the annual Budget Act each year through the 2023–24 fiscal year to the Department of Forestry and Fire Protection for healthy forest and fire prevention programs and projects that improve forest health and reduce greenhouse gas emissions caused by uncontrolled wildfires.

(b) The sum of thirty-five million dollars (\$35,000,000) shall be appropriated from the Greenhouse Gas Reduction Fund in the annual Budget Act each year through the 2023–24 fiscal year to the Department of Forestry and Fire Protection to complete prescribed fire and other fuel reduction projects through proven forestry practices consistent with the recommendations of the Forest Carbon Plan, including the operation of year-round prescribed fire crews and implementation of a research and monitoring program for climate change adaptation.

Forest Carbon Plan - <https://ww2.arb.ca.gov/resources/documents/forest-carbon-plan>

California Code, Public Resources Code - PRC § 80004 and 80006

California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018

CHAPTER 1. General Provisions

80004. An amount that equals not more than 5 percent of the funds allocated for a grant program pursuant to this division may be used to pay the administrative costs of that program.

80006. (a) Except as provided in subdivision (b), up to 10 percent of funds allocated for each program funded by this division may be expended, including, but not limited to, by grants, for planning and monitoring necessary for the successful design, selection, and implementation of the projects authorized under that program. This section shall not otherwise restrict funds ordinarily used by an agency for “preliminary plans,” “working drawings,” and “construction” as defined in the annual Budget Act for a capital outlay project or grant project. Planning may include feasibility studies for environmental site cleanup that would further the purpose of a project that is eligible for funding under this division. Monitoring may include measuring greenhouse gas emissions reductions and carbon sequestration associated with program expenditures under this division.

(b) Funds used for planning projects that benefit disadvantaged communities may exceed 10 percent of the funds allocated if the state agency administering the moneys determines that there is a need for the additional funding.

California Code, Public Resources Code - PRC § 80110 (b)(9)

California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018

CHAPTER 8. State Conservancy, Wildlife Conservation Board, and Authority Funding

80110 (b)(9). (9) Sierra Nevada Conservancy, thirty million dollars (\$30,000,000)

Reference Resources

California Code, Public Resources Code - PRC § 80132 (f)

California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018

CHAPTER 10. Climate Preparedness, Habitat Resiliency, Resource Enhancement, and Innovation

(f) Of the amount made available pursuant to [Section 80130](#) , not less than sixty million dollars (\$60,000,000) shall be available to the Wildlife Conservation Board for the protection, restoration, and improvement of upper watershed lands in the Sierra Nevada and Cascade Mountains, including forest lands, meadows, wetlands, chaparral, and riparian habitat, in order to protect and improve water supply and water quality, improve forest health, reduce wildfire danger, mitigate the effects of wildfires on water quality and supply, increase flood protection, or to protect or restore riparian or aquatic resources.

California Code, Public Resources Code - PRC § 80135 (c)

California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018

CHAPTER 10. Climate Preparedness, Habitat Resiliency, Resource Enhancement, and Innovation

80135. (c) Of the amount subject to this section, 50 percent shall be allocated directly to the Sierra Nevada Conservancy to administer projects pursuant to this section for purposes of implementing the Sierra Nevada Watershed Improvement Program. For purposes of this section, the Sierra Nevada Conservancy may allocate funds to the California Tahoe Conservancy for projects within the jurisdiction of the California Tahoe Conservancy.



**UPDATED
*FLOOR ALERT***

August 28, 2020

TO: Members, California State Senate

**SUBJECT: AB 1659 (BLOOM) LARGE ELECTRICAL CORPORATIONS: WILDFIRE MITIGATION: REVENUE BONDS
OPPOSE - AS AMENDED ON AUGUST 25, 2020**

The California Chamber of Commerce and the organizations listed respectfully **OPPOSE AB 1659**, as amended on August 25, 2020, which proposes to create a new \$3 billion fund and charge those expenses to ratepayers served by the three major investor-owned utilities (IOUs), but not others. The structure of the bill places the burden of current wildfires on future generations of California homeowners and businesses by forcing them to pay billions of dollars for programs and projects unrelated to utility service through the year 2050.

Facing wildfire risk and the need to make utility infrastructure more resistant to sparking wildfires in 2018-2019, the legislature directed the IOUs to use ratepayer funds to make substantial investments in improvements to utility infrastructure. As part of that push, the legislature enacted AB 1054 (Holden, 2019), which authorized

\$5 billion dollars in infrastructure improvements and hardening to be funded by a charge to ratepayers. Ratepayers knew they would be paying these rate increases for decades to come. However, California's ratepayers reluctantly acquiesced to this substantial cost because it was directly tied to improvements in utility infrastructure that were to be approved by the California Public Utilities Commission (CPUC) and necessary to address the risk of utility-caused wildfires. This bond will not be paid off, nor will charges be removed from ratepayers' bills, until the year 2035.

Now, the legislature proposes to add another \$3 billion bond fund paid by IOU ratepayers (but not ratepayers in other areas of the state), which would not be paid off until the year 2050, through a last-minute gut and amend with 5 days left in the legislative session. Although some of the funding is directed toward the service territory of the state's largest utilities, the bonds would fund state programs and projects not tied to utility infrastructure improvements to prevent wildfires and unrelated even to utility service, and the funds are not to be directed by the CPUC. Instead, the money will be directed to various agencies and includes items such as non-utility workforce development, air resource board and state park programs, cooling centers, water projects, and settlement of litigation with the Natural Resources Defense Council.

We truly appreciate that California's current wildfires sparked by extreme weather are devastating and that efforts are being directed at solving these issues. They are devastating California's business community as well. However, choosing to fund bits and pieces of the state's overall wildfire response and non-utility programs and projects solely on the backs of California's ratepayers at a time when businesses are closing, unemployment is skyrocketing, and our economy is faltering is not an appropriate solution.

Even for moderate commercial energy users, AB 1054 already increased utility bills by hundreds of thousands of dollars per company. **AB 1659** seeks to continue those increases through 2050. When combined with pending rate increases from building and transportation electrification and increased procurement ordered by the CPUC to prevent blackouts from high energy usage that are already expected to substantially increase rates, **AB 1659** will be an unworkable burden on California's already faltering economy for three decades to come, creating a legacy that we cannot afford.

For these reasons and others, we must **OPPOSE AB 1659 (Bloom)**.

Leah Silverthorn, Policy Advocate
California Chamber of Commerce



On behalf of the following:

African-American Farmers of California, *Will Scott, Jr.*
Agricultural Council of California, *Tricia Geringer*
Agricultural Energy Consumers Association, *Michael Boccadoro*
California Agricultural Aircraft Association, *Terry Gage*
California Business Properties Association, *Matthew Hargrove*
California Business Roundtable, *Brooke Armour*
California Citrus Mutual, *Casey Creamer*
California Cotton Ginners and Growers Association, *Roger Isom*
California Farm Bureau Federation, *Robert Spiegel*
California Fresh Fruit Association, *Ian LeMay*
California Grain & Feed Association, *Chris Zanobini*
California Grocers Association, *Kelly Ash*
California Large Energy Consumers Association, *Audra Hartmann*
California League of Food Producers, *Trudi Hughes*
California Manufacturers & Technology Association, *Lance Hastings*
California Seed Association, *Donna Boggs*
California Walnut Commission, *Michelle M. Connelly*
California Warehouse Association, *Ann Quinn*
California Taxpayers Association (CalTax), *Peter Blocker*

El Dorado County Chamber of Commerce, *David Butler*
El Dorado Hills Chamber of Commerce, *David Butler*
Elk Grove Chamber of Commerce, *David Butler*
Far West Equipment Dealers Association, *Joani Woelfel*
Folsom Chamber of Commerce, *David Butler*
Nisei Farmers League, *Manuel Cunha, Jr.*
Pacific Egg & Poultry Association, *Debbie Murdock*
Rancho Cordova Chamber of Commerce, *David Butler*
Roseville Area Chamber of Commerce, *David Butler*
United Chamber Advocacy Network, *David Butler*
Valley Ag Water Coalition, *Robert Reeb*
Western Agricultural Processors Association, *Roger Isom*
Western Growers Association, *Matthew Allen*
Western Independent Refiners Association, *Craig Moyer*
Western States Petroleum Association, *Margo Parks*
Yuba Sutter Chamber of Commerce, *David Butler*

cc: Rachel Wagoner, Office of the Governor
Kerry Yoshida, Senate Republican Caucus

LBS: mm



August 26, 2020

Senator Hannah-Beth Jackson
Chair, Senate Judiciary Committee
State Capitol

Dear Senator Jackson:

The above organizations are opposed to AB 6 by Assembly Member Eloise Reyes relating to the authority of the Attorney General (AG).

The proposed changes to Section 5650.1 of the Fish and Game Code would give the AG independent authority to initiate a civil action to enforce water pollution laws under Section 5650 of the Fish and Game Code.

The AG maintains that they retain authority under the State Constitution to prosecute any violations of law so one must ask why then is the change to the Fish and Game Code even necessary. Current law authorizes the AG to only act upon the receipt of a complaint from a local district or city attorney or the Department of Fish and Wildlife (Department). It has been our experience that the State Water Resources Control Board (State Board) and Department coordinate enforcement response for actions covered under Section 5650. Often, those responsible for the release of a hazardous substance reach a settlement with the State Board

that includes some portion of settlement funding going to the Department. This approach has worked well for decades. Providing the AG with independent authority could mean that an entity ends up addressing an administrative enforcement action from the State Board, while at the same time dealing with a civil penalty action brought independently by the AG.

In addition, AB 6 is inconsistent with the context and policy objectives of Section 5650. The Legislature has long recognized the Department's unique expertise regarding fish and wildlife resources [see CA Fish and Game Code Sections 711.7(a) and 1802]. As such, the Department is the agency best suited to determine whether Section 5650.1 should be triggered in the first place.

Under existing law before the AG brings a civil action, the Department must first utilize its expertise and investigate the release. The Department may also be able to seek administrative penalties first before pursuing a legal remedy through the AG. The language proposed in Section 5650.1(d)(2) requires only that the AG notify the Department before pursuing a civil action. It is unlikely the AG's office has the investigative staff with the necessary expertise on water quality issues. Bypassing the requirement of an investigation by the Department and going straight to court may be a costlier way to enforce the law.

For all of the above reasons, we must **OPPOSE** AB 6 and request a "NO" vote on the bill.

Respectfully,

Robert Reeb
Valley Ag Water Coalition

Gail Delihant
Western Growers Association

Danny Merkley
California Farm Bureau Federation

Elaine Trevino
Almond Alliance of California

Jane Townsend
California Bean Shippers Association

Chris Zanobini
California Grain and Feed Association

Debbie Murdock
California Pear Growers Association

Donna Boggs
California Seed Association

Debbie Mrdock
Pacific Egg and Poultry Association

Tricia Geringer
Agricultural Council of California

Michael Miiller
California Association of Winegrape Growers

Adam Robin
Northern California Water Association

Margo Parks
Western States Petroleum Association

Valerie Nera
California Chamber of Commerce

Renee Pinel, President/CEO
Western Plant Health Association

Timothy A. Johnson, President/CEO
California Rice Commission

Joani Woelfel, President & CEO
Far West Equipment Dealers Association

Casey Creamer, President
California Citrus Mutual

Ed Franciosa
Interim General Manager
Modesto Irrigation District

Paul G. Peschel, P.E.
General Manager
Kings River Conservation District

Steve Haugen
Watermaster
Kings River Water Association

Ian LeMay, President
California Fresh Fruit Association



Kings River Federal Legislative Tracker

Last Updated: August 28, 2020

Overview

The following legislative tracker provides the status of legislation introduced in the 116th Congress pertaining to the interests of Kings River. Each of the bill numbers is hyperlinked to the bill text, FiscalNote (FN) Outlook information and other related details.

The FN Outlook on the right side of each bill provides the legislation's pre-Floor (left) and Floor (right) likelihood of passing. The percentages shown are the status of the bill in the Chamber where it is currently under consideration (this is shown under 'Status'). The pre-Floor score is defined as the bill's likelihood of passing after it has been introduced but while it is being considered in that chamber's committees - before it has moved to the Floor for a vote.

This legislative tracker is developed in coordination with The Ferguson Group.

Bills by Issue

Recently Updated Bills (0)

No bills to show.

Kings River - Corps of Engineers (3)

Bill Number	Last Action	Status	FN Outlook
HR 7575	Received In The Senate 2020 07 30	In Senate	2.4% 51.2%
Title Water Resources Development Act of 2020		Bill Summary: Last edited by TFG Reports at Aug 6, 2020, 9:04 PM This bill authorizes the study and construction of locally-driven projects that were developed in cooperation and consultation with the U.S. Army Corps of Engineers. The bill authorizes the construction of all 34 pending Corps Chief's Reports, 35 feasibility studies, five comprehensive river basin studies, and directs the Corps to expedite the completion of 41 feasibility studies.	
Primary Sponsors Peter DeFazio		Introduction Date: 2020-07-13	

AGENDA ITEM 6a.

Bill Number	Last Action	Status	FN Outlook	
S 3591	S Amdt 1593 Senate Amendment Submitted 2020 06 08	In Senate	5.6%	85.0%

Title
America's Water Infrastructure Act of 2020

Primary Sponsors
John Barrasso

Bill Summary: Last edited by TFG Reports at Jun 16, 2020, 5:51 PM
This bill provides roughly \$17 billion in new federal authorizations to invest in our infrastructure for projects across the country.

Introduction Date: 2020-05-04

Organizational Notes

Last edited by Kristi More at Jul 6, 2020, 9:41 PM
#TFGWater Bill included as part of Senate WRDA reauthorization.

Bill Number	Last Action	Status	FN Outlook	
S 3590	Placed On Senate Legislative Calendar Under General Orders Calendar No 452 2020 05 11	In Senate	4.4%	85.3%

Title
Drinking Water Infrastructure Act of 2020

Primary Sponsors
John Barrasso

Bill Summary: Last edited by TFG Reports at Jun 16, 2020, 5:50 PM
This bill reauthorizes Safe Drinking Water Act programs that support drinking water infrastructure and provide resources and technical assistance to communities facing critical drinking water needs.

Introduction Date: 2020-05-04

Organizational Notes

Last edited by Kristi More at Jul 6, 2020, 9:42 PM
#TFGWater Bill included as part of Senate WRDA reauthorization.

Kings River - Reclamation (14)

Bill Number	Last Action	Status	FN Outlook	
S 4530	Read Twice And Referred To The Committee On Energy And Natural Resources Sponsor Introductory Remarks On Measure Cr S 5410 2020 08 13	In Senate	2.5%	83.6%

Title
A bill to establish a Snow Water Supply Forecasting Program within the Department of the Interior, and for other purposes.

Primary Sponsors
Dianne Feinstein

Bill Summary: Last edited by TFG Reports at Aug 14, 2020, 10:40 PM
This bill establishes an airborne snow observatory (ASO) and measurement program within the Department of the Interior.

Introduction Date: 2020-08-13

Bill Number

S 4188

Last Action

**Committee On Energy And Natural Resources
Subcommittee On Water And Power Hearings
Held 2020 07 22**

Status

In Senate

FN Outlook

4.9% 84.4%

Title

Water for Tomorrow Act of 2020

Bill Summary: Last edited by TFG Reports at Jul 9, 2020, 3:32 PM

This bill would provide for drought preparedness and improved water supply reliability, and for other purposes.

Primary Sponsors

Kamala Harris

Introduction Date: 2020-07-02

Bill Number

S 4189

Last Action

**Committee On Energy And Natural Resources
Subcommittee On Water And Power Hearings
Held 2020 07 22**

Status

In Senate

FN Outlook

2.4% 87.0%

Title

Water for Conservation and Farming Act

Bill Summary: Last edited by TFG Reports at Jul 9, 2020, 3:33 PM

This bill would provide for drought preparedness and improved water supply reliability.

Primary Sponsors

Ron Wyden

Introduction Date: 2020-07-02

Bill Number

S 3811

Last Action

**Committee On Energy And Natural Resources
Subcommittee On Water And Power Hearings
Held 2020 07 22**

Status

In Senate

FN Outlook

2.1% 83.2%

Title

Restoration of Essential Conveyance Act

Bill Summary: Last edited by TFG Reports at Jun 1, 2020, 7:59 PM

This bill addresses the impacts of groundwater subsidence on major portions of California's water delivery system, and authorizes \$600 million in federal funding for three major projects to repair California's water delivery system. The bill provides \$200 million for the Friant-Kern Canal, \$200 million for the Delta-Mendota Canal, and \$200 million for the California Aqueduct. The bill also provides an additional \$200 million in funding for restoration of the San Joaquin River, including environmental protective infrastructure such as fish screens, fish bypass projects, and control structures necessary to successfully implement the San Joaquin River Restoration Settlement.

Introduction Date: 2020-05-21

Organizational Notes

Last edited by Kristi More at Jul 9, 2020, 6:40 PM

#TFGWater Provisions in this bill are essentially the same as those included in HR 5752 (Costa) and HR 5316 (Cox).

Bill Number

HR 2

Last Action

Received In The Senate 2020 07 20

Status

In Senate

FN Outlook

81.1%

46.2%

Title

Moving Forward Act

Primary Sponsors

Peter DeFazio

Bill Summary: Last edited by TFG Reports at Jul 1, 2020, 8:25 PM

This bill addresses provisions related to federal-aid highway, transit, highway safety, motor carrier, research, hazardous materials, and rail programs at the Department of Transportation, among other provisions, including the Bureau of Reclamation

Introduction Date: 2020-06-11

Organizational Notes

Last edited by Kristi More at Jul 6, 2020, 10:04 PM

#kingsriver The Family Farm Alliance sent a comment letter on the FUTURE Drought Resiliency Act on 2/7/20.

Last edited by Kristi More at Jul 6, 2020, 10:01 PM

#TFGWater HR 2 serves as the official introduction of Rep. Harder's FUTURE Drought Resiliency Act. Rep. Huffman had previously called for comments on the discussion draft in January and February of 2020. Prior to the introduction of HR 2, the FUTURE bill had only been released in draft form.

Bill Number

HR 7482

Last Action

Introduced In House 2020 07 02

Status

In House

FN Outlook

5.4%

83.4%

Title

Future of Agricultural Resiliency And Modernization Act

Primary Sponsors

Josh Harder

Bill Summary: Last edited by TFG Reports at Jul 30, 2020, 7:14 PM

The bill would provide over \$2.5 billion in funding to help farmers reduce greenhouse gas (GHG) emissions, increase carbon sequestration, improve air, water, and soil quality, and convert agriculture byproducts to efficient uses. The bill would also establish a first-of-its-kind Pyrolysis grant program to help tree nut farmers convert by-products into climate-friendly biocarbon products.

Introduction Date: 2020-07-02

Bill Number

HR 6617

Last Action

Referred To The Subcommittee On Water
Oceans And Wildlife 2020 04 29

Status

In House

FN Outlook

6.5%

85.6%

Title

Western Water Storage Infrastructure Act

Primary Sponsors

TJ Cox

Bill Summary: Last edited by TFG Reports at May 12, 2020, 3:45 PM

This bill would provide additional funding for surface storage, groundwater storage, and the supporting conveyance facilities.

Introduction Date: 2020-04-24

Bill Number

HR 4891

Last Action

Subcommittee On Water Oceans And Wildlife
Discharged 2020 03 11

Status

In House

FN Outlook

24.5% 90.2%

Title

Western Water Security Act of 2019

Primary Sponsors

Xochitl Torres Small

Bill Summary: Last edited by TFG Reports at May 12, 2020, 3:45 PM

This bill would give an additional \$120 million to the Bureau of Reclamation's WaterSMART program; authorize an additional \$65 million to support desalination design and construction, setting aside \$15 million for rural desalination projects; and authorizes the Cooperative Watershed Management Program.

Introduction Date: 2019-10-28

Organizational Notes

Last edited by Kristi More at Jul 6, 2020, 9:50 PM

#TFG #TFGWater Bill was included in the Moving Forward Act, H.R. 2.

Bill Number

HR 3723

Last Action

Subcommittee On Water Oceans And Wildlife
Discharged 2020 03 11

Status

In House

FN Outlook

40.9% 85.2%

Title

Desalination Development Act

Primary Sponsors

Mike Levin

Bill Summary: Last edited by TFG Reports at Jul 1, 2020, 5:20 PM

The bill would require projects to comply with all state environmental laws, such as California's Ocean Plan; and prioritize projects with subsurface intakes, projects that use renewable energy and more efficient desalination processes, and projects that reduce imported water use.

Introduction Date: 2019-07-11

Organizational Notes

Last edited by Kristi More at Jul 6, 2020, 9:51 PM

#TFG #TFGWater Bill was included in the Moving Forward Act, H.R. 2.

Bill Number	Last Action	Status	FN Outlook
HR 2473	Subcommittee On Water Oceans And Wildlife Discharged 2020 03 11	In House	5.4% 89.3%

Title

Securing Access for the central Valley and Enhancing (SAVE) Water Resources Act

Primary Sponsors

Josh Harder

Bill Summary: Last edited by TFG Reports at May 12, 2020, 3:45 PM

This is the companion bill to H.R. 116, the Water Recycling Investment and Improvement Act. The bill provides a broad approach to addressing water issues facing the Central Valley by increasing storage opportunities, spurring innovation, and making investments in our aging infrastructure. The bill also leverages federal resources to identify prime locations for groundwater storage and recharge in California and across the Western United States. This bill requires the Bureau of Reclamation to expedite feasibility studies for four specific storage projects in the Central Valley, including: Sites Reservoir, Del Puerto Canyon Reservoir, Los Vaqueros and San Luis Reservoirs and provides \$100 million in storage funding. The bill also invests in water reuse and recycling by increasing funding for WaterSMART programs from \$50 million to \$500 million and extending the program's authorization. It also establishes a water infrastructure and drought resolutions fund to provide \$300 million for water surface and groundwater storage, reclamation and reuse, and WaterSMART program projects. The bill would create a innovating financing program which would provide low-interest federal loans to fund local water infrastructure projects, and would reauthorize the Rural Water Supply Act.

Introduction Date: 2019-05-02

Organizational Notes

Last edited by Kristi More at Jul 6, 2020, 9:27 PM

#TFGWater The groundwater recharge provisions of the bill were included in the Moving Forward Act, H.R. 2. The other provisions of the bill, including the authorizations for a water infrastructure fund and a financing program through Reclamation (RIFIA) were not included.

Last edited by Kristi More at Jul 6, 2020, 9:27 PM

#TFGWater The House Natural Resources Subcommittee on Water, Oceans, and Wildlife held a hearing on this bill on June 13, 2019.

Bill Number	Last Action	Status	FN Outlook
HR 5347	Committee Consideration And Mark Up Session Held 2020 02 12	In House	17.9% 87.2%

Title

Disadvantaged Community Drinking Water Assistance Act

Primary Sponsors

TJ Cox

Bill Summary: Last edited by TFG Reports at Jul 1, 2020, 5:22 PM

The bill would require the Secretary of the Interior to establish a grant program to close gaps in access to safe drinking water in disadvantaged communities.

Introduction Date: 2019-12-06

Organizational Notes

Last edited by Kristi More at Jul 6, 2020, 9:52 PM

#TFGWater Bill was included in the Moving Forward Act, H.R. 2.

Bill Number	Last Action	Status	FN Outlook
HR 5316	Committee Consideration And Mark Up Session Held 2020 02 12	In House	7.7% 88.9%

Title
Move Water Now Act

Primary Sponsors
TJ Cox

Bill Summary: Last edited by TFG Reports at May 12, 2020, 3:46 PM
This legislation aims to address the severely limited capacity of the Friant-Kern Canal in California's San Joaquin Valley, issues caused by severe land subsidence over the past 7 decades.

Introduction Date: 2019-12-05

Organizational Notes

Last edited by Kristi More at Jul 9, 2020, 6:43 PM
#TFGWater Provisions of this bill were included almost verbatim in S. 3811 (Feinstein).

Last edited by Kristi More at Jul 6, 2020, 9:52 PM
#TFGWater Bill was included in the Moving Forward Act, H.R. 2.

Bill Number	Last Action	Status	FN Outlook
HR 5217	Referred To The Subcommittee On Conservation And Forestry 2019 12 11	In House	7.8% 76.8%

Title
WOW Act

Primary Sponsors
Tom McClintock

Bill Summary: Last edited by TFG Reports at May 12, 2020, 3:46 PM
The bill streamlines water districts' contact renewals, expedites water transfers and gives the Secretary of the Interior discretion to modify dam operations in the Central Valley Project to provide reasonable water flows of suitable quality, quantity, and timing to protect migrating fish.

Introduction Date: 2019-11-21

Bill Number S 1932	Last Action Committee On Energy And Natural Resources Senate Subcommittee On Water And Power Hearings Held 2019 07 18	Status In Senate	FN Outlook 3.5% 86.2%
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Title

Drought Resiliency and Water Supply Infrastructure Act

Primary Sponsors

Cory Gardner

Bill Summary: Last edited by TFG Reports at Jan 16, 2020, 10:27 PM

This bill would support water infrastructure in the nation's Reclamation states, as well as extend federal funding an additional five years, including \$670 million in surface and groundwater storage projects; \$100 million for water recycling projects; and \$60 million for desalination projects. The bill would also establish a new loan program for water agencies designed to spur investment in new water supply projects. Key provisions include but are not limited to expanding and updating the Bureau of Reclamation funding authorizations in the Water Infrastructure Improvements for the Nation Act (WIIN) to fund portions of federal (50%) and non-federal (25%) surface and groundwater storage and conveyance facilities, as well as cost share (25%) additional water reuse and recycling and desalination projects; and creating a new loan program at 30-year Treasury rates for water supply projects under what would be established under the Reclamation Infrastructure Financing and Innovation Act (RIFIA). These loans would use criteria (49% maximum loan) modeled after the well-established Water Infrastructure Financing Innovation Act (WIFIA) program at the Environmental Protection Agency (EPA). The legislation would also authorize \$140 million for restoration and environmental compliance projects, including forest, meadow and watershed restoration projects with water benefits and projects to help restore threatened and endangered species affected by Reclamation water projects.

Introduction Date: 2019-06-20

Organizational Notes

Last edited by Kristi More at Jul 6, 2020, 9:57 PM

#TFGWater Revised language for S. 1932 was circulated for comment in February 2020. New bill text has not been introduced yet.

Last edited by Kristi More at Jul 6, 2020, 9:53 PM

#kingsriver Kings River Conservation District wrote letter of support on 12/11/19.

Last edited by Kristi More at Jul 6, 2020, 9:53 PM

#TFGWater On July 18, 2019, the Senate Committee on Energy and Natural Resources Subcommittee on Water and Power held a hearing on the bill.

Kings River - Other (12)

Bill Number HR 7617	Last Action Received In The Senate And Read Twice And Referred To The Committee On Appropriations 2020 08 12	Status In Senate	FN Outlook 72.4% 48.8%
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Title

Defense, Commerce, Justice, Science, Energy and Water Development, Financial Services and General Government, Labor, Health and Human Services, Education, Transportation, Housing, and Urban Development Appropriations Act, 2021

Primary Sponsors

Pete Visclosky

Bill Summary: Last edited by TFG Reports at Aug 6, 2020, 9:00 PM

This second minibuss appropriations package totals \$1.3 trillion in discretionary funding and consists of the FY 2021 Defense; Commerce-Justice Science; Energy and Water Development; Financial Services and General Government; Labor-HHS-Education; and Transportation-Housing and Urban Development appropriations bills.

Introduction Date: 2020-07-16

<div> <div>Bill Number</div> <div>HR 1957</div> </div>	<div> <div>Last Action</div> <div>Became Public Law No 116 152 2020 08 04</div> </div>	<div> <div>Status</div> <div>Enacted</div> </div>	
<div> <div>Title</div> <div>Great American Outdoors Act</div> </div>	<div> <div>Primary Sponsors</div> <div>John Lewis</div> </div>	<div> <div>Bill Summary:</div> <div>Last edited by TFG Reports at Jul 7, 2020, 7:10 PM This bill establishes the National Parks and Public Land Legacy Restoration Fund to support deferred maintenance projects on federal lands. Additionally, the bill makes funding for the Land and Water Conservation Fund (LWCF) permanent.</div> </div>	<div> <div>Introduction Date:</div> <div>2019-03-28</div> </div>
<div> <div>Bill Number</div> <div>HR 7613</div> </div>	<div> <div>Last Action</div> <div>Placed On The Union Calendar Calendar No 361 2020 07 15</div> </div>	<div> <div>Status</div> <div>In House</div> </div>	<div> <div>FN Outlook</div> <div>17.1%83.2%</div> </div>
<div> <div>Title</div> <div>Energy and Water Development and Related Agencies Appropriations Act, 2021</div> </div>	<div> <div>Primary Sponsors</div> <div>Marcy Kaptur</div> </div>	<div> <div>Introduction Date:</div> <div>2020-07-15</div> </div>	
<div> <div>Bill Number</div> <div>S 3922</div> </div>	<div> <div>Last Action</div> <div>Introduced In Senate 2020 06 09</div> </div>	<div> <div>Status</div> <div>In Senate</div> </div>	<div> <div>FN Outlook</div> <div>5.7%80.0%</div> </div>
<div> <div>Title</div> <div>Coronavirus Regulatory Repeal Act of 2020</div> </div>	<div> <div>Primary Sponsors</div> <div>Rand Paul</div> </div>	<div> <div>Bill Summary:</div> <div>Last edited by TFG Reports at Jul 6, 2020, 10:24 PM The bill would require Congress to justify restoring regulations that were either modified or waived in response to the COVID-19 pandemic.</div> </div>	<div> <div>Introduction Date:</div> <div>2020-06-09</div> </div>
<div> <div>Bill Number</div> <div>S 3926</div> </div>	<div> <div>Last Action</div> <div>Read Twice And Referred To The Committee On Environment And Public Works 2020 06 09</div> </div>	<div> <div>Status</div> <div>In Senate</div> </div>	<div> <div>FN Outlook</div> <div>3.1%78.9%</div> </div>
<div> <div>Title</div> <div>Federal Permitting Modernization Act of 2020</div> </div>	<div> <div>Primary Sponsors</div> <div>Ted Cruz</div> </div>	<div> <div>Bill Summary:</div> <div>Last edited by TFG Reports at Jul 6, 2020, 10:22 PM This bill amends the FAST Act to improve the federal permitting process.</div> </div>	<div> <div>Introduction Date:</div> <div>2020-06-09</div> </div>
<div> <div>Bill Number</div> <div>S 3927</div> </div>	<div> <div>Last Action</div> <div>Read Twice And Referred To The Committee On Environment And Public Works 2020 06 09</div> </div>	<div> <div>Status</div> <div>In Senate</div> </div>	<div> <div>FN Outlook</div> <div>2.7%80.5%</div> </div>
<div> <div>Title</div> <div>A bill to establish a 90-day limit to file a petition for judicial review of a permit, license, or approval for a highway or public transportation project, and for other purposes.</div> </div>	<div> <div>Primary Sponsors</div> <div>Ted Cruz</div> </div>	<div> <div>Bill Summary:</div> <div>Last edited by TFG Reports at Jul 6, 2020, 10:23 PM The bill would establish a 90-day limit to file a petition for judicial review of a permit, license or approval for a highway or public transportation project.</div> </div>	<div> <div>Introduction Date:</div> <div>2020-06-09</div> </div>

Bill Number HR 7130	Last Action Referred To The Subcommittee On Highways And Transit 2020 06 09	Status In House	FN Outlook 11.0% 78.8%
Title One Federal Decision Act of 2020 Primary Sponsors Rodney Davis		Bill Summary: Last edited by TFG Reports at Jul 6, 2020, 10:25 PM This bill would streamline the environmental review process for major projects. Introduction Date: 2020-06-08	

Bill Number HR 6691	Last Action Referred To The Committee On Oversight And Reform And In Addition To The Committee On The Judiciary For A Period To Be Subsequently Determined By The Speaker In Each Case For Consideration Of Such Provisions As Fall Within The Jurisdiction Of The Committee Concerned 2020 05 01	Status In House	FN Outlook 13.1% 72.2%
Title Coronavirus Regulatory Repeal Act of 2020 Primary Sponsors Chip Roy		Bill Summary: Last edited by TFG Reports at Jul 6, 2020, 10:26 PM This bill repeals or modifies any agency rule that is temporarily waived or modified during the COVID-19 (i.e., coronavirus disease 2019) public health emergency, subject to a review process. The bill specifies procedures for Congress and the heads of agencies to analyze, review, and recommend whether the waiver or modification of a rule should continue and such waiver or modification expires only if a law is enacted in accordance with a recommendation that the rule be reinstated when the emergency period ends Introduction Date: 2020-05-01	

Bill Number	Last Action	Status	FN Outlook
HR 6643	Referred To The House Committee On Ways And Means 2020 04 28	In House	<div>7.7%</div> <div>89.8%</div>
Title Supporting State and Local Leaders Act		Bill Summary: Last edited by TFG Reports at May 11, 2020, 2:30 PM The Supporting State and Local Leaders Act would make states and local governments eligible for the emergency paid leave payroll tax credits, which would help state and local budgets stretched thin by the COVID-19 pandemic.	
Primary Sponsors Brad Schneider			
Organizational Notes Last edited by Kristi More at Jul 6, 2020, 9:43 PM #kingsriver On 4/14/20, the Kings River Conservation District sent a letter to House and Senate leadership supporting a change in the law to provide public employers access to the tax relief available to offset the added expense of meeting new emergency paid leave requirements. The letter supports provisions of this bill. Last edited by Kristi More at Jul 6, 2020, 9:46 PM #TFG Press Release: https://schneider.house.gov/media/press-releases/schneider-katko-cox-king-degette-introduce-bipartisan-legislation-make-states		Introduction Date: 2020-04-28	

Bill Number

HR 1162

Last Action

Subcommittee On Water Oceans And Wildlife
Discharged 2020 03 11

Status

In House

FN Outlook

36.7% 84.1%

Title

Water Recycling Investment and Improvement Act

Primary Sponsors

Grace Napolitano

Bill Summary: Last edited by TFG Reports at May 12, 2020, 3:46 PM

The bill aims to assist water agencies with the expansion, planning, design, and building of water recycling plants and modernizing water infrastructure in California and other western states. Specifically, the bill would increase funding authorization for the Bureau of Reclamation's Title XVI water recycling competitive grant program to \$500 million from \$50 million. It would also make the program permanent as it currently expires in 2021, and funds water recycling and reuse projects for 17 western states.

Introduction Date: 2019-02-13

Organizational Notes

Last edited by Kristi More at Jul 6, 2020, 9:47 PM

#TFG Bill was included in the Moving Forward Act, H.R. 2.

Last edited by Kristi More at Jul 6, 2020, 9:47 PM

#TFG The House Natural Resources Subcommittee on Water Oceans and Wildlife held a hearing on this bill on June 13, 2019.

Bill Number

S 3422

Last Action

Read The Second Time Placed On Senate
Legislative Calendar Under General Orders
Calendar No 438 2020 03 10

Status

In Senate

FN Outlook

3.7% 88.4%

Title

Great American Outdoors Act

Primary Sponsors

Cory Gardner

Bill Summary: Last edited by TFG Reports at Jul 1, 2020, 5:26 PM

This bill establishes the National Parks and Public Land Legacy Restoration Fund to support deferred maintenance projects on federal lands.

Introduction Date: 2020-03-09

Organizational Notes

Last edited by Kristi More at Jul 6, 2020, 9:46 PM

#TFG See status of companion bill H.R. 1957.

Bill Number

S 2657

Last Action

S Amdt 1407 Considered By Senate
Consideration Cr S 1644 2020 03 10

Status

In Senate

FN Outlook

3.8% 85.8%

Title

Advanced Geothermal Innovation Leadership Act of 2019

Primary Sponsors

Lisa Murkowski

Bill Summary: Last edited by TFG Reports at Jul 6, 2020, 10:28 PM

The bill would accelerate geothermal energy development in the U.S. The bill includes provisions for research and development of both existing and enhanced geothermal systems, resource assessment updates, grant program authorization, and improved permitting.

Introduction Date: 2019-10-22



**JOINT MEMORANDUM TO THE FIELD BETWEEN
THE U.S. DEPARTMENT OF THE ARMY, CORPS OF ENGINEERS AND
THE U.S. ENVIRONMENTAL PROTECTION AGENCY CONCERNING
EXEMPT CONSTRUCTION OR MAINTENANCE OF IRRIGATION DITCHES AND
EXEMPT MAINTENANCE OF DRAINAGE DITCHES UNDER
SECTION 404 OF THE CLEAN WATER ACT**

I. INTRODUCTION

The U.S. Army Corps of Engineers (“Corps”) and the U.S. Environmental Protection Agency (“EPA”) (together, “the agencies”), implement Section 404 of the Clean Water Act (“CWA”).¹ Section 404 of the CWA regulates the discharge of dredged or fill material into the navigable waters, which the CWA defines as “waters of the United States, including the territorial seas.” 33 U.S.C. 1344 and 1362. The agencies are signing this memorandum to provide a clear, consistent approach regarding the application of the exemptions from regulation under Section 404(f)(1)(C) of the CWA for the construction or maintenance of irrigation ditches and for the maintenance of drainage ditches (“ditch exemptions”).

This memorandum supersedes previous Corps Regulatory Guidance Letter (“RGL”) 07-02, which superseded RGL 87-07. In an effort to provide greater clarity, this memorandum defines the following terms for purposes of implementing the ditch exemptions: “irrigation ditch,” “drainage ditch,” “construction,” and “maintenance.” This memorandum also provides a framework for determining the applicability of the ditch exemptions and the “recapture provision” in CWA Section 404(f)(2).

The contents of this document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

II. BACKGROUND

a. Under Section 404(f)(1)(C) of the CWA (*see also* 33 CFR 323.4(a)(3) and 40 CFR 232.3(c)(3)), discharges of dredged or fill material for the purpose of construction or maintenance of jurisdictional irrigation ditches, or the maintenance (but not construction) of jurisdictional drainage ditches, are not prohibited by or otherwise subject to regulation under Section 404 of the CWA (*i.e.*, these activities are exempt from the need to obtain a Section 404 permit).

¹ In a 1979 opinion, the U.S. Attorney General Benjamin R. Civiletti determined that EPA has the ultimate responsibility for interpreting the CWA Section 404(f) exemptions. *See* 43 Op. Att’y Gen. 197 (Sept. 5, 1979), <https://www.epa.gov/cwa-404/1979-civiletti-memorandum-under-cwa-section-404f>. Attorney General Civiletti stated that it is the EPA Administrator who has general responsibility under the Act (33 U.S.C. 1251(d)), and who has general authority to prescribe regulations (33 U.S.C. 1361(a)).

b. Section 404(f)(2) of the CWA states that “[a]ny discharge of dredged or fill material into the navigable waters incidental to any activity having as its purpose bringing an area of navigable waters into a use to which it was not previously subject, where the flow or circulation of navigable waters may be impaired or the reach of such waters be reduced, shall be required to have a permit under this section.” This is commonly referred to as the “recapture provision”; see paragraph c of this section for the regulations implementing this provision.

c. Under 33 CFR 323.4(c) and 40 CFR 232.3(b), exemptions under 33 CFR 323.4(a)(1)-(6) and 40 CFR 232.3(c)(1)-(6) do not apply if the discharge into a water of the United States “is part of an activity whose purpose is to convert an area of the waters of the United States into a use to which it was not previously subject, where the flow or circulation of waters of the United States may be impaired or the reach of such waters reduced. Where the proposed discharge will result in significant discernable alterations to flow or circulation, the presumption is that flow or circulation may be impaired by such alteration.”

III. DEFINITIONS

a. On April 21, 2020, the agencies promulgated a definition of the term “ditch,” to mean “a constructed or excavated channel used to convey water.” 85 FR 22250. The agencies believe that a clear definition of this term is useful in the context of the ditch exemptions independent of the regulatory text defining “waters of the United States,” and therefore this same definition is hereby adopted for the purpose of this memorandum. However, when referred to in this memorandum, the term “ditch” specifically refers to irrigation and drainage ditches.

b. The agencies’ regulations define “discharge of dredged material” and “discharge of fill material.” *See* 33 CFR 323.2(d) and (f), and 40 CFR 232.2.

c. The agencies’ regulations define “waters of the United States.” *See* 33 CFR 328.3 and 40 CFR 120.2. It has been the agencies’ longstanding practice that certain ditches generally are not considered waters of the United States. However, certain ditches may be a water of the United States, such as certain ditches constructed in or through a jurisdictional water, including a jurisdictional wetland.

d. For the purposes of this memorandum, “irrigation ditch” is defined as a ditch (as defined in paragraph III.a above) that either conveys water to an ultimate irrigation use or place of use (“irrigation water”), or that moves and/or conveys irrigation water (*e.g.*, “run-off” from irrigation) away from irrigated lands (“irrigation return flows”).

e. For the purposes of this memorandum, “drainage ditch” is defined as a ditch (as defined in paragraph III.a above) where increasing drainage of a particular land area or infrastructure is at least part of the designed purpose. This includes the following ditch use categories: agricultural, transportation (*e.g.*, roadside, railroad), mosquito abatement, and stormwater management.

f. For the purposes of this memorandum, “related structure” is defined as a structure which is appurtenant to, and functionally related to, an irrigation ditch. Examples of such related structures include, but are not limited to: siphons, pipes, pumps or pump systems, grade control structures, headgates, wingwalls, weirs, diversion structures, and such other facilities. The key to whether a structure is a “related structure” and potentially covered by the irrigation ditch exemption is whether the structure affects the ability (*e.g.*, capacity, design velocities) of the ditch to convey water as designed.

g. For the purposes of this memorandum, “maintenance” is defined as the activity undertaken to preserve or restore the original designed purpose and approximate capacity of the original, as-built configuration of a ditch. Maintenance includes a repair to an existing structure or feature to keep the ditch in its existing state or proper condition, or to preserve it from failure or decline.

h. For the purposes of this memorandum, “construction” is defined as new work, or work that results in a relocation, an extension, or an expansion of an existing ditch and/or related structure. In general, the construction of an irrigation ditch must be intended to primarily serve an irrigation purpose in order for the construction activity to be exempt.

IV. GUIDANCE FOR APPLYING THE DITCH EXEMPTIONS

General Guidance. To determine whether one of the ditch exemptions applies, the following steps should be analyzed:

- a. Step 1 is to determine whether the proposed activity will occur in waters of the United States. The agencies’ regulations and associated preamble language, guidance documents, and technical manuals may be used to make this determination. If the proposed activity will not occur in waters of the United States, the proposed activity is not prohibited by nor regulated under Section 404 of the CWA.
- b. Step 2 is to determine whether the proposed activity involves a discharge of dredged and/or fill material. As noted in paragraph III.b above, the agencies’ regulations define these terms. If no discharge of dredged and/or fill material will occur, the proposed activity is not prohibited by nor regulated under Section 404 of the CWA.
- c. Step 3 is to determine whether the proposed activity involves an “irrigation ditch” or a “drainage ditch” according to the definitions in Section III of this memorandum. The following clarifications may assist in making this determination:
 - Irrigation Ditches:
 - Related structures, as defined in paragraph III.f above, are included in the scope of the irrigation ditch exemption.
 - If a ditch carries only irrigation water, irrigation return flows, and/or overland flow (precipitation and/or snowmelt) to and/or from an irrigated area, that ditch would be considered an irrigation ditch, not a drainage ditch.
 - A ditch that diverts water from a waterbody (*e.g.*, stream, lake, or reservoir) for irrigation purposes is an irrigation ditch and does not become a drainage ditch even if a substantial portion of the flow into or volume of the waterbody is diverted by the irrigation ditch.
 - Drainage Ditches:
 - Where a ditch would have the effect of draining wetlands (other than wetlands established due to the presence of irrigation water), the ditch would be considered a drainage ditch, not an irrigation ditch, even if used for irrigation.
- d. Step 4 is to determine whether the proposed activity is “maintenance,” which is exempt for irrigation and drainage ditches, or “construction,” which is exempt for irrigation ditches only.² The following clarifications may assist in making this determination:

² In many cases, accurate historical records are not available to determine the “as-built” specifications of the original ditch and/or related structures. In these cases, agency staff should work closely with the project proponent to establish an appropriate maintenance depth and/or reference an appropriate structure design to restore the ditch’s original designed

- Maintenance (for both irrigation and drainage ditches):
 - Removal of material, including vegetation, from an existing ditch such as by dredging or recontouring in accordance with the historical design and purpose of the ditch, qualifies as maintenance. However, the ditch must not be deepened such that it would drain additional areas compared to the original design.
 - Minor changes to the cross-section of the ditch to conform with current engineering standards (e.g., where more graduated side-slopes result in greater stability) qualify as maintenance, so long as those modifications of the ditch will not result in the drainage, degradation, or destruction of additional jurisdictional waters.
 - Replacement or repair of existing related structure(s) qualify as maintenance as long as the original purpose of the structure is not changed and original approximate capacity of the irrigation ditch or related structures are not increased. Activities related to structures that were not designed to contribute to the original purpose and capacity of the ditch are not covered by the maintenance portion of the irrigation ditch exemption or the drainage ditch exemption. There may, however, be circumstances where a drainage ditch includes associated structures which may be evaluated on a case-by-case basis as to whether the maintenance of such structures is exempt.
- Construction (for irrigation ditches only):
 - Relocation of existing ditches or tributaries, and converting existing ditches into pipes, qualifies as construction. However, these actions should be analyzed in Step 5, below, to determine whether they would be subject to the recapture provision.
- Maintenance (for irrigation and drainage ditches) and/or Construction (for irrigation ditches only) Depending on the Site-specific Circumstances:
 - Sidecasting, for purposes of this memorandum, is the casting of dredged or excavated material to the side of or near the ditch being constructed or maintained. Sidecasting of any dredged material for the purpose of construction or maintenance of jurisdictional irrigation ditches, or the maintenance (but not construction) of jurisdictional drainage ditches, into jurisdictional wetlands or other waters of the United States is exempt. However, these actions should be analyzed in Step 5, below, to determine whether the sidecasting would be subject to the recapture provision.
 - Armoring, lining, and/or piping repair activities qualify as maintenance only where a previously armored, lined, or piped section is being repaired and all work occurs within the footprint of the previous work. All new lining of ditches, where the ditch had not previously been lined, is considered construction.
 - Temporary discharges of fill material in waters of the United States that would be used to facilitate the completion of the exempt ditch maintenance and ditch construction activities described above, such as the placement of temporary cofferdams for erosion and sediment control purposes, are also exempt under Section 404(f)(1)(C) of the CWA, provided the temporary fills are not recaptured under Step 5, below, and provided the temporary fills are removed from waters of the United States in their entirety upon completion of the ditch maintenance or ditch construction activity.

purpose and approximate capacity, while meeting the spirit of the exemption and ensuring adequate protection of aquatic resources. In situations where the potential applicability of the exemption under CWA Section 404(f)(1)(C) to a proposed activity has been raised to the District, and where the District cannot make a determination due to a lack of pertinent factual information, the District should request additional documentation or supporting evidence from the project proponent or inform the proponent that the activity may not qualify for the exemption.

e. Step 5 is to determine applicability of the “recapture provision.” CWA Section 404(f)(2) sets forth a two-part test, and both parts must be met to “recapture” an activity (*i.e.*, to bring the activity within the scope of regulation under CWA Section 404, such that a permit would be required).

Part 1: Is the discharge incidental to a proposed activity where the purpose of the activity is to convert an area of the waters of the United States into a use to which it was not previously subject? This is also known as the “change in use” test. The following clarifications may assist in making this determination:

- Construction of an irrigation ditch that cuts through (or across) a jurisdictional waterbody, including wetlands, may be a change in use of the waterbody because the footprint of the ditch and any structure(s) within the jurisdictional water(s) may convert that portion of the waterbody from a non-irrigation use to an irrigation use.
- Conversion of a jurisdictional wetland to a non-wetland is a change in use. However, the development of wetland characteristics in a ditch does not establish a new use for the ditch. The recapture provision would not apply to the maintenance activities of ditches which have developed wetland characteristics even if sediment and vegetation removal occurs to eliminate obstructions to flow.³
- Construction of dikes, drainage ditches, or other works or structures used to effect conversion of a wetland from silvicultural to agricultural use (such as by draining the wetland) is a change in use (33 CFR 323.4(c) and 40 CFR 232.3(b)).
- The fill of the former area of existing jurisdictional ditches or tributaries associated with relocation of such waters or converting existing jurisdictional ditches into pipes, is a change in use (*i.e.*, from jurisdictional waters to dry land or to non-jurisdictional waters).

Part 2: If Part 1 of the test is met, will the proposed activity impair the flow or circulation of waters of the United States or reduce the reach of such waters? This determination should be made on a case-by-case basis,⁴ and the following clarifications may assist in making this determination:

- The agencies’ regulations implementing CWA Section 404(f) (*i.e.*, 33 CFR 323.4(c) and 40 CFR 232.3(b)) specify that “(w)here the proposed discharge will result in significant discernible alterations to flow or circulation, the presumption is that flow or circulation may be impaired by such alteration.” The project proponent should provide information to the agencies regarding why this presumption is not met if they request an exemption determination by the agencies.
- A discharge which elevates the bottom of waters of the United States without converting it to dry land does not thereby reduce the reach of, but may alter the flow or circulation of, waters of the United States (33 CFR 323.4(c) and 40 CFR 232.3(b)). An example of this could be “thin-spreading” dredged material into jurisdictional wetlands. Case-specific information should be considered to determine if such alterations to flow or circulation would rise to the level of impairment.

³ In certain circumstances, the accumulation of sediment over time may be so extensive that the ditch is no longer capable of being used to convey water, or the intended purpose of the ditch as a drainage resource has been abandoned. The removal of sediment and vegetation in such cases may be considered construction instead of maintenance, depending on the factual circumstances, and may require a permit, assuming the feature is, or the activity at issue is performed in, an otherwise jurisdictional water. When accumulation of sediment or debris occurs in response to a flood, storm, hurricane or similar event or series of events, the maintenance designed to restore such ditches to their original capacity should fall within the scope of the CWA Section 404(f) permit exemption. The maintenance activities performed to restore the ditch, however, must not expand the ditch beyond the contours of the ditch that existed before the event or events occurred.

⁴ Because the CWA Section 404(f)(1) exemption for maintenance of irrigation or drainage ditches applies only to maintenance activities that would maintain existing capacity and functionality (not to construction activities), it is unlikely that the recapture provision in CWA Section 404(f)(2) would apply to ditch maintenance activities as defined above.

- A proposed activity for the purpose of construction or maintenance of a ditch that has the effect of substantially increasing or decreasing water levels in a nearby jurisdictional wetland or other jurisdictional water would be an alteration of the flow and circulation of said water(s), and should be analyzed to determine whether that alteration rises to the level of impairment.
- Construction of an irrigation ditch which converts a jurisdictional ditch into a pipe is a change in use of waters of the United States, and by definition also a reduction in their reach, within the meaning of CWA Section 404(f)(2).
- Certain construction or maintenance activities in a ditch have the potential to sever the hydrologic connection of waters of the United States and/or to sever adjacency between a jurisdictional wetland and another water of the United States. Ditch maintenance or construction activities having such an effect would reduce the reach of waters of the United States, and therefore may meet the second part of the recapture provision test. However, if a project proponent is able to demonstrate that hydrologic connectivity is maintained between the waters that would otherwise be severed, such as through the use of a culvert, flood or tide gate, pump, or similar artificial feature, or through the intentional breaches of levees or similar features, the reach of waters of the United States may not be reduced by the activity, although it may result in an impairment of flow or circulation.

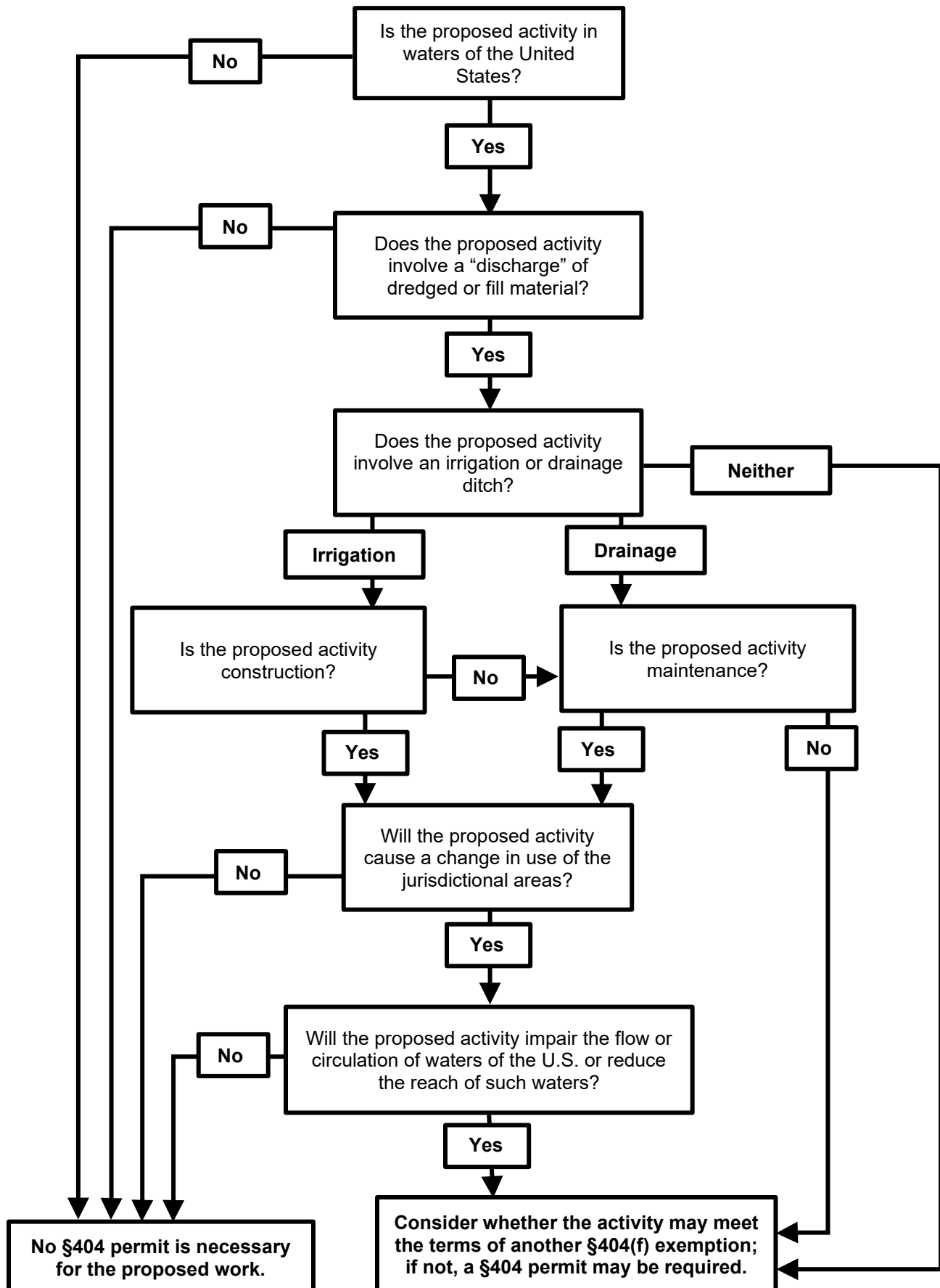
V. CONCLUSION

When an activity has been determined in the first four steps of Section IV above to involve discharges of dredged or fill material into waters of the United States, the discharges are for the purpose of construction or maintenance of irrigation ditches or the maintenance (but not construction) of drainage ditches, and the elements of the recapture provision are not satisfied, then the activity is exempt from regulation under Section 404 of the CWA.

R.D. JAMES
Assistant Secretary of the Army
(Civil Works)

DAVID P. ROSS
Assistant Administrator, Office of Water
Environmental Protection Agency

FLOW CHART ATTACHMENT TO THE JOINT MEMORANDUM TO THE FIELD BETWEEN ARMY AND EPA CONCERNING SECTION 404(f)(1)(C) OF THE CLEAN WATER ACT





**MEMORANDUM TO THE FIELD BETWEEN
THE U.S. DEPARTMENT OF AGRICULTURE, NATURAL RESOURCES CONSERVATION
SERVICE (NRCS),
THE U.S. DEPARTMENT OF THE ARMY, CORPS OF ENGINEERS (CORPS),
AND THE U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA)
CONCERNING ISSUES RELATED TO IMPLEMENTATION OF
SECTION 404 OF THE CLEAN WATER ACT (CWA)
AND THE FOOD SECURITY ACT OF 1985, AS AMENDED (FSA)**

I. INTRODUCTION

The U.S. Army Corps of Engineers (Corps) and the U.S. Environmental Protection Agency (EPA) implement Section 404 of the Clean Water Act (CWA), which regulates the discharge of dredged or fill material into navigable waters. 33 U.S.C. 1344. The U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) implements Sections 1221-1224 of the Wetland Conservation Provisions of the Food Security Act of 1985, as amended (FSA). 16 U.S.C. 3821-3824. The Corps and EPA determine the extent of “waters of the United States” (*see* 33 CFR 328 and 40 CFR 120.2) subject to CWA jurisdiction. NRCS delineates, determines, and certifies wetlands in a manner sufficient for making determinations of ineligibility for certain USDA program benefits.¹ The Corps, EPA, and NRCS (together, the agencies) recognize that similarities between certain aspects of their respective programs, such as wetland delineations conducted by the Corps and EPA and wetland determinations conducted by NRCS, have the potential to lead to duplicative effort and uncertainty for the regulated community in program authority and requirements.

¹ The FSA requires producers participating in most programs administered by USDA to agree not to plant an agricultural commodity on converted wetland or to convert a wetland to make possible the production of an agricultural commodity, unless an exception applies. Producers participating in these programs, and any person or entity considered to be an “affiliated person” of such a producer, are subject to these conditions. The regulations covering the conditions are set forth in the Code of Federal Regulations at 7 CFR Part 12. To be in compliance with the FSA wetland conservation provisions, producers must agree, by certifying on Form AD-1026 (Highly Erodible Land Conservation and Wetland Conservation Certification), that they will not plant or produce an agricultural commodity on a converted wetland and will not convert a wetland to make the production of an agricultural commodity possible.

The agencies strive to minimize duplication of efforts pursuant to the CWA Section 404 program and the FSA Wetland Conservation Provisions, while recognizing the inherent differences in the purpose and language of those laws. This memorandum provides procedures for use by the agencies' personnel that will facilitate the agencies' efforts to ensure that federal wetland programs are administered in an efficient and effective manner, minimizing their impacts on affected landowners and operators while continuing to fulfill the missions of the respective agencies.

The contents of this memorandum do not have the force and effect of law and are not meant to bind the public in any way. This memorandum is intended only to provide clarity to the agencies and the public regarding existing requirements under the law or agency policies.

II. DEFINITIONS

Clean Water Act Delineation (DL): Document identifying the presence of wetlands and/or non-wetland waters and providing the boundary limits of such aquatic resources.

FSA Certified Wetland Determination (CWD): Determination of the presence of wetlands, their delineation, and the appropriate Wetland Conservation designation subject to the Wetland Conservation Provisions of the FSA, based on the procedures in the National Food Security Act Manual (including amendments and related guidance).

Jurisdictional Determination (JD): As defined at 33 CFR 331.2, the term means a written Corps determination that a wetland and/or waterbody is subject to regulatory jurisdiction under Section 404 of the CWA or a written Corps determination that a waterbody is subject to regulatory jurisdiction under Section 9 or 10 of the Rivers and Harbors Act of 1899.

Local Level Agreement (LLA): Agreements developed between two or more of the agencies at the district, regional, and/or state office levels to promote business process efficiencies in order to reduce delays in actions related to their wetland programs.

Prior Converted Cropland:

- a. As defined by NRCS pursuant to the Food Security Act at 7 CFR 12.2: a converted wetland where the conversion occurred prior to December 23, 1985, an agricultural commodity had been produced at least once before December 23, 1985, and as of December 23, 1985, the converted wetland did not support woody vegetation and did not meet the hydrologic criteria for a farmed wetland.
- b. As defined by the Corps and EPA pursuant to the Clean Water Act at 33 CFR 328.3(c)(9) and the Navigable Waters Protection Rule (NWPR; 85 FR 22339): any area that prior to December 23, 1985, was drained or otherwise manipulated for the purpose, or having the effect, of making production of an agricultural product possible. EPA and the Corps will recognize designations of prior converted cropland made by the Secretary of Agriculture. An area is no longer considered prior converted cropland for purposes of the Clean Water Act

when the area is abandoned and has reverted to wetlands, as defined in paragraph (c)(16) of this section. Abandonment occurs when prior converted cropland is not used for, or in support of, agricultural purposes at least once in the immediately preceding five years. For the purposes of the Clean Water Act, the EPA Administrator shall have the final authority to determine whether prior converted cropland has been abandoned.

III. PROCEDURES

- A. Development of LLAs. The agencies encourage the development of LLAs to improve overall communication, coordination, and partnering to reduce duplication of efforts, to improve efficiency, and to provide as much consistency as possible for landowners, USDA program participants, and the regulated community. The LLAs may be developed as agreements addressing a single issue or umbrella agreements covering multiple issues. The objectives of LLAs are to provide procedures to facilitate efficient JDs, CWDs, and DLs within the provisions of applicable regulations, as well as to identify any permitting and compensatory mitigation efficiencies. The LLAs may also be used to develop outreach materials and other sources of information to aid agricultural landowners/operators in better understanding the presence of wetlands or other water features on their lands and the land management activities which may fall under the CWA and/or FSA authorities. The LLAs may further refine the procedures included herein and address other concerns or interests that will improve service to the public.
- B. Maps and Designation of Non-Wetland Waters. To provide additional clarity following signature of this memorandum, the NRCS intends to use designations on their wetland determination maps for owners or operators which indicate water features that are not subject to the Wetland Conservation Provisions of the FSA. If these features are designated, it may be with a cautionary icon to communicate that they may potentially be subject to the CWA for any proposed discharges which may occur.
- C. Informing Affected Landowners or Operators of Other Potential Statutory Obligations. The Corps intends to include the following language in all written DLs as well as any JD: “The delineation included herein has been conducted to identify the location and extent of the aquatic resource boundaries and/or the jurisdictional status of aquatic resources for purposes of the Clean Water Act for the particular site identified in this request. This delineation and/or jurisdictional determination may not be valid for the Wetland Conservation Provisions of the Food Security Act of 1985, as amended. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should discuss the applicability of a certified wetland determination with the local USDA service center, prior to starting work.” The NRCS intends to include the following language in all written CWDs: “This certified wetland determination has been conducted for the purpose of implementing the Wetland Conservation Provisions of the Food Security Act of 1985, as amended. This determination may not be valid for identifying the extent of Clean Water Act jurisdiction for

this site. If you intend to conduct any activity that constitutes a discharge of dredged or fill material into wetlands or other waters, you should contact the local district office of the U.S. Army Corps of Engineers prior to starting work.”

- D. Coordination. In cases where the agencies need to make separate CWDs and DLs on a single site, the agencies intend to, with the landowner’s/operator’s concurrence, coordinate and provide both documents in an efficient manner and in the same time frame so that a landowner/operator receives documents that cover all waters on the site. If this coordination cannot be accomplished for a particular site, the agencies will advise the landowner/operator accordingly.
- E. Reliance on Other Agency’s Information. The Corps intends to provide a completed DL conducted for purposes of the CWA to NRCS upon request by NRCS for their use in conducting CWDs on the same site. In addition, the Corps may obtain and rely on NRCS CWD information received from a landowner/operator regarding their subject property to inform the Corps when conducting DLs for purposes of the CWA.
- F. Points of Contact. Each agency intends to designate within 30 days of the date of this memorandum a lead representative at each of their respective district, region, and state level offices for technical issues involving agricultural activities and the joint activities prescribed in this memorandum to provide consistency to landowners/operators and between agencies. This may include issues such as CWDs, DLs, JDs, prior converted cropland determinations, conservation practice standards, construction methods of agricultural activities, and activity-based exemptions under Section 404(f) of the CWA.
- G. Technical Assistance. The agencies intend to continue to provide appropriate technical assistance for all field personnel involved in CWDs, DLs, and JDs. Any onsite NRCS assistance in specific DLs on agricultural lands will be limited to instances where there is also a need to conduct a CWD or site visit for FSA purposes, and will occur only upon receiving written permission from a landowner/operator providing consent for NRCS to access their property jointly with the agencies or as otherwise permitted by law.
- H. Dispute Resolution. The agencies intend to make every reasonable effort to resolve any concerns or disputes related to these procedures at the district, region, and state level offices. Issues that cannot be resolved at the local level, however, should be elevated to the appropriate headquarters office by the Corps District Engineer, EPA Regional Administrator, or NRCS State Conservationist. The receiving headquarters office will transmit the elevated issue to the other relevant headquarters offices electronically. The date of electronic transmission serves as the notification of elevation and initiates timeframes for dispute resolution. The relevant headquarters offices should engage and try to resolve the matter within 21 calendar days upon notification. Should any deadline in this dispute resolution process fall on a weekend or federal holiday, the deadline will be the next business day.

IV. PRIOR CONVERTED CROPLAND

The USDA is responsible for making determinations as to whether land is prior converted cropland for FSA purposes, whereas the Corps and EPA are responsible for determining applicability of the prior converted cropland exclusion for CWA purposes, consistent with the government's longstanding interpretation of those agencies' authority under the CWA. The USDA's regulatory definition of "prior converted cropland" and the definition established in the Navigable Waters Protection Rule (NWPR; 85 FR 22339) have different purposes and they are substantively different. A determination of the applicability of the prior converted cropland exclusion for CWA purposes does not affect the USDA's administration of the FSA or a landowner's/operator's eligibility for benefits under USDA programs.

The NWPR excludes prior converted cropland from the definition of "waters of the United States" under the CWA and defines the term "prior converted cropland" for CWA purposes. The definition of "prior converted cropland" in the NWPR clarifies that the exclusion is no longer applicable when the subject cropland is abandoned *and* the land has reverted to wetlands, as that term is defined under the NWPR. If the prior converted cropland exclusion does not apply, the Corps and EPA are responsible for determining whether the wetlands are "adjacent wetlands" and therefore "waters of the United States," consistent with the NWPR. For purposes of the CWA, prior converted cropland is considered abandoned if it is not used for, or in support of, agricultural purposes at least once in the immediately preceding five years. *See* NWPR, 85 FR 22339; 33 CFR 328.3(c)(9). Prior converted cropland may not be subject to CWA regulation even after it is abandoned because the land does not revert to wetlands or because the land reverts to wetlands but those wetlands are not "adjacent wetlands" as defined in the NWPR. However, in some instances abandoned prior converted cropland may, under normal circumstances, meet the definition of "wetlands" under the NWPR. In all cases, the burden to prove that such wetlands are "adjacent wetlands" and therefore a "water of the United States" remains with the Corps and EPA.

When determining the extent of "waters of the United States" subject to CWA jurisdiction, the Corps and EPA will exclude waters meeting the definition of "prior converted cropland" under the NWPR. 85 FR 22326. The Corps and EPA will defer to any USDA determination as to whether a parcel or tract of land is prior converted cropland when the Corps and EPA determine the applicability of the prior converted cropland exclusion under the NWPR. *Id.* Once eligibility is determined based on a determination made by USDA, the Corps and EPA will evaluate the land to determine if the exclusion under the NWPR currently applies, or if the land has been abandoned, as described in the NWPR. A landowner/operator seeking eligibility for USDA loans and payments without an existing prior converted cropland determination from USDA may seek a new determination from USDA. *See* 85 FR 22326. To allow the Corps and EPA to rely on a USDA prior converted cropland determination, the landowner/operator may provide a copy of the USDA determination to the Corps and/or EPA.² The landowner/operator would need to determine which information is relevant to submit to the Corps and/or EPA for prior converted cropland purposes. The USDA can assist the landowner/operator in determining what information may be relevant. In the absence of a USDA determination as to whether a parcel or

² The USDA is subject to specific statutes [*see, e.g.*, 7 U.S.C. 8791] designed to protect landowner privacy and, as such, is prohibited from making certain parcel-specific information available without the landowner's consent.

tract of land is prior converted cropland for FSA purposes, the Corps and EPA will evaluate any relevant information or documentation provided by the landowner/operator, as well as relevant additional sources of information as appropriate, to determine whether an area meets the definition of “prior converted cropland” under the NWPR and is excluded from the definition of “waters of the United States.” In evaluating the status of such lands as prior converted cropland for purposes of applying the NWPR exclusion, the Corps and/or EPA will consult with USDA as appropriate.

“Agricultural purposes” under the NWPR includes land use that makes the production of an agricultural product possible, including but not limited to crop production, grazing and haying. 85 FR 22341. The NWPR also clarifies that cropland that is left idle or fallow for conservation or agricultural purposes for any period or duration of time remains in agricultural use (*i.e.*, it is used for, or in support of, agricultural purposes), and therefore maintains the prior converted cropland exclusion. 85 FR 22341. Agricultural purposes include, but are not limited to, idling land for conservation uses (*e.g.*, habitat; pollinator and wildlife management; and water storage, supply, and flood management); irrigation tailwater storage; crawfish farming; cranberry bogs; nutrient retention; and idling land for soil recovery following natural disasters like hurricanes and drought. The uses listed above, in addition to crop production, grazing and haying, fall within the term “agricultural purposes” and, if documented, may maintain the prior converted cropland exclusion from the definition of “waters of the United States.” Conservation practices, including those required or supported by USDA, state, and local programs (including recognized private sector programs that partner with government programs or that can provide verifiable documentation of participation) are critical to the success of agricultural systems across the country. Conservation practices and programs also are conducted “for or in support of agricultural purposes” and are appropriate to maintain the prior converted cropland exclusion from the definition of “waters of the United States.” 85 FR 22321.

It is important to note that some progressive agricultural activities and conservation practices can be difficult to recognize. This is often true for agricultural uses that mimic natural processes and have significant environmental benefits. For example, the USDA promotes soil health practices which emphasize maintaining diverse vegetative covers on soil at all times throughout the year, even on cropland. To some, this may give the appearance of abandoned land. For difficult-to-recognize agricultural use activities that result in instances when soil tillage is reduced or eliminated on cropland (*e.g.*, soil health), or water is stored for re-use on a dedicated area of cropland (*e.g.*, tailwater recovery), the Corps and EPA can rely on USDA for examples of potential documentation of agricultural use (such as a landowner’s/operator’s conservation plan, land use certifications for specific fields with USDA Farm Service Agency, and related documentation). The USDA may assist landowners/operators with information and documentation of agricultural use and other information which may demonstrate that prior converted cropland has not been abandoned or may no longer meet all parameters of wetland criteria. In addition, various other types of documentation may be used to indicate that land is being used for or in support of “agricultural purposes” and that the prior converted cropland exclusion continues to apply to a certain field or tract of land. In making an abandonment determination, the Corps and EPA intend to work closely with the landowner/operator and USDA, as appropriate, to determine whether the land is currently or has been used for or in support of agricultural purposes at least once in the

immediately preceding five years. The Corps and EPA may consider documentation from USDA and other federal or state agencies as well as other relevant sources of information.³

In circumstances where the landowner/operator wants to provide the Corps or EPA direct access to their USDA records regarding a USDA prior converted cropland determination and/or information which may be useful for establishing agricultural purposes, the landowner/operator may provide the Corps or EPA with a signed consent form (*see* Appendix A) to allow those agencies access to the relevant information. 85 FR 22326. The landowner/operator should note that in signing the consent form they are authorizing the Corps and EPA access to their complete record with USDA.

V. TRAINING

In order to promote understanding, to improve communication, and to familiarize personnel involved in developing DLs, CWDs, and JDs, the agencies intend to utilize web-based, and in some cases in-person field-level, training regarding procedures, rules, and policies of each agency. In addition, the agencies are encouraged to explore the possibility of developmental assignments and cooperative agreements where agency personnel work at the other agency for term assignments. The agencies intend to continue to provide joint training opportunities for their field personnel, especially to facilitate awareness of and resolution for inconsistent determination procedures and findings.

VI. GENERAL

- A. The procedures contained within this memorandum do not create any rights, either in substance or procedure, that are enforceable by any party. An agency's deviation or variance from the administrative procedures included in this memorandum will not constitute a defense for violators or others concerned with any CWA enforcement action or determinations of USDA eligibility related to the Wetland Conservation Provisions.
- B. Nothing in this memorandum is intended to diminish, modify, or otherwise affect statutory or regulatory authorities of any signatory agency.
- C. Nothing in this memorandum is intended to affect the authority of a state or tribe pursuant to an authorized CWA Section 401, 402, or 404 program.
- D. Nothing in this memorandum will be construed as indicating a financial commitment by the agencies for the expenditure of funds. All commitments made by the agencies in this memorandum are subject to the availability of appropriated funds and budget priorities. Nothing in this memorandum, in and of itself, obligates the agencies to expend appropriations or to enter into any contract, enter into any assistance agreement, or incur other financial obligations.

³ See the preamble to the NWPR (85 FR 22250, April 21, 2020) for further discussion on agricultural purposes and a discussion on documentation types.

- E. This memorandum remains effective unless revised or rescinded by any signatory agency, upon written notice to the other agencies.

DAVID
ROSS

Digitally signed by DAVID
ROSS
Date: 2020.07.10
12:48:48 -04'00'

David P. Ross
Assistant Administrator
Office of Water
U.S. Environmental Protection Agency

Bill Northey
Under Secretary
Farm Production and Conservation
U.S. Department of Agriculture

R.D. James
Assistant Secretary of the Army (Civil Works)
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September 1, 2020

Memorandum

TO: Paul G. Peschel, P.E., General Manager

FROM: Cristel L. Tufenkjian, Director of External Affairs

SUBJECT: Monthly Status Report – August 2020

STRATEGIC PLAN OBJECTIVE 6A

Increase awareness around KRCD's activities and how they relate to/impact our constituents and the general public through relevant, timely, clear, and transparent communications.

KRCD Communications Campaign

E-Updates: Staff attended regional SGMA meetings to write status updates for the September SGMA E-News update. Staff also supported outreach efforts of the Kings River Quality Coalition to encourage permitted dischargers to attend a Nitrate Control Program pathways workshop.

Date	Email Topic	Audience	Recipients	Open rate	Click-through
7/9/2020	Nitrate Control Program – Next Steps	Kings Management Zone	104	49%	32%
7/21/2020	Nitrate Control Program – Meeting Outreach	ILRP	105	46%	0%

Social Media: External Affairs staff members continued developing content via Hootsuite content manager across social channels. KRCD participated in #NationalHydropowerDay, highlighting the Jeff L. Taylor Power Plant across social media channels with messaging regarding the "clean, renewable energy" source.

Twitter:

KRCD's Facebook page saw less engagement in August than July, but the account still gained two new followers. Following discussions with senior management on engaging with timely topics in the industry, staff engaged with Yuba Water on hydropower.



Facebook:

KRCD's Facebook page slowed down this month, seeing less engagement and traffic in August than July. The top Facebook post included messaging about the importance of measuring snowpack with snow surveys.

LinkedIn:

KRCD's LinkedIn account gained two new followers.

KRCD website: KRCD's staff begin using the new tracking matrix to track analytics from Google Analytics, including total website users, number of new users, pageviews, bounce rate, referrals and top page. Insights from July and August show that linking fresh blog content on social media accounts drives significant website traffic. In July, 21% percent of total website visitors were attributed to social media referral, compared to 4% in August. Without a new post on the KRCD website in August shared through social media, the site saw a 43% decrease in total visitors. Content is a key driver to push website views up that ultimately communicates our messages and purpose to our audience.

Water Safety Council: External Affairs staff attended the Water Safety Council and will assist with a final Facebook campaign promoting water safety over the Labor Day weekend.

Strategic Plan Promotion: External Affairs staff provided support to General Manager Peschel in developing a presentation and materials for internal promotion of the Strategic Plan to KRCD staff.

STRATEGIC PLAN OBJECTIVE 6B

Strengthen relationships with external audiences including Federal, State, and local influencers.

Federal and State Legislative and Regulatory Advocacy

External Affairs staff members monitored, compiled and wrote summaries on State and Federal legislative and regulatory information to support KRCD advocacy efforts including the drafting of a background informational sheet on the National Environmental Policy Act. In addition, administrative support was provided to the Valley Ag Water Committee and the KRWA Legislative Committee.

STRATEGIC PLAN OBJECTIVE 6C

Educate and support constituents in successfully implementing regulatory and regional programs

Groundwater Sustainability Plans Implementation Campaigns and Outreach
KINGS SUBBASIN OUTREACH SERVICES

- Coordinating Kings Subbasin outreach materials development for stakeholder segments with potential cost-sharing opportunity

McMullin Area GSA: Several outreach services for the McMullin Area GSA (MAGSA) were performed. Support was provided in:

- Developed social media calendar via Hootsuite to ensure continuous content flow
- Coordinated filming of promotional sustainability video

North Fork Kings GSA: Several outreach services for the North Fork Kings GSA (NFKGSA) were performed. Support was provided in:

- Published website article and sent e-update promoting Rural Community Advisory Committee application opening
- Administrated Rural Community Advisory Committee meeting via Zoom
- Began coordinating with technical staff to initiate a landowner survey campaign both online and via direct mail. Work to date on the campaign includes:
 - Campaign kick-off with all staff
 - Campaign brief, general timeline, and budget
 - Draft survey questions
 - Draft introductory letter

James GSA: The James GSA website hosting and domain were renewed for another year. Staff provided basic maintenance updates to the website.

North Kings GSA: Several outreach services for the North Kings GSA were performed. Support was provided in:

- Developed social media calendar via Hootsuite to ensure continuous content flow
- Review and presentation of two campaign briefs to reach two stakeholder segments: schools and domestic well owners

- Exploring options for cost-share opportunities through both intra and inter basin coordination

TULARE LAKE SUBBASIN OUTREACH SERVICES

South Fork Kings GSA: Several outreach services for the South Fork Kings GSA were performed.

- External Affairs staff continues to coordinate with the GSA's technical consultant to develop a landowner survey with the goal of collecting data on groundwater extractions within the agencies services area. Planning to date includes:
 - Campaign budget and general timeline
 - Survey questions and direct mail piece layout
 - Survey audience segments
 - SFK updated map and segmented mailing list
 - Survey123 online platform

Implementation of Educational Programs for ILRP and CV-SALTS

CV-SALTS: External Affairs staff supported outreach efforts via Constant Contact email to promote the August 27th Nitrate Control Program workshop hosted by the Kings River Water Quality Coalition. Staff also began work on an outreach mailer to dischargers educating on the new Nitrate Control Program and encouraging participation in the Kings Management Zone; the mailer will be in homes mid-September.

External Affairs Coordinator position: To meet the GSA outreach obligations of KRCD's current and new clients, strongly support the advocacy efforts of the General Manager, and to accomplish the additional work from supporting CV-SALTS implementation efforts, an additional staff position within the External Affairs Department has been created. The External Affairs Coordinator is an entry level position that will support the workload of the External Affairs Department with an emphasis on GSA outreach. This position will replace the current intern position, which has been filled since March of this year.

CT/sjs

R20-0042
 File: 202.03



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August 26, 2020

Memorandum

TO: David M. Merritt, Deputy General Manager, Chief Operating Officer

FROM: Charlotte Gallock, Director of Water Resources

SUBJECT: Monthly Status Report for Water Resources and Environmental Division – August 2020

My report on water quality policy and implementation, water resources, and Water Resources and Environmental Division activities was prepared this month with assistance from Debra Dunn, Eric Athorp, Soua Lee, Jose Soto, Sonja Thiede, Jarrett Winther, Vincent Sambrano, Heidi Isner and Lori Werner.

WATER QUALITY

Kings River Water Quality Coalition (KRWQC or Coalition)

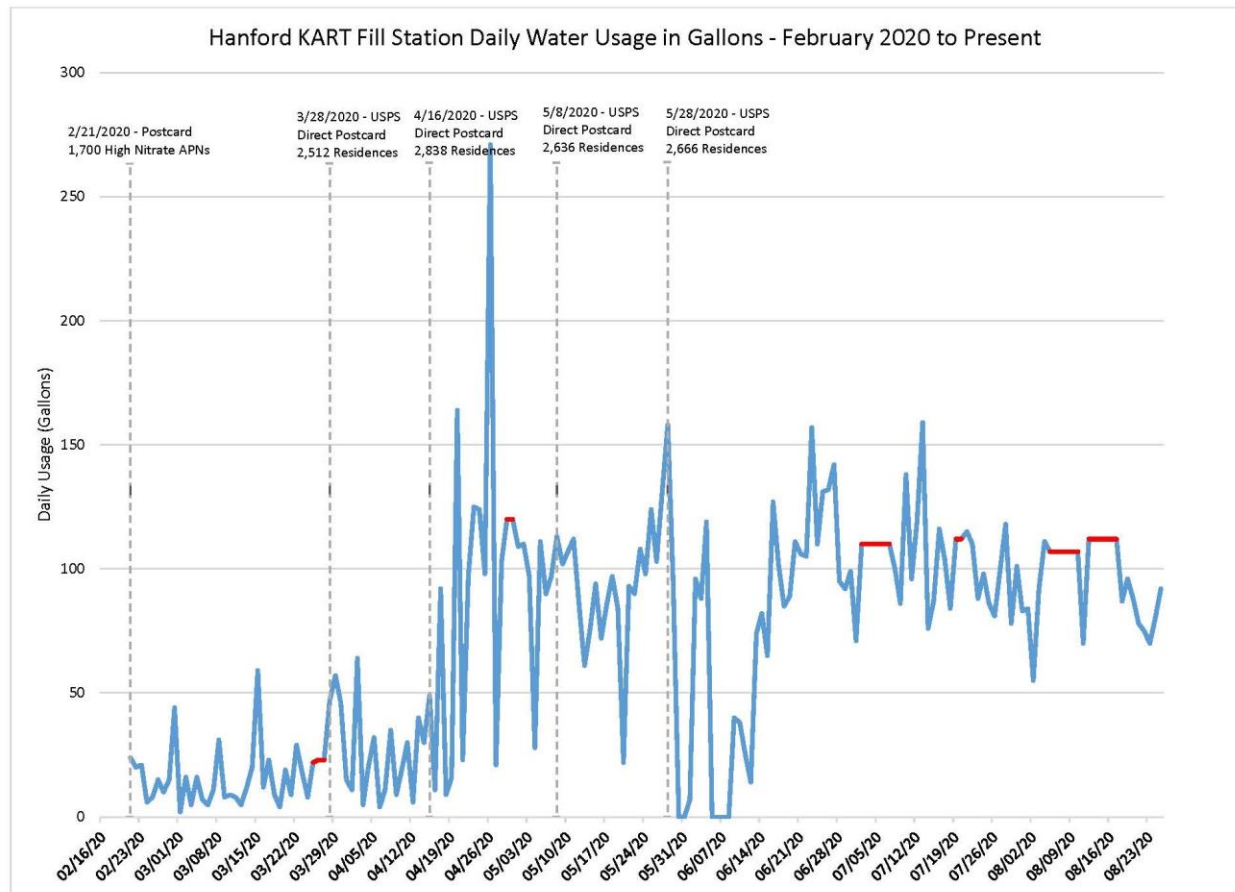
KRWQC Board Meeting

The KRWQC Board meeting was held August 18th. The Coalition Coordinator provided updates on outreach activities for continuing education, drinking water well testing, Nitrogen Management Plan Summary Report (NMP SR) verification, and annual member meetings. The Coalition received 93.6% of required NMP SR and approximately 80 members had their Coalition membership cancelled for non-payment. An update on the Kings Management Zone efforts including past and future meeting discussions was provided. A preview of the updated online member portal was provided with the site availability for members expected in October. The next KRWQC Board meeting will be held on October 20th.

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David M. Merritt, Deputy General Manager, Chief Operating Officer
 September 1, 2020
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Fill Station Development and Construction



The Hanford fill station experienced electrical issues at the end of August and repairs are anticipated the beginning of September. In August, the fill station averaged 96 gallons daily water usage. Weekly bacteria samples collected at the fill station in August resulted in absent results. A new sediment filter element was installed in early August and is being tracked closely for maintenance purposes. Staff continue to implement solutions and modify maintenance schedules as necessary at the fill station.

Approval of the building permit for the Kerman Fill Station was received on August 3, 2020. Construction and fill station delivery is anticipated between September 7 – 18 by the contractor with project completion by the end of September. KRWQC Staff is currently working on outreach efforts and operations and maintenance requirements in anticipation opening to the public.

Coalition staff and consultants have been working with Tulare County to finalize a site plan and agreement for the Dinuba fill station located at the Dinuba Public Library. A legal description from the preliminary design (rendering) of the site was submitted on June 24th for incorporation into the fill station agreement. The legal description continues to be under review with the County Surveyor. The Coalition continues to work through necessary insurance requirements.

Nitrate Management Zones

KRWQC policy committee and board has determined to use the Coalition boundary as the Kings Management Zone for the Preliminary Management Zone Proposal due to the

Regional Water Quality Control Board on March 8, 2021. Additional discussions with the Regional Board about the preliminary management zone boundary are ongoing.

Management Zone participants will need to develop an Early Action Plan that will provide short-term water supply solutions to areas with nitrate impacted wells. The Coalition held a Management Zone informational workshop on July 28, 2020 at 10:00 a.m. for dischargers and interested parties in the Kings Management Zone area. Over 70 individuals accepted the invitation with over 60 attending the event. The second meeting was also well attended and the list of interested permitted dischargers is growing. Staff presented governance structures, particularly a non-profit organization which is being utilized by the surrounding priority one subbasins.

The Kaweah Management Zone, with the efforts of Provost & Pritchard, has developed a non-profit organization and established a five-member board. Currently, the board is seeking an executive director outside of Provost & Pritchard. They have approached KRCD to be one of the candidates to fill the part-time executive director position.

Isotope Study – Phase 2

Nothing to report for August 2020.

KRWQC Membership Activities

As of August 26, 2020, 3,869 members have submitted payments totaling in \$2,382,679 covering approximately 752,847 acres. A final invoice was sent in July to all members who have not yet made a payment and to any member with a balance on their account of ten dollars or more.

On July 11, 2020, the ILRP database portal was taken offline to be transferred to a new program firm (MLJ Environmental). The newly developed Member Portal is due to be operational around the second or third week of September.

Prior to access being halted, members continued to submit reports using hard copy templates, KRWQC online reporting database, or by utilizing a third party. Membership use of the online reporting database continued to increase with a total of 1,812 members reporting online.

On August 31, 2020, the Annual Monitoring Report (AMR) was submitted to the Regional Board as required. The AMR detailed the surface and groundwater quality sampling in 2019 along with the compiled data submitted by the growers from the Farm Evaluation Survey and the Nitrogen Summary Reports.

Web-Based Submittal Database

The Coalition continues discussions with developers to prepare a new web-based portal that will launch for the new reporting year. Discussions include the selection of a new domain name, the possibility of including CIMIS software for member access to crop ETo, the migration of member data from the Coalition's previous database, design of the web-portal's login page and design of the web-portal's member dashboard. A demonstration of the web-portal's backend functions that included member payments and contact information was presented.

Outreach Activities

The Kings Management Zone continues to develop an interested parties list and notify those parties of upcoming workshops and meetings. In addition, a robust community outreach program is being developed for the Kings Management zone to satisfy the requirements of its Early Action Plan,

Surface Water Quality Monitoring Plan Revisions

No updates in August.

Surface Water Quality Sampling Activities

Surface water samples were collected from four out of eight sites Manning Avenue, Lemoore Weir, Jackson Avenue, and Empire Weir 2 on August 24, 2020. Field sheets and photo documentation were collected at all sites including the four dry sites of Gould Canal, Tivy Valley, Crescent Weir, and Stinson Weir.

Drain Survey Activities

The August drain survey was conducted on the 27th, 28th, and 31st. The upper river from Army Corp Bridge to Hwy 41 was assessed on the 28th. The south fork drains were assessed on the 27th and the drains on the north fork, which only had water upstream of Crescent Weir.

Groundwater Quality Trend Monitoring Plan

The Coalition has submitted to the Regional Board a professional review of the existing monitoring network and consequently, removed nearly 40 sites from the network based on proximity to other wells or known sources of non-irrigated agriculture related discharges. The revised list was approved for use in 2020. No comments have been received regarding the evaluation criteria for each well location (mirrors Kaweah criteria) or the revised sample location list. Efforts continue to fill in other areas of the groundwater basin for future monitoring, using the same methodology to vet the proposed well locations.

Data obtained from this effort will be combined with other publicly available data for the upcoming revision to the Groundwater Assessment Report due November 2021.

Groundwater Quality Trend Monitoring Activities

Nothing to report in August. Data processing for 2020 data is anticipated soon.

Comprehensive Groundwater Quality Management Plan

The Management Practices Implementation Report (MPIR) was submitted to the Regional Board staff on July 15th. Public comment period for the submission closed on August 28th. Under the MPIR proposal, those growers who have been identified as "3-year Outliers" will be asked to complete another template with more specific questions regarding their management practices. This would be a phased approach, with outliers from the highest acreages within the High Vulnerability area addressed first. Additional Outreach would occur to these growers.

Southern San Joaquin Valley Management Practices Evaluation Program (MPEP) Committee

The monthly MPEP/CVSALTS committee meeting was held on August 5th. The Committee received updates on Fiscal status and on PlanTierra activities. John Dickey, PlanTierra, reported that the CIG (Conservation Innovation Grant) \$2 million application with focus on specific research to validate the SWAT model, incorporate a new Salinity module into SWAT, and continued Outreach. Integration of SWAT with CropManage (a UC developed Irrigation and Nutrient management tool) is likely to be funded. An alternative workplan that relies on MPEP Committee funding only has been drafted and will be needed if the application is not successful. It was reported in July that the FREP grant was approved for

an extension, thus allowing for more crops to be evaluated for N removed. By the end of the extension, 90+ % of the acreage grown in the Sacramento-San Joaquin Valley should have updated Nitrogen removal coefficients. Coalition representatives reported that the Surface Water Expert Panel would not hold in-person meetings in August as planned but would hold online meetings. It is anticipated that a draft report from the panel would be available in October, and a final report by the end of the year.

KRWQC/KRCD serves as the Fiscal Agent for this Committee. (Participants: Kings, Kaweah, Tule, Kern, Cawelo, Westside, Buena Vista Coalitions).

Central Valley Salinity Alternatives for Long-Term Sustainability (CV-SALTS)

The next CV-SALTS Executive Committee met on August 20th with discussions on the nitrate and salt control programs, management zone status, guidance for engaging communities, and the prioritization & optimization study. The next meeting is scheduled for September 17, 2020.

KRWQC/KRCD is the fiscal agent for this group. (Participants: Kings, Kaweah, Tule, Kern)

Central Valley Groundwater Monitoring Collaborative (CVGMC)

The CQAP for the CVGMC has been approved and the document signed by all parties. Another round of revisions, reflecting changes since 2018 (staff assignments, laboratories, or other) will be circulated for review by the CVGMC members. The revised workplan has been prepared and accepted by Regional Board staff. A conference call was held on August 14th to discuss the framework for the 5-year report, which will replace the previous Groundwater Assessment Report (GAR) requirement. Reporting formats, both by the participating coalitions (required elements) and the overall report that will be prepared by Luhdorff and Scalmanini Consulting Engineers (LSCE) were reviewed. For the 2021 submission, a review of the 2018-2020 data, plus available public data, will be assessed and the High Vulnerability areas adjusted as needed. This is due November 2021. Work continues towards a formal budget rather than cash calls for specific tasks, as the effort by LSCE will increase. The next conference call is scheduled for September 14th.

KRWQC/KRCD is the fiscal agent for this group. (Participants: Cawelo, Buena Vista, East San Joaquin, Kern, Kings, Kaweah, Kern, Westside, Westlands)

Regional Water Quality Control Board (RWQCB) Activities

Regional Board staff have not taken any enforcement actions during the month of August 2020. This is likely due to continued reduced Board staffing.

State Water Board Petition of the East San Joaquin General Order

The East San Joaquin General Order litigation hearings begin on September 4, 2020.

WATER RESOURCES

Sustainable Groundwater Management Act of 2014 (SGMA)

The ACWA Groundwater committee met on August 5, 2020. GSA representatives are currently having conversations with the various regulatory agencies to look at regional water interests and the data collected from those efforts. The goal is to identify duplicative efforts and utilize data across multiple regulatory requirements.

DWR has released a draft project solicitation proposal for the SGM Implementation Grant. \$26 million will be available for critically overdrafted basins and projects must be submitted on a subbasin level. It is anticipated that the final draft will be released in December and the applications will be due in January.

Groundwater Sustainability Planning (GSP) Related Activities

North Fork Kings Groundwater Sustainability Agency (GSA) Implementation

The North Fork Kings GSA Policy Committee is currently meeting regularly to develop the GSA's rules and regulations. The North Fork Kings GSA Board is currently accepting applications for seats on the Rural Community Advisory Committee.

North Fork Kings GSA Grant Activities

The first quarterly progress report for the Round 3 grant funds was submitted to DWR. An associated invoice was not submitted because the GSAs did not incur any costs during the reporting period. Regarding the Round 2 grant funds, although it was anticipated that James GSA would wrap up remaining grant activities by June 2020, their project has been delayed due COVID-19 restrictions.

South Fork Kings GSA Implementation

The South Fork Kings GSA Policy committee met to identify and prioritize the GSA's needed policies.

South Fork Kings GSA Grant Activities

The South Fork Kings GSA will be conducting a grower survey as a part of the California Resilience Challenge. In addition, the GSA is developing the Aquifer Storage and Recovery program plan for the pilot study also funded by the California Resilience Challenge with funding from the Bay Area Council.

California Statewide Groundwater Elevation Monitoring Program – SBx7 6 (CASGEM)

Internal discussions are still underway as to the need for KRCD to continue monitoring/reporting groundwater elevation data as many of the wells monitored have been migrated to the various GSAs. Those wells that remain are classified voluntary (no associated construction records). DWR has acknowledged that these transfers have occurred and is willing to release KRCD from its reporting role.

KRCD Subsidence Monitoring

Staff developed a Subsidence Monitoring Program Extension and Implementation Plan that is currently being finalized. The cost-sharing agreement is being considered by the Kings and Tulare Lake Subbasin GSA's. Five GSA's have approved the agreement, as of this report: North Fork Kings, South Fork Kings, Southwest Kings, El Rico, and North Kings. Planning and preparation are underway for the 2020 survey scheduled for September/October.

Kings Basin Water Authority (KBWA)

Board of Directors

The next regular KBWA Board of Directors meeting is scheduled for October 21, 2020.

Advisory Committee

The next regular KBWA Advisory Committee meeting is scheduled for September 16, 2020. The Outreach Committee met on August 26, 2020 and continues to work on updates to the KBWA highlight brochure.

Prop 1 Disadvantaged Communities (DACs) Involvement Grant

During the month of August, the County of Tulare made public the DAC StoryMap. The DAC StoryMap is an online GIS tool that contains water related information and data on DAC communities in the Tulare-Kern Funding area (<https://dacapp.tularelakebasin.com/dacstorymap/>) The next meeting of the Project Advisory Committee is scheduled for September 17, 2020.

Prop 1, Round 1 IRWM Implementation Grant

The draft grant agreement for the Prop 1 Round 1 IRWM Implementation Grant was received on August 18, 2020 from DWR. Staff and Fresno Metropolitan Flood Control District staff are reviewing the draft agreement and will provide DWR with any necessary changes or information.

Inter-regional and Statewide Coordination

Staff participated in a monthly meeting of the Roundtable of Regions Steering Committee. The Committee discussed ongoing activities for the group and coordinated on work related to an upcoming IRWM webinar that will be co-hosted with Maven's Notebook.

Kings River Conservation District Grants

McMullin On-Farm Flood Water Capture and Recharge Project

Quarterly Progress Report and Invoice No. 28 was submitted to DWR on August 18, 2020.

Prop 84 Statewide Flood Emergency Response Grant Program

Quarterly Progress Report and Invoice No. 4 was submitted to DWR on August 18, 2020.

WATER RESOURCES DIVISION ACTIVITIES

Geographic Information System (GIS) Projects

SGMA

The SGMA GSA web map was updated and recreated on a different service that is tied into our GIS software. Staff completed parcel research requests specifically tied to property tax questions for NFKGSA and SFKGSA. Subsidence data and project components are being reviewed and updated for better use in ongoing SGMA monitoring. Staff are creating a system to store and map well permits in NFKGSA, and are working with Kings County for well permits/reports for SFKGSA.

KRWQC

Annual report maps were updated to reflect changes in the 2019 crop year and submitted to the Regional Board in the AMR.

Flood Maintenance

Staff completed a review and re-issuance of spring survey data for the area around and including Island and Army Weirs. Staff continue reviewing and scanning of KRCD easement files to digital file storage.

ENVIRONMENTAL DIVISION

Administrative Items

Reservoir Profile

Staff conducted the reservoir profile on August 5th with assistance from Power Plant Staff. Temperatures between the penstocks and lower level of the reservoir ranged between 11-16°C (52-61°F). Dissolved oxygen at the penstock level was at 6.0 mg/L, decreasing to just over 0 mg/L at the lower level of the reservoir. Visibility in the lake was 10', algae was clearly present deeper within the lake as water had a distinct green cast to it. Surface temperatures at 27°C (81°F) and fairly constant through upper 30' of reservoir before beginning to drop.

Meetings

Staff participated in the Kings River Conservancy meeting on August 11th via Zoom. Key topics included potential fund-raising strategies during shelter-in-place restrictions, cancellation of the annual Game Warden Fund BBQ, the increasing trash problem along the river, and the ACOE's plans to make their wildlife area ADA accessible.

Fisheries Management Program (FMP)

Incubator Building

Incubator is currently offline until December 2020. Staff developed additional rules for volunteers to follow due to the COVID-19 pandemic and additional PPE was ordered, to further ensure the safety of all volunteers as well as that of the staff.

Proposed Habitat Projects

Environmental staff researched and put together metrics and benchmarks of success as related to the projects proposed by Cramer Fish Sciences, which narrowed potential project sites down to five. Staff simplified project maps based on the five potential projects and further investigated success metrics. The TSC will consider long term project goals and address project questions to further narrow project considerations.

Electrofishing

Due to liability concerns related to COVID-19 and CDFW's inability to support the electrofishing efforts, electrofishing has been canceled for 2020. CDFW has indicated that a creel survey may be conducted in January.

Staff continued working on streamlining the format used for the electrofishing report going forward. Data collection protocols were further clarified, and data sheets modified as needed to reflect the quality and type of data to be collected.

Executive Committee Meeting (ExCom)

ExCom did not meet in August. The next meeting is tentatively scheduled for October.

Technical Steering Committee (TSC)

The TSC met on August 25th. Items discussed included 1) current and projected water conditions in the river and reservoir, 2) status of fish stocking by the CDFW, 3) a discussion of upcoming monitoring of the river, 4) a brief discussion regarding reservoir projects for FY-20/21 and 5) and a brief discussion of the criteria used to simplify the list of river

David M. Merritt, Deputy General Manager, Chief Operating Officer
September 1, 2020
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enhancement projects proposed by Cramer Fish Sciences. The next regular meeting of the TSC is slated for September 22, 2020.

Public Advisory Group (PAG)

The PAG did not hold an in-person meeting in August. The next PAG meeting may be conducted via teleconference and is tentatively scheduled for September 22, 2020.

Stocking

Supplemental Stocking Plan

Supplemental stocking through Calaveras Trout Farm (CTF) is on track for the 2020/2021 fiscal year and is anticipated to beginning in October if water temperatures remain below 23°C (73°F) and continue through March. This includes the additional 4,500 super-catchable sized trout purchased by KRCD for stocking in two to four locations.

CDFW Annual Budgeted Stocking

Staff have been informed by CDFW that stocking of the lower Kings River with trout by the CDFW occurred on a weekly basis during August. Weekly stocking by CDFW is expected to continue through September until water temperature releases exceed 23°C (73°F).

CDFW also indicated the stocking of brook trout as well as super-catchable and trophy rainbow trout are expected to be much reduced or eliminated altogether in the future. The San Joaquin hatchery which is the planting base for the Kings River is expected to no longer be a broodstock hatchery as the state is largely moving away from them. Broodstock are expensive to rear and difficult to maintain. The state is also moving towards reducing the number of different strains and species of trout in production to further reduce costs.

CG/sjs

R20-0045
File: 202.03

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September 1, 2020

Memorandum

TO: Paul G. Peschel, P.E., General Manager

FROM: David M. Merritt, Deputy GM

SUBJECT: Monthly Status Report – August 2020

This report covers the activities of the Jeff L. Taylor Pine Flat Power Plant, Kings River Flood Operations & Maintenance, Environmental / Fisheries, Capital and Grant Projects. Accounting / Business Operations and Water Resources are provided separately from the CFO and Director of Water Resources, respectively.

JEFF L. TAYLOR PINE FLAT POWER PLANT

Reservoir Status:

The reservoir elevation began the month at 807.06 feet (ft.) and storage of 338,758 acre-feet (AF). As of September 1, 2020, the reservoir elevation was 765.1 ft. and storage of 214,281 AF. Turbine discharge for the month was 134,456 AF. Discharge through the turbine bypass system was 12,242 AF. Spill from the dam for the month was 16,877 AF. Flow from Mill and Hughes Creeks was 0 AF.

Power Plant Generation:

Net facility generation – 23,491.5 MWhrs.

Unit Status:

Unit #	Gross MWhrs	In-Service Hours	Standby Hours	Out of Service Hours
1	11,070.6	515.07	228.93	0
2	9,307.36	508	236	0
3	3,603.58	232.95	511.05	0
TOTAL				Note:

Administrative:

COVID19 preventative measures:

- Continue to abide by Fresno County and State orders/recommendations
- Increased preventative measures are in place

FERC License Renewal – The DRAFT Boundary Adjustment Amendment was sent to all potential interested parties and FERC. Post the 60-day public review and depending on comments received, we will file with FERC the final amendment request.

Power Market Price Shaping – additional data gathering meeting occurred with CDWR to further support the model development.

The annual insurance report (boiler & machinery) was finalized over the month. The insurance continues to flag the recommendation for firewalls between the main transformers – it appears they now have a better understanding of our configuration and challenges adding this recommendation.

Operations & Maintenance:

- Routine monthly preventative maintenance tasks completed.
- On August 1, Unit 3 was shutdown at 0358 hours due to reduced irrigation demand.
- On August 22, Unit 2 was taken offline at 1101 hours due to low irrigation demand. Unit 3 was placed in service at 1104 hours and Unit 2 shutdown to allow operation of the #1 bypass for water quality needs.
- The USACE continues work on the right bank slope just downstream of the dam.
- Facility drainage pump 1 is still out for overhaul.
- The potential and current transformer inputs were verified to each generator protection relay.
- Through support of HDR (engineer contractor), we are developing additional enhancements to add into the newly installed microprocessor relays

Environmental, Health and Safety (EH&S):

Facility safety record as of September 1, 2020 - 949 days without a lost-time incident.

Monthly safety meetings covered use of aerial lift platforms and upcoming requirements associated with PG&E line outage in September.

Regulatory Compliance:

The following items were completed:

- Energy Information Administration - Form 923M – August production report.
- Filed with FERC, a Service List change request to update the parties listed under KRCD

NERC/WECC Compliance:

All monthly inspections were completed, and the reports filed in the program – North American Electric Reliability Corporation (NERC) Generating Availability Data System (GADS) updated.

The NERC compliance team met with our consultant to review overall status of the program and upcoming NERC needs.

Personnel:

Jose Silvera started on August 3, 2020 – he is replacing Michael Martinez, retiring on August 7, 2020.

Forecast / Reports:

The monthly Power Generation and Reservoir Forecast for the twelve-month period commencing September 1, 2020, attached.

2020/21 Power Revenue Budget to Actual – Budget was based on \$7.6/MWhr – Escalation is \$7.7/MWhr			
Month	Budgeted Revenue - Gross	Actual (AR) / Forecasted (FR) Revenue - Gross	Over / (Short) Based On Actual
July	\$557,680	\$689,227 - AR	\$131,547
August	\$404,040	\$180,884 - AR	(\$223,155)
September	\$74,480	\$45,930 - FR	
October	-	-	
November	-	-	
December	-	-	
January	-	-	
February	-	-	
March	-	-	
April	-	\$170,940 - FR	
May	\$267,070	\$334,280 - FR	
June	\$715,730	\$698,170 - FR	
Total:	\$2,019,000	\$2,119,431 = AR+FR	(\$91,608)

FUTURE POWER / WATER STORAGE RELATED ITEMS

Pine Flat – Unit 4:

We responded to several questions presented by potential turbine / generator suppliers over the month concerning our Request for Information (RFI). The RFI response is due by September 4, 2020.

Water Storage Opportunity Projects:

We continued to work with Stantec on the model development, addressing the change in irrigation deliveries / flood water use because of SGMA. We are targeting completion of this project, October 2020.

ENVIRONMENTAL DIVISION

Charlotte Gallock, P.E., Manager of Water Resources will be addressing the day-to-day concerning the fishery in her report going forward. I am still staying engaged with the Executive Committee, Technical Steering Committee, and overall program direction.

FLOOD DIVISION

Administrative:

COVID19 preventative measures:

- Maintenance staff continues to work on an individual basis to allow for social distancing
- Continue to abide by Fresno County and State orders/recommendations
- Increased routine cleaning of common areas

System Wide Improvement Framework (SWIF) – the SWIF was updated and revised to now include the RD1606 units with the overall Kings River Project. The SWIF, in cooperation with Reclamation District 1606 (RD1606), was submitted to the USACE for review and acceptance on August 25, 2020.

We are working with GEI Consultants, Inc., to decide if the Kings River Project can be hydraulically separated from RD1606. We submitted a letter to USACE Sacramento leadership requesting they engage in this process. This will be a collaboration between KRCD and RD1606.

The KRWA performed a test on the Empire 1 pool over the month regarding raising the pool elevation near 11 feet as measured at the weir. There continues to be irrigation delivery issue made from the pool and why the test was performed. Several issues appeared along the landside of the levees because of the higher than normal pool height. KRCD responded with support of a contractor to make several repairs. KRCD staff will pull together a list of projects needed to support this operation – funding to be determined.

Operations and Maintenance Activities:

- Job 203 was completed this month – this involved a landside repair to the levee along the City of Lemoore Well Field. This was performed in cooperation with the City of Lemoore.
- Levee grading – 0.8 miles
- Levee mowing – 22.55 miles
- Channel mowing – 72 acres
- Weed control (spraying) along levee – 17.5 miles
- Rodent control program – continuous over month
- Sediment removed from channel – none over the month due to irrigation flows

Environmental, Health and Safety (EH&S):

Safety record as of September 1, 2020 – 760 days without a lost time incident.

Monthly safety topics covered COVID19, Working Outdoors Mosquitoes & Ticks, Fire Safety There's No Second Chance, and daily tailgate meetings on Heat Injury Illness Prevention

Personnel:

The hiring process continues for our potential candidate.

GRANT / RESOURCE ACTIVITIES

McMullin On-Farm Flood Water Project (Terranova):

Work over the month:

- Met with the contractors in the field on August 3, 2020. All work is completed except for test running the motor uncoupled from the pump and then test running the pump. Further conversations with our contractor, they will perform these tests when the potential for water is available – this could get extended out 5 years if needed.
- I signed the grant extension amendment over the month and now is being routed through CDWR. This will extend the project through November 2021.
- Project governance structure planning and development continues by KRCD legal.

Levee Evaluation Grant:

All significant activities are completed under this program and continue pulling together final documents.

Statewide Flood Emergency Response Grant Program:

Provost & Pritchard Consulting submitted the DRAFT Flood Response Plan and is under review by KRCD staff.

Prop 68 – Invasive Plant Species:

Pending response from the State.

Weather Modification Services:

A meeting is planned the week of September 14 with North American Weather Consultants – a couple of recommendations they had will be reviewed:

- Eliminate the flights from next year's project
- Add a sensor in the watershed to improve data collection

DMM/dmr

R20-0043
File: 202.03

PINE FLAT POWER PLANT MONTHLY REPORT

Month: **Aug**
Year: **2020**

RESERVOIR

Start Elevation 807.06
End Elevation 765.10

Start Storage 338758 AF
End Storage 214281 AF
Thru Plant 134456 AF
Spill 16877 AF
Mill Creek & Hughes 0 AF
Turbine Bypass 12242 AF

POWER PLANT

Unit #	HRS			
	MW	In Service	Standby	OOS
1	11070.60	515.07	228.93	0.00
2	9307.36	508.00	236.00	0.00
3	3603.58	232.95	511.05	0.00
Total	23981.54	1256.02	975.98	0.00
			ULH	0.00

Station Service Use

P.G.E (kWhrs)	0
Station Transf.(kWhrs)	185200
Diesel Gen. Run (Hrs)	1

MWh Generated 23491.5

Comments - Include Major Equipment Problems:

57 Work Authorizations issued. 949 Days worked without a lost time accident or injury.
U/3 secured & separated at 03:58 on 8-1-2020.
U/2 secured & separated at 04:00 on 8-22-2020.
8/22/20 U/3 on line at 1101. U/1 off line at 1105. #1 TBP in service and #2 TBP secured at 1100.

File: 512.09.07

KRCD 512138

KINGS RIVER CONSERVATION DISTRICT PINE FLAT POWER PLANT - RESERVOIR OPERATION FORECAST								
DATE OF FORECAST : 1-September-2020 RESERVOIR STORAGE : 214281 AF BASIS OF DATA : 1. BASED ON 50% CNRFC PROBABILITY FOR SEPTEMBER THROUGH MARCH 2021, AND 100% OF KRWA AVERAGE THEREAFTER. 2. IRRIGATION DEMAND PROJECTIONS BY KRWA AS OF 8/31/2020. 3. PINE FLAT RESERVOIR INFLOW ADJUSTED FOR EFFECTS OF ANTICIPATED UPSTREAM RESERVOIR OPERATIONS.								
		EOM STORAGE AF	EOM ELEV FT	INFLOW AF	OUTFLOW AF	GAIN OR (LOSS) AF	AVG INFLOW CFS	AVG OUTFLOW CFS
SEP	2020	211,211	763	35,608	38,678	(3,070)	598	650
OCT	2020	230,458	771	31,544	12,298	19,246	513	200
NOV	2020	247,054	777	25,522	8,926	16,596	429	150
DEC	2020	271,855	785	34,024	9,223	24,801	553	150
JAN	2021	307,186	797	44,554	9,223	35,331	725	150
FEB	2021	364,391	814	65,536	8,331	57,205	1,180	150
MAR	2021	432,724	833	99,076	30,744	68,332	1,611	500
APR	2021	534,669	859	191,202	89,256	101,946	3,213	1,500
MAY	2021	745,250	904	364,300	153,719	210,581	5,925	2,500
JUN	2021	808,560	917	360,830	297,521	63,309	6,064	5,000
JUL	2021	594,064	872	185,174	399,669	(214,495)	3,012	6,500
AUG	2021	433,596	833	85,482	245,950	(160,468)	1,390	4,000
12 MONTH TOTALS :				1,522,852	1,303,537		2,103	1,801

EOM - End of Month

AF - Acre Feet

CFS - Cubic Feet per Second

NOTE: The above forecast is subject to possible drastic changes from month to month depending on weather and other factors.
Accordingly it should not be considered reliable for planning purposes.

512.03.07

KINGS RIVER CONSERVATION DISTRICT PINE FLAT POWER PLANT - POWER GENERATION FORECAST												
DATE OF FORECAST :		1-September-2020										
RESERVOIR STORAGE :		214,281 AF										
BASIS OF DATA :		1. BASED ON 50% CNRFC PROBABILITY FOR SEPTEMBER THROUGH MARCH 2021, AND 100% OF KRWA AVERAGE THEREAFTER. 2. IRRIGATION DEMAND PROJECTIONS BY KRWA AS OF 8/31/2020. 3. PINE FLAT RESERVOIR INFLOW ADJUSTED FOR EFFECTS OF ANTICIPATED UPSTREAM RESERVOIR OPERATIONS. 4. ENERGY PAYMENT RATE ASSUMED TO BE \$0.0077/kWhr (\$7.7/MWH)										
		EOM STORAGE AF	EOM ELEV FT	AVG INFLOW CFS	AVG OUTFLW CFS	AVG TURB Q CFS	AVG SPILL CFS	AVG GEN MW	MIN GEN MW	MAX GEN MW	GEN MWH	ENERGY PAYMENT \$1000
SEP	2020	211,211	763	598	650	650	0	8.28	8.19	8.39	5,965	45.93
OCT	2020	230,458	771	513	200	0	200	0.00	0.00	0.00	0	0.00
NOV	2020	247,054	777	429	150	0	150	0.00	0.00	0.00	0	0.00
DEC	2020	271,855	785	553	150	0	150	0.00	0.00	0.00	0	0.00
JAN	2021	307,186	797	725	150	0	150	0.00	0.00	0.00	0	0.00
FEB	2021	364,391	814	1,180	150	0	150	0.00	0.00	0.00	0	0.00
MAR	2021	432,724	833	1,611	500	0	500	0.00	0.00	0.00	0	0.00
APR	2021	534,669	859	3,213	1,500	1,500	0	30.83	29.03	32.63	22,199	170.94
MAY	2021	745,250	904	5,925	2,500	2,500	0	58.35	54.50	61.75	43,413	334.28
JUN	2021	808,560	917	6,064	5,000	5,000	0	125.93	124.00	128.00	90,672	698.17
JUL	2021	594,064	872	3,012	6,500	6,222	278	150.04	134.24	165.43	111,633	859.57
AUG	2021	433,596	833	1,390	4,000	4,000	0	84.34	77.00	90.20	62,746	483.14
12 MONTH TOTALS :				2103	1801	1668	132	38.43			336,628	\$ 2,592 85.4% of normal generation yr.

512.03.07



4886 East Jensen Avenue
Fresno, California 93725

Tel: 559.237.5567
Fax: 559.237.5560

www.krcdd.org
@kingsrivercd

August 31, 2020

Via Electronic Mail

**Subject: Jeff L. Taylor – Pine Flat Hydropower Project
FERC Project No. 2741
Transmittal of Draft Non-Capacity Boundary License Amendment for Review
and Comment**

Distribution List:

The Kings River Conservation District (KRCDD or Licensee) hereby transmits the attached Draft Application for Non-Capacity Amendment of license for KRCDD's Jeff L. Taylor – Pine Flat Hydropower Project, Federal Energy Regulatory Commission (FERC) Project No. 2741 (Project), to agencies, Indian tribes, affected landowners, and other interested parties for review and comment.

The purpose of KRCDD's Application for Amendment is to remove certain lands from the existing Project boundary, some of which are federally-managed lands that have been determined to not be necessary for safe operation and maintenance of the Project as currently licensed¹ or as currently envisioned within the term of the new FERC license². FERC's approval of this Application for Amendment would be consistent with current FERC policy and regulations at 18 C.F.R. Section 4.41(h)(2) that the Project boundary should only encompass those lands needed and necessary to operate the Project as licensed.

This Application for Amendment is provided as a single Public volume, with the following components:

- Initial Statement
- Revised Exhibit J, *Location Map*
- Revised Exhibit K-1, *Site Plan*

Section 6 of the Initial Statement discusses why these exhibits in the existing license need to be revised and why other exhibits in the existing license do not need to be revised to reflect this boundary change.

KRCDD is making this Draft Application for Amendment available to agencies, Indian tribes, affected landowners and other interested parties by:

¹ The current FERC license expires on August 1, 2029.

² KRCDD will file an application for a new license no later than July 31, 2027.

Application for Amendment

August 31, 2020

Page 2

- Posting the Application for Amendment to KRCD's website: www.krcd.org
- Making the Application for Amendment available to the public during regular business hours (8:30 a.m. – 4:30 p.m., Monday through Friday) at KRCD's place of business, located at:

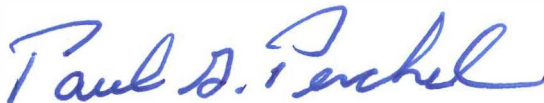
Kings River Conservation District
4886 E. Jensen Avenue
Fresno, California 93725

The public is instructed to contact Mr. David Merritt, Deputy General Manager, or his designee by telephone at (559) 237-5567 to make an appointment to review the information at KRCD's office.

Interested parties may submit written comments regarding this Application for Amendment to KRCD. Written comments must be received by KRCD to the attention of David Merritt at the address above by 5:00 PM (PDT) 60 days from the date of this transmittal letter.

If you have any questions regarding this Application for Amendment, please contact me.

Sincerely,



Paul G. Peschel, P.E.
General Manager

PP/DM/cm

Attachment: Draft Application for Amendment

cc: Jeff L. Taylor – Pine Flat Hydroelectric Project Contact List of Potentially Interested Parties (via e-mail)

L20-0072
File: 512.05.07

Distribution list

Via E-Mail

FEDERAL AGENCIES	
Federal Emergency Management Agency, Region 9 Brandi Richard Thompson, Public Affairs brandi.richard-thompson@fema.dhs.gov	U.S. Department of Defense, Army Corps of Engineers, Southern Area Calvin Foster, Operations Manager calvin.foster@usace.army.mil
Federal Energy Regulatory Commission Kimberly Bose, Secretary e-filed	U.S. Department of the Interior, Fish and Wildlife Service, Endangered Species Program, Sierra/Cascades Division Rick Kuyper, Chief richard_kuyper@fws.gov
Federal Energy Regulatory Commission, San Francisco Regional Office Frank Blanket, Regional Engineer frank.blackett@ferc.gov	U.S. Department of the Interior, National Parks Service, California Hydro Program & Wild and Scenic Rivers Steve Bowes stephen_bowes@nps.gov
U.S. Bureau of Indian Affairs, Pacific Region Amy Dutschke, Regional Director amy.dutschke@bia.gov	U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, West Coast Region, Federal Energy Regulatory Commission Branch Steve Edmondson, Branch Chief steve.edmondson@noaa.gov
U.S. Department of Defense, Army Corps of Engineers Randy Olsen, Chief of Operations randy.p.olsen@usace.army.mil	U.S. Environmental Protection Agency, Region 9 John Busterud, Administrator r9.info@epa.gov
STATE AND LOCAL AGENCIES	
California Department of Boating and Waterways Ramona Fernandez, Acting Deputy Director pubinfo@parks.ca.gov	County of Fresno, Board of Supervisors Bernice E. Seidel, Clerk of the Board ClerkBOS@fresnocountyca.gov
California Department of Fish and Wildlife, Region 4 Julie Vance, Regional Manager julie.vance@wildlife.ca.gov	State Lands Commission Brian Bugsch, Chief Brian.Bugsch@slc.ca.gov
California Department of Parks and Recreation, Office of Historic Preservation Julianne Polanco, Historic Preservation Officer calshpo.ohp@parks.ca.gov	State Water Resources Control Board, Division of Water Rights Ann Marie Ore, Program Manager annmarie.ore@waterboards.ca.gov
California Department of Water Resources, Hydropower License Planning and Compliance Office Gwen Knittweis, Chief Gwen.Knittweis@water.ca.gov	
INDIAN TRIBES/NATIVE AMERICANS	
Dumna Wo-Wah Tribal Government Robert Ledger Sr., Chairperson edgerrobert@ymail.com	Table Mountain Rancheria Leanne Walker-Grant, Chairperson rpennell@tmr.org
Wuksache Indian Tribe/Eshom Valley Band Kenneth Woodrow, Chairperson kwood8934@aol.com	

Distribution list (continued)

Via E-Mail (continued)

NON-GOVERNMENTAL ORGANIZATIONS / OTHERS	
American Rivers, Hydropower Reform Coalition Colleen McNally-Murphy, Associate Director colleen@hydroreform.org	Kaweah Fly Fishers Ed Glass, President glasselk@earthlink.net
American Whitewater Theresa Simsiman, California Stewardship Director theresa@americanwhitewater.org	Kings River Conservancy Vernon Crowder, Executive Director vmcrowder@gmail.com
California Hydropower Reform Coalition Kelly Catlett, Associate Western States Director kelly@hydroreform.org	Kings River Fisheries Management Program Rob Moeller, Lead for Public rbmoeller@ucdavis.edu
California Sportfishing Protection Alliance Chris Shutes, FERC Projects Director blancapaloma@msn.com	Kings River Water Association Steve Haugen, Watermaster shaugen@kingsriverwater.org
California Trout Curtis Knight, Executive Director cknight@caltrout.org	Natural Heritage Institute Richard Roos-Collins, Director of Legal Services rrcollins@waterpowerlaw.com
Fresno Fly Fishers Leo Labbe, President FresnoFlyFishers@gmail.com	Sierra Land Use Committee Glenn Dorfmeier
Friends of the River Ron Stork, Conservation Director rstork@friendsoftheriver.org	Trout Unlimited Brian Johnson, California Director bjohnson@tu.org

Via U.S Mail

INDIAN TRIBES/NATIVE AMERICANS	
Kings River Choinumni Farm Tribe Stan Alec 3515 East Fedora Avenue Fresno, CA 93726	Santa Rosa Rancheria Tachi Yokut Tribe Rueben Barrios Sr., Chairperson P.O. Box 8 Lemoore, CA 93245
NON-GOVERNMENTAL ORGANIZATIONS / OTHERS	
*Sierra Land Use Committee Glenn Dorfmeier 234 West Robinson Ave Fresno, CA 93705-2944	

* Only non-Kings River Conservation District representative on FERC's official Service List for Project 2741-000.

DRAFT Application for a Non-Capacity Amendment of License Major Project – Existing Dam

Initial Statement

Security Level: Public

Jeff L. Taylor - Pine Flat
Hydroelectric Project FERC
Project No. 2741



Prepared by:
Kings River Conservation District
4886 E. Jensen Avenue
Fresno, California 93725
<https://krcd.org/>

8/31/2020

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5.0	Pertinent Statutory and Regulatory Requirements of the State of California	IS-2
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None.		

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None.		

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INITIAL STATEMENT

Before The Federal Energy Regulatory Commission

Application for Non-Capacity Amendment of License for a Major Project – Existing Dam

1.0 Introduction

The Kings River Conservation District (KRCd or Licensee) has prepared this Initial Statement as part of its Non-Capacity License Amendment Application (Application for Amendment) for the Jeff L. Taylor - Pine Flat Hydroelectric Project, Federal Energy Regulatory Commission (FERC or Commission) Project Number 2741 (Project), as described in the enclosed exhibits. This Initial Statement is prepared in conformance with the regulations stated in Title 18 Code of Federal Regulations (C.F.R.) Section (§) 4.201(a), which specifies the requirements for Applications for Amendment of License.

2.0 Applicant's Name, Business Address, and Telephone Number

The exact name, business address, and telephone number of the Applicant are:

Kings River Conservation District
4886 E. Jensen Avenue
Fresno, California 93725
Tel: (559) 237-5567

The exact name and business address of each person authorized to act as an agent for the Applicant in this application are:

Paul G. Peschel, P.E.
General Manager Kings River Conservation District
4886 E. Jensen Avenue
Fresno, California 93725
Tel: (559) 237-5567
ppeschel@krcd.org

3.0 Applicant's Organizational Status

The Applicant is a municipality of the State of California, licensee for the water power project, designated as Project No. 2741 in the records of the Commission, issued on the 25th day of September, 1979.

Established in 1951, by the Kings River Conservation District Act (Assembly Bill No. 340, Chapter 931, the “KRCD Act”) and headquartered in Fresno, California, KRCD is a public agency governed by a seven-member Board of Directors, one from each division within KRCD’s service area. The KRCD Act provided for KRCD’s organization, operation, maintenance and government, for the inclusion of lands therein and the exclusion of lands therefrom; providing for the acquisition, construction, maintenance and operation of works and property for the purposes of the district, including the storage, conservation, distribution and sale of water, the development, distribution and sale of electric power, the drainage, reclamation and protection of land and prescribing and defining the powers, duties and responsibilities of said district. KRCD’s mission is to provide flood protection, cooperate with other agencies to achieve a balanced and high-quality water supply, provide on-farm support in efficient water conservation practices, and develop power resources for the public good.

4.0 Non-Capacity Amendment Application Description

The purpose of KRCD’s Application for Amendment is to remove certain lands from the existing Project boundary, some of which are federal lands, which are not needed for safe operation and maintenance (O&M) of the Project or to carry out any other licensed Project purpose, either as currently licensed¹ or as currently envisioned for a new license². The Project is located at a federal dam and thus does not include either the dam or associated reservoir. FERC’s approval of this Application for Amendment would be consistent with current FERC policy and regulations at 18 C.F.R. § 4.41(h)(2) that the Project Boundary should only encompass those lands needed and necessary to operate the Project as licensed. The lands proposed for removal include the area south of the Project powerhouse, extending into the river channel and across the channel. The Project Boundary area downstream of the Project powerhouse utilized for alternative fishing access would be unchanged.

5.0 Pertinent Statutory and Regulatory Requirements of the State of California

The Project is located in Fresno County, California. Approval of this Application for Amendment is purely administrative; no state statutory or regulatory requirements are applicable to this Application for Amendment. KRCD possesses all necessary water rights under state law to operate the Project.

6.0 Exhibits

Applications for non-capacity license amendments require that only those exhibits applicable to the proposed amendment be provided in accordance with application requirements at 18 C.F.R. Section 4.201(c). KRCD has determined that, aside from this Initial Statement, revisions of two exhibits in the existing license are needed. The first revised exhibit is Exhibit J, *Location Map*, which KRCD has updated to show the location of the Project. To show the proposed revised

¹ The current FERC license expires on August 1, 2029.

² KRCD plans to file its Application for a New License on or before July 31, 2027.

Project boundary, KRCD combined Exhibits K1 and K2, *Site Plans*, in the existing license to a single Revised Exhibit K1. The Revised Exhibit K1 conforms to the most current FERC regulations for describing a project boundary and includes all information that is included in the existing Exhibit K, as well as additional information that is useful in the context of assessing KRCD's proposal to amend the existing FERC Project Boundary.

The Revised Exhibit K1 depicts the proposed Project boundary encompassing lands needed for safe O&M of the powerhouse, including 4.94 acres of federal lands administered by the United States Department of Defense, Army Corp of Engineers (USCAE) and 4.56 acres of submerged State of California lands in Section 2 of Township 13S, Range 24E. The proposed Project boundary will result in the removal of 7.40 acres. Table 1 shows the proposed exclusions within both the submerged area and federal lands managed by the United States Corp of Engineers in the upland area. These lands are not currently utilized for the safe O&M of the powerhouse.

Table 1. KRCD's proposed change to the existing FERC Project Boundary.

Land Owner	Existing FERC Boundary (ac)	Proposed FERC Boundary (ac)	Proposed Changes to Existing FERC Project Boundary		
			Removal (ac)	Addition (ac)	Net Change (ac)
Federal (USACE)	5.65	4.94	0.71	0.00	-0.71
State of California, Submerged	11.23	4.55	6.68	0.00	-6.68
Fresno County	2.38	2.38	0	0.00	0
Total	19.26	11.87	7.39	0.00	-7.39

KRCD has not included revised versions of other exhibits in the existing license in this Application for Amendment for the following reasons:

- Exhibit L, Project Drawings. KRCD's revision to the FERC Project boundary does not modify the design of any Project facilities shown in Exhibit L of the existing license.
- Exhibit M, General Description of Existing Mechanical, Electrical and Transmission Equipment. KRCD's revision to the FERC Project boundary does not add, remove, or otherwise affect any of the existing facilities or equipment described in Exhibit M of the existing license.
- Exhibit R, Recreation Facilities. KRCD's revision to the FERC Project boundary does not add, remove, or otherwise affect any of the recreation facilities shown in Exhibit R of the existing license.
- Exhibit S, Protection of Fisheries and Wildlife Resources. KRCD's revision to the FERC Project boundary does not affect any components in Exhibit S in the existing license.

To assure that the removal of the lands proposed by KRCD does not isolate any wildlife or botanical resources protected under the Endangered Species Act (ESA) or the National Historic Preservation Act (NHPA), KRCD engaged qualified biologists and cultural resource specialists to survey the lands proposed to be removed from the boundary. No ESA-listed species or cultural resources were found. Documentation of the surveys is attached to this Initial Statement.

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SUBSCRIPTION AND VERIFICATION

This application for a non-capacity license amendment is executed in the State of California, City of Fresno, and County of Fresno by Paul Peschel, General Manager of the Kings River Conservation District, being first duly sworn, deposes and says that the contents of this application are true to the best of his knowledge or belief, and signs the application this ____ day of _____, 2020.

KINGS RIVER CONSERVATION DISTRICT

By: _____
Paul G. Peschel, General Manager

Subscribed and sworn to (or affirmed) before me on this ____ date of _____, 2020 by Paul Peschel proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

[Name], Notary Public
In and for the County of Fresno,
State of California

My commission expires [date]

{SEAL}

Attachment to Report

Kings River Conservation District
Jeff L. Taylor - Pine Flat Hydroelectric Project
FERC Project No. 2741

AGENDA ITEM 6d.

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DRAFT Application for a Non-Capacity Amendment of License Major Project – Existing Dam

Exhibit J

Security Level: Public

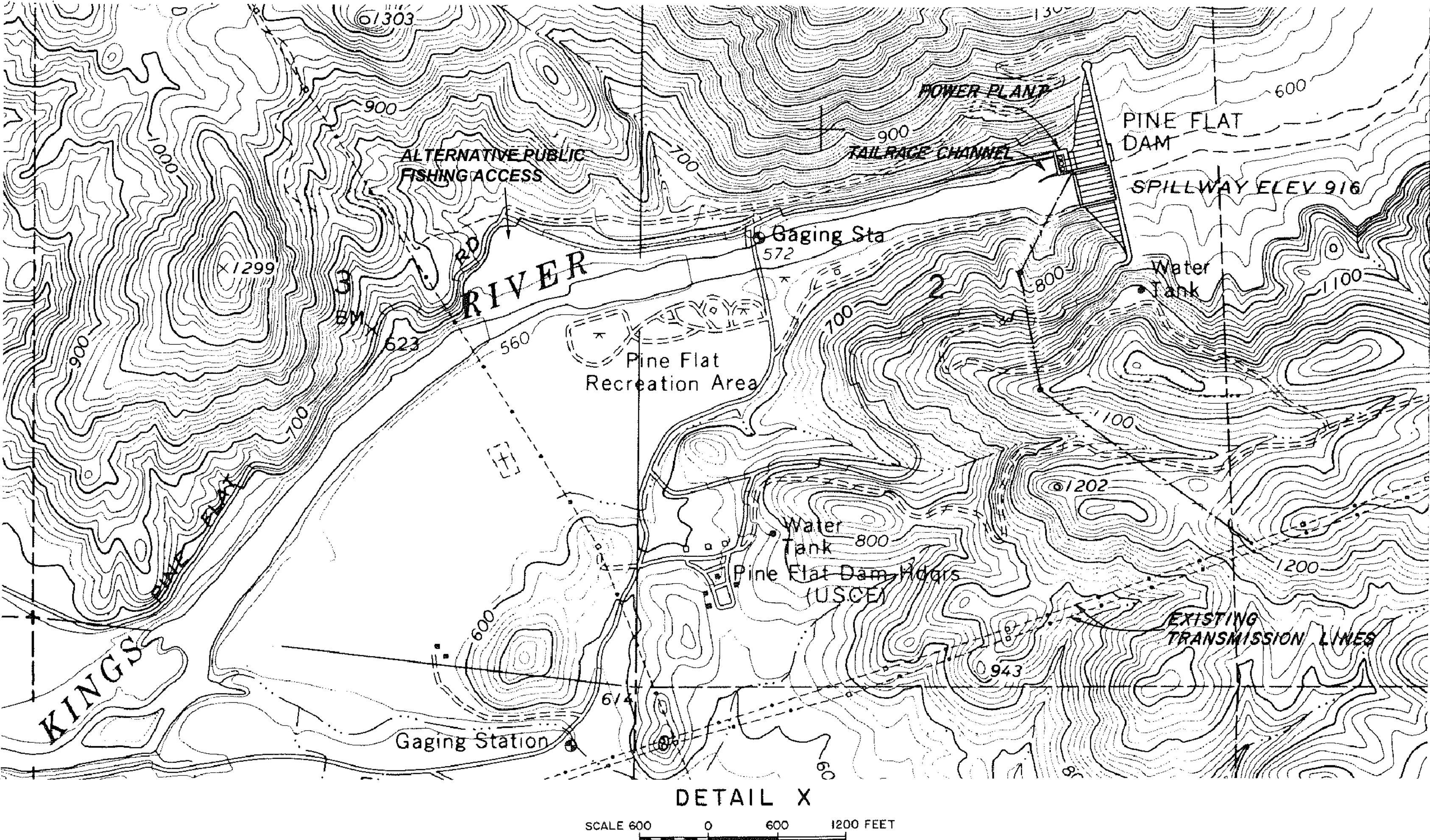
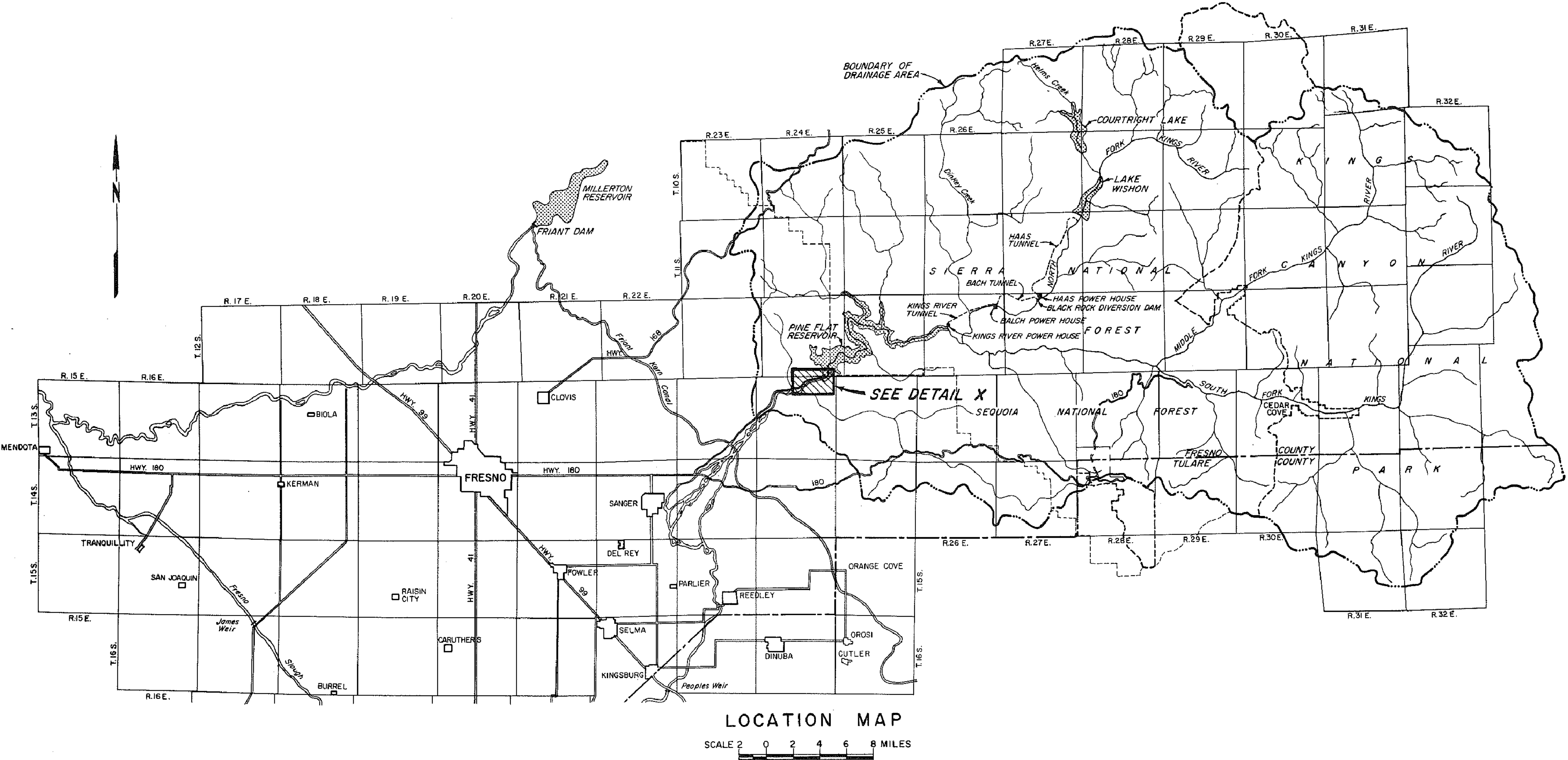
Jeff L. Taylor - Pine Flat
Hydroelectric Project FERC
Project No. 2741



Prepared by:
Kings River Conservation District
4886 E. Jensen Avenue
Fresno, California 93725
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8/31/2020

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KINGS RIVER CONSERVATION DISTRICT

KINGS RIVER HYDROELECTRIC PROJECT
UNIT 1 - PINE FLAT POWER PLANT

REVISED EXHIBIT J
LOCATION MAP

DRAFT Application for a Non-Capacity Amendment of License Major Project – Existing Dam

Exhibit K

Security Level: Public

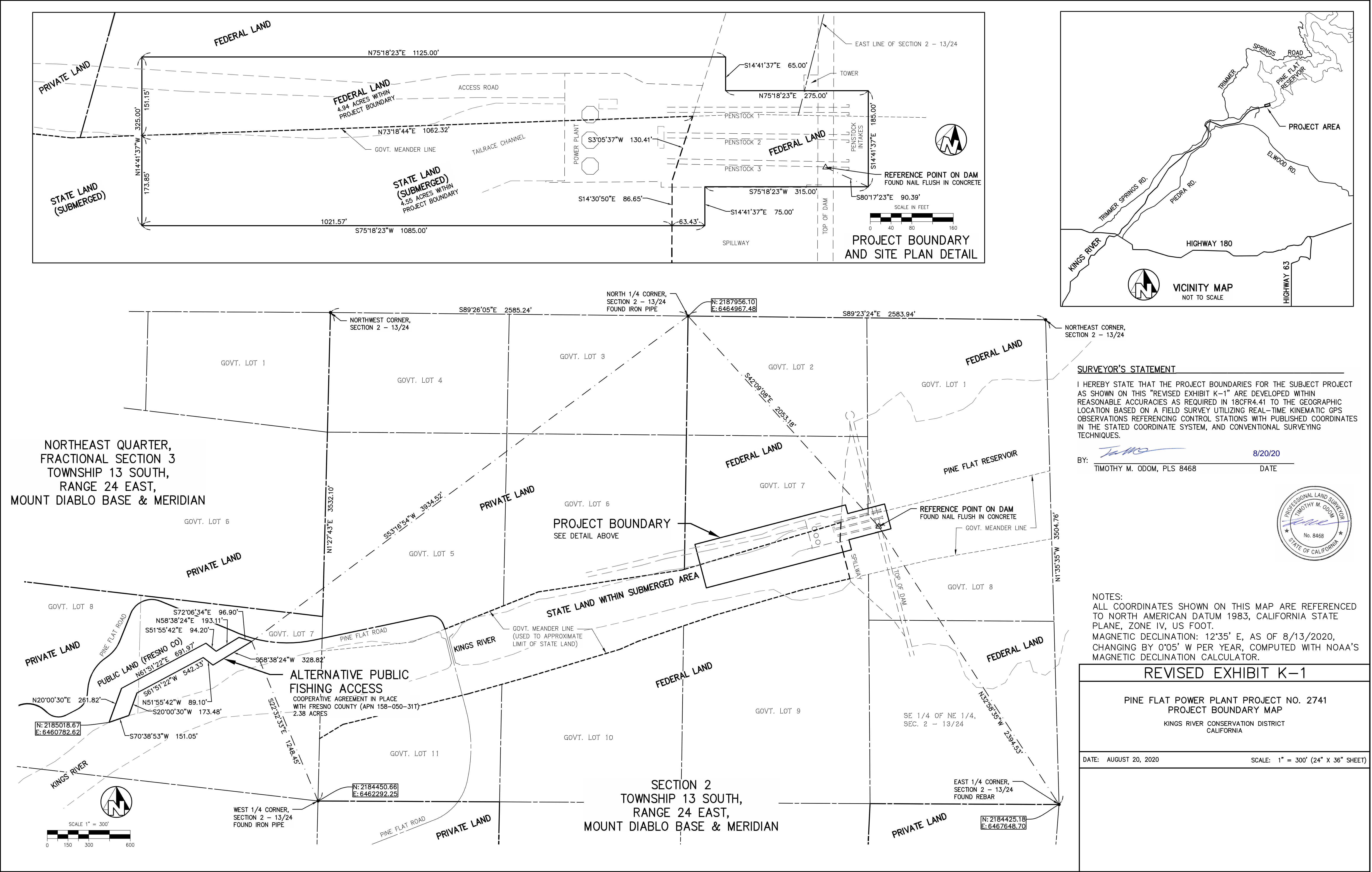
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**DRAFT Application for a Non-
Capacity Amendment of License
Major Project – Existing Dam**

Cultural Resources

Memo

Security Level: Public

Jeff L. Taylor - Pine Flat
Hydroelectric Project FERC
Project No. 2741



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Memo

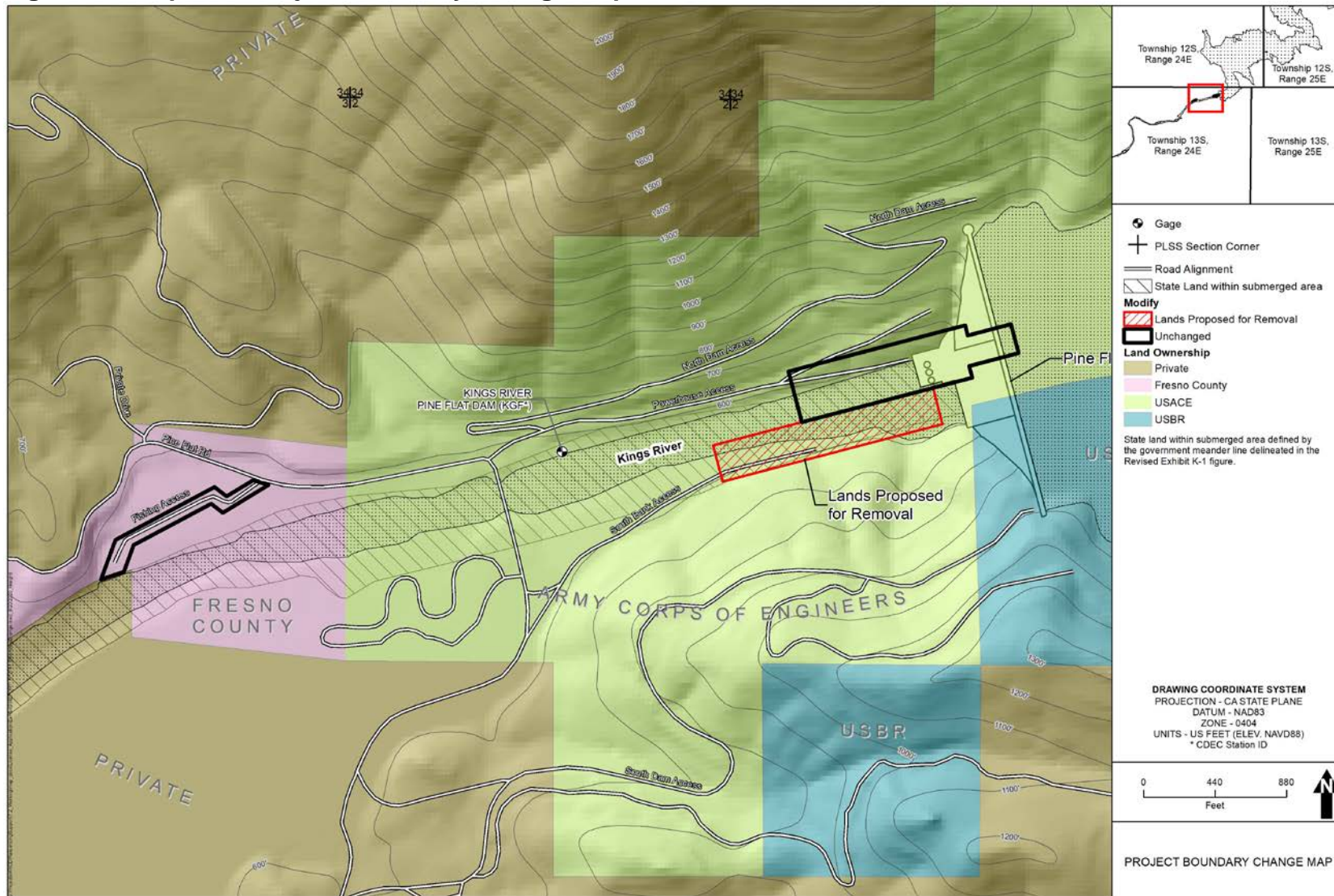
Date:	Monday, July 20, 2020
Project:	Jeff L. Taylor – Pine Flat Hydropower Project, FERC Number 2741
To:	Kings River Conservation District
From:	Jay Lloyd and Leesa Gratreack, HDR Engineering, Inc
Subject:	Cultural Resources and FERC Boundary Amendment

The Kings River Conservation District (KRCD) owns and operates the Jeff L. Taylor - Pine Flat Hydropower Project, Federal Energy Regulatory Commission (FERC) Project Number 2741, at the base of the United States Department of Defense, Army Corps of Engineers' (USACE) Pine Flat Dam on the Kings River in Fresno County, California. FERC issued the Project license to KRCD on September 25, 1979. KRCD intends to apply to FERC for a non-capacity amendment to its existing license to remove 7.40 acres of land from the existing Project boundary because the lands are not used or useful for operations of the Project or other Project purposes (i.e., KRCD conducts no Project-related activities on the land to be removed) (Figure 1).

The lands proposed for removal are located on the south bank of the Kings River, downstream of Pine Flat Dam and include an active river channel and the river bank, which has dense ground vegetation. Previous disturbance is common as the river bank has been significantly altered – concrete and rock rip rap are present along most of the channel. The area has also been previously cleared and graded and is traversed by an access road with a non-Project related laydown/parking area, storage facilities, fence lines, and other modern features.



Figure 1. Proposed Project Boundary Change Map





KRCD retained HDR Engineering, Inc. (HDR) to conduct an archaeological and historic built environment survey and evaluation (Lloyd et al. 2020) of the land KRCD proposes to remove from the existing FERC boundary. HDR's study was conducted between May 2019 and January 2020 by Jay Lloyd (M.A.), a Registered Professional Archaeologist (RPA) who meets the Secretary of Interior's Professional Qualification Standards (PQS) for prehistoric and historic archaeology (per 36 Code of Federal Regulations Part 61) and Leesa Gratreak (M.S.) who meets the PQS for history and architectural history. The study included:

- background and archival research;
- a records search from the Southern San Joaquin Valley Information Center of the California Historical Records Information System;
- a Sacred Lands File search with the Native American Heritage Commission;
- outreach via certified mail on July 16, 2019 with the local Native American tribes and representatives listed below:
 - Chairperson Robert Ledger Sr. of the Dumna Wo-Wah Tribal Government
 - Stan Alec of the Kings River Choinumni Farm Tribe
 - Chairperson Rueben Barrios Sr. of the Santa Rosa Rancheria Tachi Yokut Tribe
 - Chairperson Leanne Walker-Grant of Table Mountain Rancheria
 - Cultural Resources Director Bob Pennell of Table Mountain Rancheria
 - Chairperson Kenneth Woodrow of the Wuksache Indian Tribe/Eshom Valley Band
- National Register of Historic Places (NRHP) significance recommendations for both the Jeff L. Taylor Powerhouse Intake Structure and the Jeff L. Taylor Powerhouse.

In addition, the study included a pedestrian archaeological and historic built environment survey of the area proposed for removal on June 19, 2019. The south bank was previously used for disabled fishing access for the FERC Project. Post September 11, 2001, the USACE closed this area to all public access and KRCD established a new FERC approved fishing access point further downstream.

Although no Indian Trust Assets or Native American rancherias/reservations are located within or adjacent to the parcel, Cultural Resources Director Pennell of Table Mountain Rancheria responded in a letter dated August 1, 2019, noting that the Project is within the Tribe's cultural area of interest. Additionally, a dedicated and actively used Native American cemetery (the "Choinumni Cemetery") is located approximately 1 mile downstream from Pine Flat Dam within Fresno County's Choinumni Park.



The study did not identify any tribal resources, archaeological sites (prehistoric or historic), or historic built environment resources within or adjacent to the area proposed for removal, as shown on Figure 1.

Summary

Removal of the lands from the existing FERC Project Boundary would have no effect on historic properties or cultural resources.

Reference

Lloyd, Jay. B., Leesa Gratreack, and Kamil Rochon

2020 *Cultural Resources Inventory and National Register of Historic Places Evaluation for the Jeff L. Taylor – Pine Flat Hydropower Project, Fresno County, California.* FERC Project No. 2741. Prepared by HDR Engineering, Inc., Sacramento, California. Prepared for the Kings River Conservation District, Fresno, California.

DRAFT Application for a Non-Capacity Amendment of License
Major Project – Existing Dam

Biological Resources

Memo

Security Level: Public

Jeff L. Taylor - Pine Flat
Hydroelectric Project FERC
Project No. 2741



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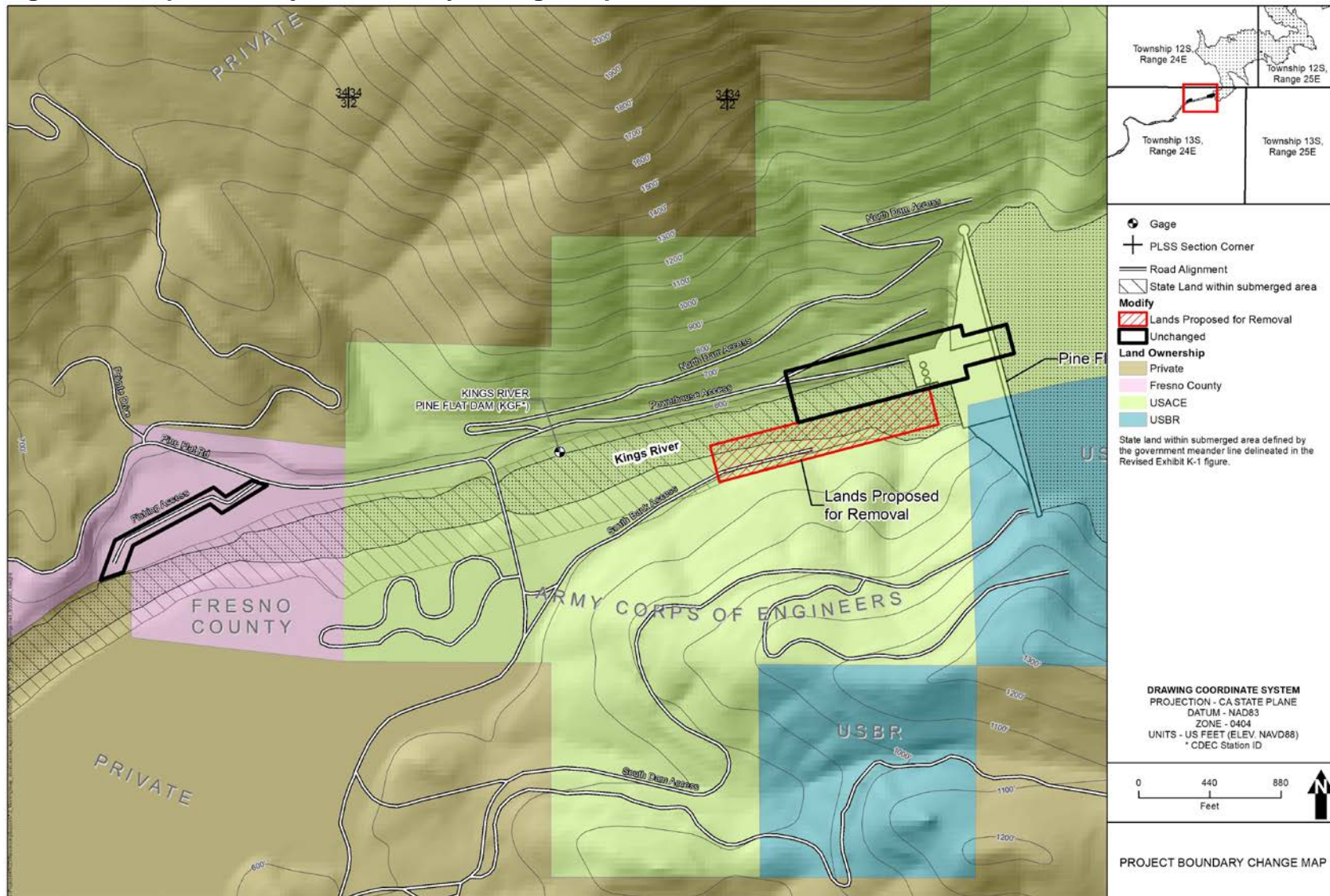
Memo

Date:	Monday, July 20, 2020
Project:	Jeff L. Taylor – Pine Flat Hydropower Project, FERC Number 2741
To:	Kings River Conservation District
From:	Robin Kent, HDR Engineering, Inc
Subject:	Biological Findings for the FERC Boundary Amendment

The Kings River Conservation District (KRCD) owns and operates the Jeff L. Taylor - Pine Flat Hydropower Project, Federal Energy Regulatory Commission (FERC) Project Number 2741, at the base of the United States Department of Defense, Army Corps of Engineers' (USACE) Pine Flat Dam on the Kings River in Fresno County, California. FERC issued the Project license to KRCD on September 25, 1979. KRCD intends to apply to FERC for a non-capacity amendment to its existing license to remove 7.40 acres of land from the existing Project boundary because the lands are not used or useful for operations of the Project or for other Project purposes (i.e., KRCD conducts no Project-related activities on the land to be removed) (Figure 1).

The lands proposed for removal are located on the south bank of the Kings River, downstream of Pine Flat Dam and include an active river channel and the river bank, which has dense ground vegetation. Previous disturbance is common as the river bank has been significantly altered – concrete and rock rip rap are present along most of the channel. The area, owned by the USACE, has also been previously cleared and graded and is traversed by an access road with a non-Project related laydown/parking area, storage facilities, fence lines, and other modern features.

Figure 1. Proposed Project Boundary Change Map



KRCD retained HDR Engineering, Inc. (HDR) to conduct a baseline inventory of plant and wildlife species and to map vegetation on the lands KRCD is proposing to be removed from the existing FERC boundary. HDR's inventory was conducted on May 6 and 29, 2020, by HDR qualified biologists, Ian Cain and Kelly Bartron, who walked meandering transects to search for special-status¹ species, map all encountered vegetation communities, and create a list of species observed. This method conforms to the California Department of Fish and Wildlife (CDFW) protocol (CDFW 2018) for focused plant surveys and to general accepted practices for baseline wildlife surveys, though there is currently no established protocol for wildlife.

Prior to the two surveys on May 1, 2020, HDR queried the United States Department of the Interior, Fish and Wildlife Service's (USFWS) Information for Planning and Consultation, CDFW's California Natural Diversity Database (CNDDDB), and California Native Plant Society's Inventory of Rare and Endangered Plants of California databases to generate a list of species that might have potential to occur in the area to be removed from the boundary. HDR assessed all habitats for the potential for special-status species to occur, with field notes taken to inform the analysis when determinations were made about the potential for special-status species.

No special-status species, including Endangered Species Act (ESA)-listed species, were observed during either survey. In addition, no Critical Habitat was identified for any ESA-listed wildlife within the surveyed area.

HDR mapped vegetation Alliances in the area proposed for removal following A Manual of California Vegetation (Sawyer et al. 2009). A total of six habitats were identified: 1) California buckeye grove Alliance, 2) Interior live oak forest upland Alliance; 3) Interior live oak forest riparian Alliance, 4) Marginally vegetated gravel field Alliance, 5) Red willow – Goodding's willow riparian woodland Alliance, and 6) Wild oat and annual brome grassland Alliance.

Based on HDR's pre-survey research and vegetation mapping, no ESA-listed species have been documented to occur in the area proposed for removal from the boundary. The pre-survey research and vegetation mapping identified two ESA-listed plant species that could occur in the lands proposed for removal given nearby populations - succulent owl's-clover (*Castilleja campestris* var. *succulent*) and Keck's checkerbloom (*Sidalcea keckii*). However, succulent owl's-clover is a vernal pool species, and Keck's checkerbloom requires serpentine or clay soils. HDR's on-the-ground surveys documented that no vernal pools or serpentine/clay soils occur in the area proposed for removal, and HDR did not find any ESA-listed species.

Based on HDR's pre-survey research and vegetation mapping, one ESA-listed wildlife species - San Joaquin kit fox (*Vulpes macrotis mutica*) – has the potential to occur in the lands proposed to be removed from the existing Project boundary. However, there

¹ Special-status species were defined as plant or animal species that meet one or more of the following criteria: 1) listed by the California Fish and Game Commission on its *State and Federally Listed Endangered, Threatened, and Rare Plants of California*, including those plants that are state-listed rare or a state candidate for listing under the Native Species Plant Protection Act of 1977; 2) listed or proposed for listing under the federal Endangered Species Act; 3) listed by the California Native Plant Society (CNPS) on its *Inventory of Rare and Endangered Plants*, including species that are rated as CNPS 1A or CNPS 1B through 4B; 4) formally listed by CDFW as a Species of Special Concern; 5) listed under the California Endangered Species Act as endangered or threatened, or fully protected; 6) covered under the Bald and Golden Eagle Protection Act.



are no records of San Joaquin kit fox in the area proposed for removal and HDR observed no denning habitat for the San Joaquin kit fox in the area proposed for removal. The closest known occurrence of San Joaquin kit fox, per the CNDDDB, was a sighting from 1994, approximately 6 miles to the southwest between the Pine Flat and Sanger reservoirs.

An additional 10 special-status wildlife species have the potential to occur within the area proposed for removal based on the mapped vegetation Alliances, including two species listed on the California Endangered Species Act - Swainson's hawk (*Buteo swainsoni*) and foothill yellow-legged frog (*Rana boylei*).² Nesting habitat for Swainson's hawk occurs within the area proposed for removal from the existing Project boundary in mature trees. There is potential habitat for FYLF in the area proposed for removal but no breeding or occupation has been recorded. Table 1 presents the special-status wildlife species that have the potential to occur based on vegetation mapping. However, note that for many of these species, suitable habitat is not present within the area to be excluded from the Project boundary or the area is outside their known range.

² San Joaquin kit fox is also listed on the California Endangered Species Act.

Table 1. Special-status wildlife species with the potential to occur in the area proposed for removal based on vegetation mapping.

Scientific Name	Common Name	Status	Habitat Requirements	Potential to Occur	Rationale	Habitat Source
INVERTEBRATES						
<i>Bombus crotchii</i>	Crotch bumble bee	SCE	Inhabits open grassland and scrub habitats. Nesting occurs underground. This species is classified as a short-tongued species, whose food plants include those in the following genera: <i>Asclepias</i> , <i>Chaenactis</i> , <i>Lupinus</i> , <i>Medicago</i> , <i>Phacelia</i> , and <i>Salvia</i> (Williams et al. 2014).	Y	Suitable habitat for this species is present.	Williams et al. 2014. Williams, P.H., R.W. Thorp, L.L. Richardson, and S.R. Colla. 2014b. Bumble bees of North America: an Identification Guide. Princeton University Press.
<i>Branchinecta lynchi</i>	vernal pool fairy shrimp	FT	Endemic to the grasslands of the Central Valley and the Central and South Coast Range mountains of California, and the Agate Desert of southern Oregon. Found only in cool water vernal pools and vernal pool-like habitats; does not occur in riverine, marine, or other permanent bodies of water (USFWS 2007).	N	Suitable habitat for this species is not present within the area proposed for removal.	USFWS. 2007. Vernal Pool Fairy Shrimp (<i>Branchinecta lynchi</i>) 5-Year Review: Summary and Evaluation. USFWS; Sacramento, CA.
<i>Desmocerus californicus dimorphus</i>	valley elderberry longhorn beetle	FT	Dependent on host plant, elderberry (<i>Sambucus</i> spp.), which most commonly grows in riparian woodlands, but also in some upland habitats such as oak savannas and annual grasslands. Current presumed range in Central Valley extends from Shasta County south to Fresno County, including the valley floor and lower foothills up to about 500 feet in elevation (USFWS 2017).	N	Suitable habitat for this species is not present within the area proposed for removal.	USFWS. 2017. Framework for Assessing Impacts to the Valley Elderberry Longhorn Beetle (<i>Desmocerus californicus dimorphus</i>). USFWS; Sacramento, CA.
<i>Lepidurus packardii</i>	vernal pool tadpole shrimp	FE	Found only in ephemeral freshwater habitats, including alkaline pools, clay flats, vernal lakes, vernal pools, vernal swales, and other seasonal wetlands. Patchily distributed across the Central Valley from Shasta County south to Tulare County with isolated occurrences in the East Bay Area (USFWS 2007).	N	Suitable habitat for this species is not present within the area proposed for removal.	USFWS. 2007. Vernal Pool Tadpole Shrimp (<i>Lepidurus packardii</i>) 5-Year Review: Summary and Evaluation. USFWS; Sacramento, CA.

Table 1. (continued)

Scientific Name	Common Name	Status	Habitat Requirements	Potential to Occur	Rationale	Habitat Source
INVERTEBRATES (cont'd)						
<i>Ambystoma californiense</i>	California tiger salamander	FT, ST	Breeds in fish-free ephemeral ponds which form in winter and dry in summer. Some also breed in slow streams and semi-permanent waters, including cattle ponds. Spends most of the year underground in small mammal burrows, especially those of California ground squirrel (<i>Otospermophilus beecheyi</i>). Typical habitat associations include grassland, oak savanna, edges of mixed woodland, and lower elevation coniferous forest (Nafis 2020).	N	Suitable habitat for this species is not present within the area proposed for removal.	Nafis, Gary. 2020. California Herps: A Guide to Reptiles and Amphibians of California. Available online: http://www.californiaherps.com/
<i>Rana boylei</i>	foothill yellow-legged frog	SE, SSC	Ranges in the northern half of California except for the Central Valley, Modoc Plateau, and eastern side of the Sierra Nevada Mountains. Generally found in shallow flowing streams and rivers with at least cobble sized substrate. Breeding generally occurs at the margins of wide shallow channels with reduced flow variation near tributary confluences. Specifically, egg masses are placed in low flow locations on or under rocks with preferred substrates being boulders, cobbles, or gravel. Eggs have been found at depths to 34 inches in water velocities of 0 - 0.69 feet per second and at most 40 feet from shore. Maximum water temperature for breeding is 79°F and 48 to 70°F is the preferred range. Tadpoles avoid areas below 55°F and prefer temperatures between 62°F and 72°F (Thomson et al. 2016).	Y	Suitable habitat for this species may be present. Closest known occurrence, per the CNNDDB, is roughly 1 mile north of the area proposed for removal at Pine Flat Reservoir (CDFW 2020).	Thomson, Robert C., Wright, Amber N., and Shaffer H. Bradley. 2016. California Amphibian and Reptile Species of Special Concern. University of California Press Berkeley, CA.

Table 1. (continued)

Scientific Name	Common Name	Status	Habitat Requirements	Potential to Occur	Rationale	Habitat Source
INVERTEBRATES (cont'd)						
<i>Rana draytonii</i>	California red-legged frog	FT, SSC	Ponds and streams in humid forests, woodlands, grasslands, coastal scrub, and streamsides with plant cover in lowlands or foothills. Breeding habitat includes permanent or ephemeral water sources; lakes, ponds, reservoirs, slow streams, marshes, bogs, and swamps. Ephemeral wetland habitats require animal burrows or other moist refuges for estivation when the wetlands are dry. Occurs from sea level to 5,000 feet in elevation. Occurs along the Coast Ranges from Mendocino County south to northern Baja California, and inland across the northernmost reaches of the Sacramento Valley and locally south through portions of the Sierra Nevada foothills as far south as northern Tulare County (Nafis 2020).	N	Project area is outside of known range for this species.	Nafis, Gary. 2020. California Herps: A Guide to Reptiles and Amphibians of California. Available online: http://www.californiaherps.com/
REPTILES						
<i>Emys marmorata</i>	western pond turtle	SSC	Ranges throughout California except for Inyo and Mono Counties. Generally occurs in various water bodies including permanent and ephemeral systems either natural or artificial. Upland habitat that is at least moderately undisturbed is required for nesting and overwintering, in soils that are loose enough for excavation (Thomson et al. 2016).	Y	Suitable habitat for this species is present.	Thomson, Robert C., Wright, Amber N., and Shaffer H. Bradley. 2016. California Amphibian and Reptile Species of Special Concern. University of California Press Berkeley, CA.
<i>Thamnophis gigas</i>	giant garter snake	FT, ST	Marshes, sloughs, ponds, small lakes, low gradient streams, irrigation and drainage canals, rice fields and their associated uplands. Upland habitat should have burrows or other soil crevices suitable for snakes to reside during their dormancy period (November- mid March). Formerly ranged in the Central Valley from Butte County to Buena Vista Lake in Kern County, but now thought to be absent south of Fresno and in Stanislaus County (USFWS 2012).	N	Suitable habitat for this species is not present within the area proposed for removal.	USFWS. 2012. Giant Garter Snake (<i>Thamnophis gigas</i>) 5-Year Review: Summary and Evaluation. USFWS; Sacramento, CA.

Table 1. (continued)

Scientific Name	Common Name	Status	Habitat Requirements	Potential to Occur	Rationale	Habitat Source
BIRDS						
<i>Aquila chrysaetos</i>	golden eagle	BGEPA, FP	Uncommon resident in hills and mountains throughout California, and an uncommon migrant and winter resident in the Central Valley and Mojave Desert. Prefers rolling foothills and mountain terrain, wide arid plateaus deeply cut by streams and canyons, open mountain slopes, cliffs, and rock outcrops. (CDFW 2020).	Y	Suitable habitat for this species is present.	CDFW. 2020. California Wildlife Habitat Relationships System Life History Accounts and Range Maps. Available online: https://www.wildlife.ca.gov/Data/CWHR/Life-History-and-Range . CDFW Biogeographic Data Branch; Sacramento, CA
<i>Buteo swainsoni</i>	Swainson's hawk	ST	Nests in oak savanna and cottonwood riparian areas adjacent to foraging habitat of grasslands, agricultural fields, and pastures where they often follow farm equipment to gather killed and maimed rodents. Increasingly also nests in sparse stands of gum trees (<i>Eucalyptus</i> spp.) and Australian pines (<i>Casuarina equisetifolia</i>) and often forage along roadsides and grassy highway medians. Breeding resident in the Central Valley, Klamath Basin, Northeastern Plateau, and in juniper-sagebrush flats of Lassen County. Limited breeding reported from Lanfair Valley, Owens Valley, Fish Lake Valley, and Antelope Valley. Winters primarily in Argentina, with most birds absent from California October through February, though a few overwinter in the Sacramento-San Joaquin River Delta. Prolific migrant through southern California in spring and fall, with large mixed-age groups of birds frequently observed kettling high overhead on thermals or foraging together on freshly cut agricultural fields (CDFW 2020).	Y	Suitable habitat for this species is present.	CDFW. 2020. California Wildlife Habitat Relationships System Life History Accounts and Range Maps. Available online: https://www.wildlife.ca.gov/Data/CWHR/Life-History-and-Range . CDFW Biogeographic Data Branch; Sacramento, CA

Table 1. (continued)

Scientific Name	Common Name	Status	Habitat Requirements	Potential to Occur	Rationale	Habitat Source
BIRDS						
<i>Elanus leucurus</i>	white-tailed kite	FP	Fairly common resident of the Central Valley, coast, and Coast Range Mountains. Nests in oak savanna, oak and willow riparian, and other open areas with scattered trees near foraging habitat. Forages in open grasslands, meadows, farmlands, and emergent wetlands. Often seen hover foraging over roadsides or grassy highway medians (CDFW 2020).	Y	Suitable habitat for this species is present.	CDFW. 2020. California Wildlife Habitat Relationships System Life History Accounts and Range Maps. Available online: https://www.wildlife.ca.gov/Data/CWHR/Life-History-and-Range . CDFW Biogeographic Data Branch; Sacramento, CA
<i>Haliaeetus leucocephalus</i>	bald eagle	SE, BGEPA, FP	Permanent resident in the highest Coast Range mountains, across the Cascade Range, and down the Sierra Nevada to the eastern Transverse Ranges of San Bernardino and Riverside Counties. Uncommon migrant and winter visitor to lowland rivers, lakes, and reservoirs. Nests in large, old-growth, or dominant live trees with open branchwork, especially ponderosa pine (<i>Pinus ponderosa</i>). Requires large bodies of water or rivers with abundant fish, and adjacent snags (CDFW 2020).	Y	Suitable habitat for this species is present.	CDFW. 2020. California Wildlife Habitat Relationships System Life History Accounts and Range Maps. Available online: https://www.wildlife.ca.gov/Data/CWHR/Life-History-and-Range . CDFW Biogeographic Data Branch; Sacramento, CA
MAMMALS						
<i>Corynorhinus townsendii</i>	Townsend's big-eared bat	SSC	Ranges throughout California except for high elevation portions of the Sierra Nevada Mountains. Generally prefers mesic habitats but known to occur in all non-alpine habitats of California. Roosting occurs in caves, tunnels, mines, buildings, or other structures and this species may use different roosting sites for day and night (CDFW 2020).	Y	Suitable habitat for this species is present.	CDFW. 2020. California Wildlife Habitat Relationships System Life History Accounts and Range Maps. Available online: https://www.wildlife.ca.gov/Data/CWHR/Life-History-and-Range . CDFW Biogeographic Data Branch; Sacramento, CA

Table 1. (continued)

Scientific Name	Common Name	Status	Habitat Requirements	Potential to Occur	Rationale	Habitat Source
MAMMALS (cont'd)						
<i>Euderma maculatum</i>	spotted bat	SSC	Ranges across the eastern half of California from the low foothills and over the Cascade and Sierra Nevada crests to Nevada, as well as all of Southern California except for the lowlands of Orange and Los Angeles Counties. Generally occurs in desert, mixed coniferous forests, and grassland habitats. Prefers to roost in rock crevices on cliffs, but will sometimes use caves and buildings (CDFW 2020).	Y	Suitable habitat for this species is present.	CDFW. 2020. California Wildlife Habitat Relationships System Life History Accounts and Range Maps. Available online: https://www.wildlife.ca.gov/Data/CWHR/Life-History-and-Range . CDFW Biogeographic Data Branch; Sacramento, CA
<i>Eumops perotis californicus</i>	western mastiff bat	SSC	Ranges throughout all of Southern California, the central coast, and the Sierra Nevada Mountains. Generally occurs in open, arid, or semi-arid habitats. Roosts in rock crevices and buildings. (CDFW 2020).	Y	Suitable habitat for this species is present.	CDFW. 2020. California Wildlife Habitat Relationships System Life History Accounts and Range Maps. Available online: https://www.wildlife.ca.gov/Data/CWHR/Life-History-and-Range . CDFW Biogeographic Data Branch; Sacramento, CA
<i>Pekania pennanti</i>	fisher	FE, ST, SSC	Large areas of mature, dense forest stands with snags and greater than 50% canopy closure. Uncommon permanent resident of the Sierra Nevada, Cascades, and Klamath Mountains; also found in a few areas in the North Coast Ranges (USFWS 2014).	N	Suitable habitat for this species is not present within the area proposed for removal.	USFWS. 2014. Draft. Species Report: Fisher (<i>Pekania pennanti</i>), West Coast Population. USFWS; Sacramento, CA.
<i>Vulpes macrotis mutica</i>	San Joaquin kit fox	FE, ST	The subspecies historically ranged in alkali scrub/shrub and arid grasslands throughout the level terrain of the San Joaquin Valley floor from southern Kern County north to Tracy in San Joaquin County, and up into more gradual slopes of the surrounding foothills and adjoining valleys of the interior Coast Range. Occurs in desert-like habitats characterized by sparse or absent shrub cover, sparse ground cover, and short vegetative structure. Prefers areas with open, level, sandy ground (USFWS 2010).	Y	Suitable habitat for this species is present.	USFWS. 2010. San Joaquin Kit Fox (<i>Vulpes macrotis mutica</i>) 5-Year Review: Summary and Evaluation. USFWS; Sacramento, CA.

Species Names and Status Follows CDFW 2019

Species Status:

Federal
BGEPA Bald and Golden Eagle Protection Act
FE Endangered
FT Threatened
FCT Candidate Threatened

State
SE Endangered
ST Threatened
SCE Candidate Endangered
FP Fully Protected
SSC Species of Special Concern

Summary

Historical records and HDR's surveys did not identify any ESA-listed species, ESA-designated Critical Habitat or State protected species in the lands proposed to be excluded from the Project boundary, though KRCD cannot rule out that certain special-status species may occasionally use this area. However, any species that use the dry lands would continue to receive federal protection because all of these dry lands are federal lands managed by the USACE. The river inundated lands are State of California lands, and species that use that area would be protected under the full extent of federal and state laws and regulations. Thus, removal of the lands from the existing FERC Project Boundary would thus have no effect on these species or their habitats.

References


- California Department of Fish and Wildlife (CDFW). 2018 (March 20). Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities. CDFW, Natural Heritage Division, Sacramento, CA
- _____. 2019 (August). Special Animals List. Available on-line: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals> CDFW Biogeographic Data Branch. Sacramento, CA.
- _____. 2020 (January). Special Vascular Plants, Bryophytes, and Lichens List. Available on-line: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals> CDFW Biogeographic Data Branch. Sacramento, CA.
- California Native Plant Society (CNPS). 2020. Accessed: April, 28. Inventory of Rare and Endangered Plants (online edition, v8-03). Available on-line: <http://www.rareplants.cnps.org/>. Sacramento,
- Sawyer, J.O., T. Keeler-Wolf, and J.M. Evans. 2009. A Manual of California Vegetation (Second Edition). Sacramento, CA: CNPS.

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September 1, 2020

Memorandum

TO: Paul G. Peschel, P.E., General Manager

FROM: Brian Trevarrow, CFO 

SUBJECT: Monthly Status Report of Activities for the Month of August 2020

This is the monthly status report for the CFO for the month of August 2020, and includes input from the Finance, Human Resources and Admin Departments.

Health insurance rates for next year (2021) have been adopted by ACWA/JPIA. Anthem Blue Cross Classic PPO rates will have a 0% aggregate increase. The Anthem HMO rates will increase 7.6% and the Kaiser rates will have an aggregate increase of 8.84%. The dental and vision plan rates will not change in 2021. Rates for the Employee Assistance Program (EAP) will decrease 7%.

I presented the financial report at the meeting of the Kings River Water Quality Coalition during the month.

Auditors from Price Paige CPAs were in the office the third week of August beginning the audit of KRCD. Preliminary results are encouraging. The expectation is currently that the audit will be presented at the November board meeting.

Preparations for the audits of KRWQC, MAGSA, NFKGSA, and SFKGSA began this month.

Stacy Wright, Manager of Human Resources, attended various meetings, webinars, and training sessions to keep her understanding of ever-changing COVID-19 implications on the workplace, HR issues, and labor laws up to date. Throughout the month, Stacy finalized the recruitments and completed the onboarding for a Flood Maintenance Worker for the Riverdale crew, an Operator for the Jeff L. Taylor Pine Flat Power Plant, and a Controller in the Finance Division. She also processed the retirement for a twenty-one-year employee at the power plant, Michael Martinez, and began a recruitment for an External Affairs Coordinator.

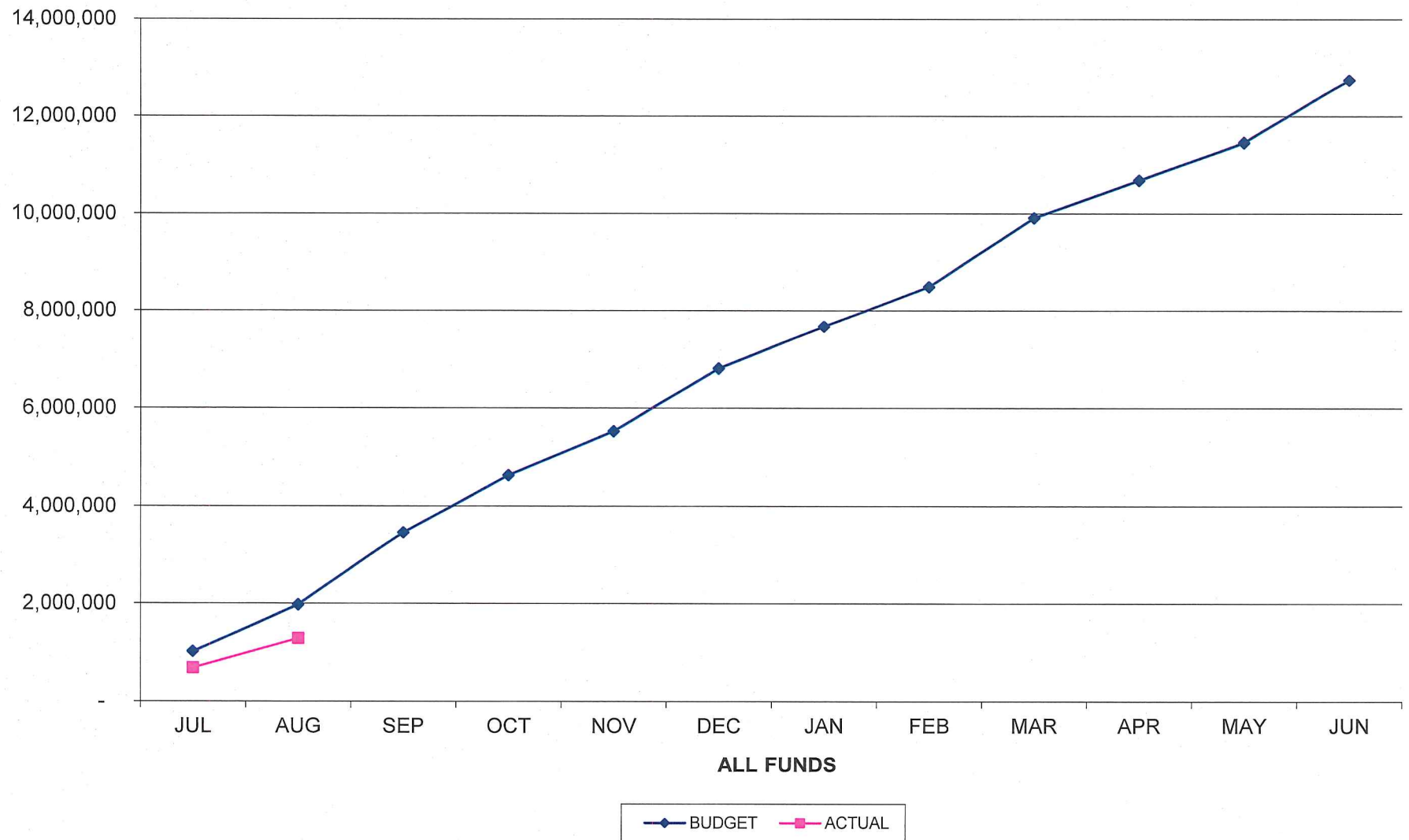
Ms. Wright and I participated in the annual Fiduciary Investment Review of the District's VOYA Money Purchase Pension Plan. The available investments in the plan were reviewed and it was the recommendation of the plan consultants deemed to meet the goals of the District and our Plan Consultants.

BT/dmr

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KINGS RIVER CONSERVATION DISTRICT BUDGET TO ACTUAL COMPARISON

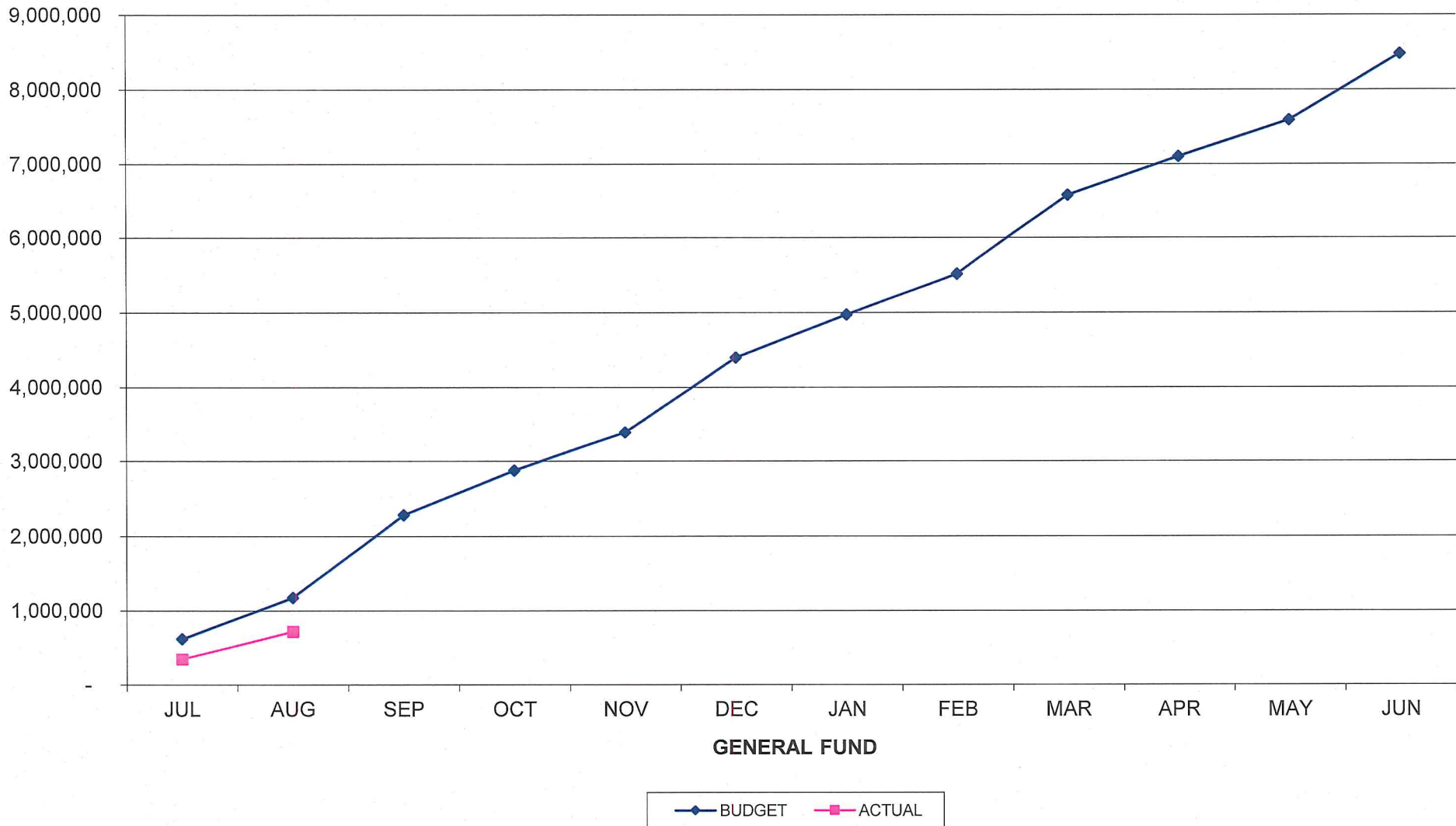


KINGS RIVER CONSERVATION DISTRICT
Summary Budget Comparison - ALL FUNDS (201.17.04)

From 8/1/2020 Through 8/31/2020

Account Code	Account Title	Current Period Actual	Current Period Budget - Original	Total To Date Actual	2020-2021 Budget	Total Budget Variance YTD	Percent of Budget Used
51000	SALARIES & WAGES	309,810.91	345,567.00	611,519.08	4,317,268.00	3,705,748.92	14.16%
51011	DIRECTORS COMPENSATION	3,500.00	3,500.00	7,000.00	42,000.00	35,000.00	16.66%
51021	PENSION PLAN	20,998.86	23,685.00	42,070.15	307,903.00	265,832.85	13.66%
51022	PAYROLL TAXES	27,312.32	24,802.00	49,542.36	322,428.00	272,885.64	15.36%
51030	EMPLOYEE HEALTH INSURANCE	69,993.11	79,963.00	139,449.42	959,559.00	820,109.58	14.53%
51033	UNEMPLOYMENT INSURANCE	0.00	417.00	0.00	5,000.00	5,000.00	0.00%
52050	SAFETY SUPPLIES	325.64	2,458.00	931.15	31,479.00	30,547.85	2.95%
52060	COMMUNICATIONS	3,968.37	5,768.00	6,806.40	69,804.00	62,997.60	9.75%
52090	HOUSEHOLD EXPENSE	656.69	1,108.00	948.05	12,745.00	11,796.95	7.43%
52100	INSURANCE & BONDS	16,796.05	12,066.00	26,238.81	463,956.00	437,717.19	5.65%
52120	MAINTENANCE - EQUIPMENT	8,574.45	33,127.00	20,495.04	300,654.00	280,158.96	6.81%
52130	MAINTENANCE - STRUCTURES	6,968.89	50,269.00	6,970.76	748,075.00	741,104.24	0.93%
52140	FMP PROGRAM	0.00	8,071.00	0.00	111,848.00	111,848.00	0.00%
52150	MEMBERSHIPS	2,560.00	3,331.00	5,060.00	44,360.00	39,300.00	11.40%
52160	MISCELLANEOUS	285.78	1,012.00	371.28	99,002.00	98,630.72	0.37%
52170	OFFICE EXPENSE	6,041.79	16,056.00	12,234.08	181,520.00	169,285.92	6.73%
52181	LEGAL SERVICES	1,033.50	8,458.00	1,033.50	101,500.00	100,466.50	1.01%
52182	ACCOUNTING SERVICES	0.00	0.00	0.00	39,600.00	39,600.00	0.00%
52183	ENGINEERING SERVICES	6,045.99	61,142.00	6,045.99	433,700.00	427,654.01	1.39%
52184	WEATHER MODIFICATION	0.00	0.00	0.00	391,550.00	391,550.00	0.00%
52186	PROFESSIONAL & SPECIAL SERVICE	45,882.66	34,054.00	58,190.87	594,287.00	536,096.13	9.79%
52188	BANK SERVICE FEES	290.29	217.00	540.02	2,600.00	2,059.98	20.77%
52190	PUBLICATIONS & LEGAL NOTICES	0.00	283.00	0.00	3,400.00	3,400.00	0.00%
52200	RENTS & LEASES - EQUIPMENT	208.49	3,375.00	208.49	44,450.00	44,241.51	0.46%
52210	RENTS & LEASES - STRUCTURES	0.00	0.00	0.00	97,100.00	97,100.00	0.00%
52220	SMALL TOOLS & INSTRUMENTS	731.50	3,164.00	988.68	46,215.00	45,226.32	2.13%
52230	DISTRICT SPECIAL EXPENSE	299.00	6,650.00	299.00	107,670.00	107,371.00	0.27%
52250	TRANSPORTATION & TRAVEL	4,289.43	14,510.00	8,639.46	167,740.00	159,100.54	5.15%
52260	UTILITIES	1,455.93	9,799.00	2,794.22	253,190.00	250,395.78	1.10%
53280	PAYMENTS TO OTHER AGENCIES	0.00	7,150.00	7,000.00	1,496,900.00	1,489,900.00	0.46%
53300	FERC	69,483.00	128,826.00	271,003.00	743,856.00	472,853.00	36.43%
54000	CAPITAL OUTLAYS	0.00	64,000.00	(79.75)	204,000.00	204,079.75	(0.03)%
Report Difference		607,512.65	952,828.00	1,286,300.06	12,745,359.00	11,459,058.94	10.09%

KINGS RIVER CONSERVATION DISTRICT BUDGET TO ACTUAL COMPARISON



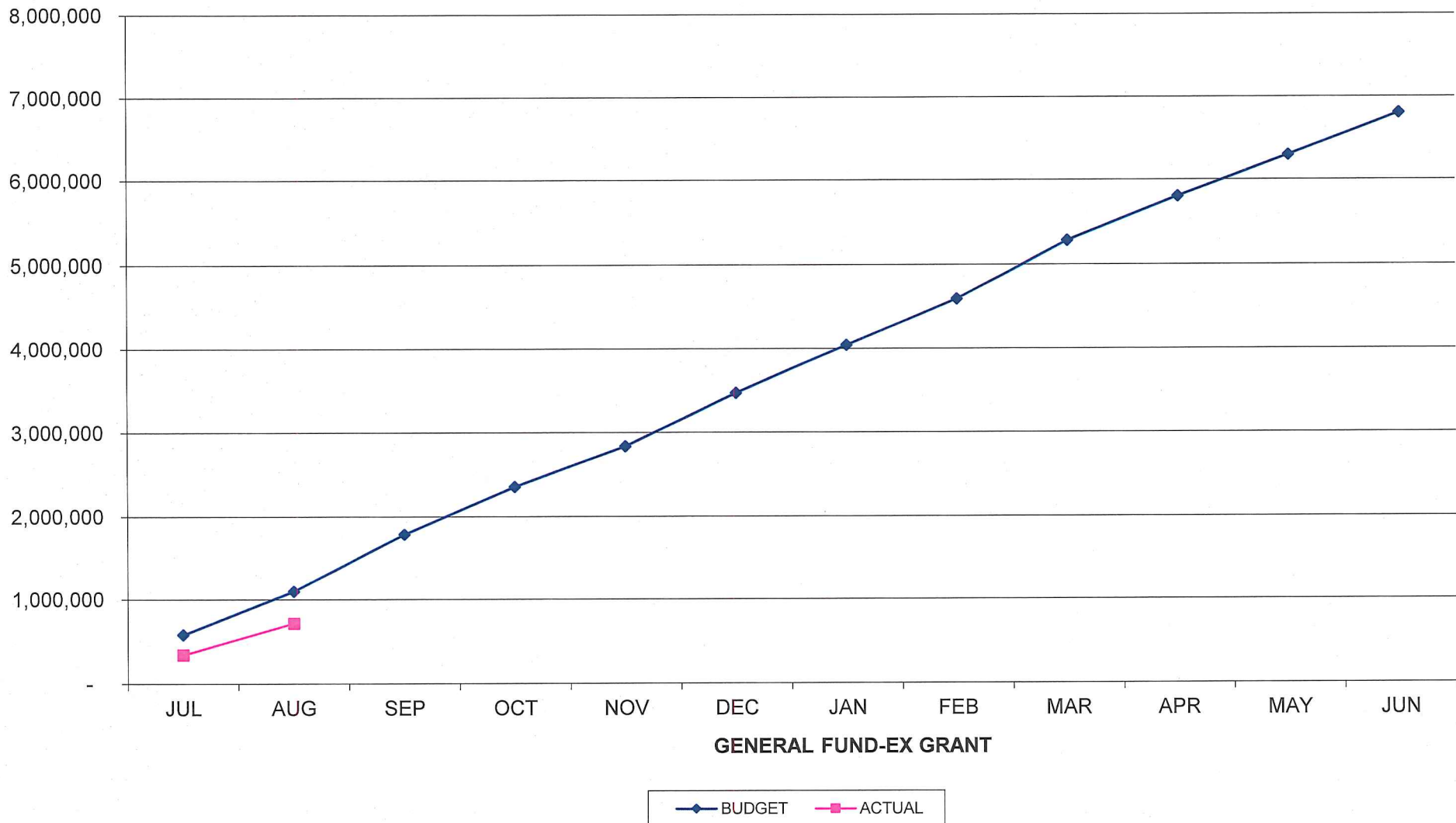
KINGS RIVER CONSERVATION DISTRICT
Summary Budget Comparison - GENERAL FUND (201.17.04)

AGENDA ITEM 7a.

EXP
From 8/1/2020 Through 8/31/2020

Account Code	Account Title	Current Period Actual	Current Period Budget - Original	Total To Date Actual	2020-2021 Budget	Total Budget Variance YTD	Percent of Budget Used
51000	SALARIES & WAGES	175,322.16	208,750.00	353,776.83	2,538,664.00	2,184,887.17	13.93%
51011	DIRECTORS COMPENSATION	3,500.00	3,500.00	7,000.00	42,000.00	35,000.00	16.66%
51021	PENSION PLAN	20,998.86	23,685.00	42,070.15	307,903.00	265,832.85	13.66%
51022	PAYROLL TAXES	27,312.32	24,802.00	49,542.36	322,428.00	272,885.64	15.36%
51030	EMPLOYEE HEALTH INSURANCE	69,993.11	79,963.00	139,449.42	959,559.00	820,109.58	14.53%
51033	UNEMPLOYMENT INSURANCE	0.00	417.00	0.00	5,000.00	5,000.00	0.00%
52050	SAFETY SUPPLIES	293.84	1,258.00	807.48	17,079.00	16,271.52	4.72%
52060	COMMUNICATIONS	2,864.71	2,228.00	3,902.30	27,324.00	23,421.70	14.28%
52090	HOUSEHOLD EXPENSE	19.42	308.00	19.42	3,145.00	3,125.58	0.61%
52100	INSURANCE & BONDS	13,825.05	12,066.00	23,267.81	218,456.00	195,188.19	10.65%
52120	MAINTENANCE - EQUIPMENT	2,584.12	9,062.00	6,122.32	105,275.00	99,152.68	5.81%
52130	MAINTENANCE - STRUCTURES	6,663.84	47,119.00	6,663.84	710,275.00	703,611.16	0.93%
52140	FMP PROGRAM	0.00	8,071.00	0.00	111,848.00	111,848.00	0.00%
52150	MEMBERSHIPS	2,560.00	3,331.00	5,060.00	41,410.00	36,350.00	12.21%
52160	MISCELLANEOUS	285.78	862.00	371.28	15,902.00	15,530.72	2.33%
52170	OFFICE EXPENSE	5,604.33	10,511.00	11,766.03	143,280.00	131,513.97	8.21%
52181	LEGAL SERVICES	1,033.50	4,458.00	1,033.50	53,500.00	52,466.50	1.93%
52182	ACCOUNTING SERVICES	0.00	0.00	0.00	19,000.00	19,000.00	0.00%
52183	ENGINEERING SERVICES	0.00	43,142.00	0.00	217,700.00	217,700.00	0.00%
52184	WEATHER MODIFICATION	0.00	0.00	0.00	352,395.00	352,395.00	0.00%
52186	PROFESSIONAL & SPECIAL SERVICE	38,239.87	17,479.00	48,032.08	211,245.00	163,212.92	22.73%
52188	BANK SERVICE FEES	290.29	217.00	540.02	2,600.00	2,059.98	20.77%
52190	PUBLICATIONS & LEGAL NOTICES	0.00	83.00	0.00	1,000.00	1,000.00	0.00%
52200	RENTS & LEASES - EQUIPMENT	208.49	3,225.00	208.49	38,400.00	38,191.51	0.54%
52210	RENTS & LEASES - STRUCTURES	0.00	0.00	0.00	95,100.00	95,100.00	0.00%
52220	SMALL TOOLS & INSTRUMENTS	213.54	1,814.00	283.56	25,015.00	24,731.44	1.13%
52230	DISTRICT SPECIAL EXPENSE	299.00	4,650.00	299.00	78,670.00	78,371.00	0.38%
52250	TRANSPORTATION & TRAVEL	4,164.43	11,615.00	7,979.23	139,800.00	131,820.77	5.70%
52260	UTILITIES	355.93	499.00	452.97	10,840.00	10,387.03	4.17%
53280	PAYMENTS TO OTHER AGENCIES	0.00	7,150.00	7,000.00	1,495,700.00	1,488,700.00	0.46%
54000	CAPITAL OUTLAYS	0.00	28,000.00	0.00	168,000.00	168,000.00	0.00%
	Total EXP	376,632.59	558,265.00	715,648.09	8,478,513.00	7,762,864.91	8.44%
Report Difference		376,632.59	558,265.00	715,648.09	8,478,513.00	7,762,864.91	8.44%

KINGS RIVER CONSERVATION DISTRICT BUDGET TO ACTUAL COMPARISON



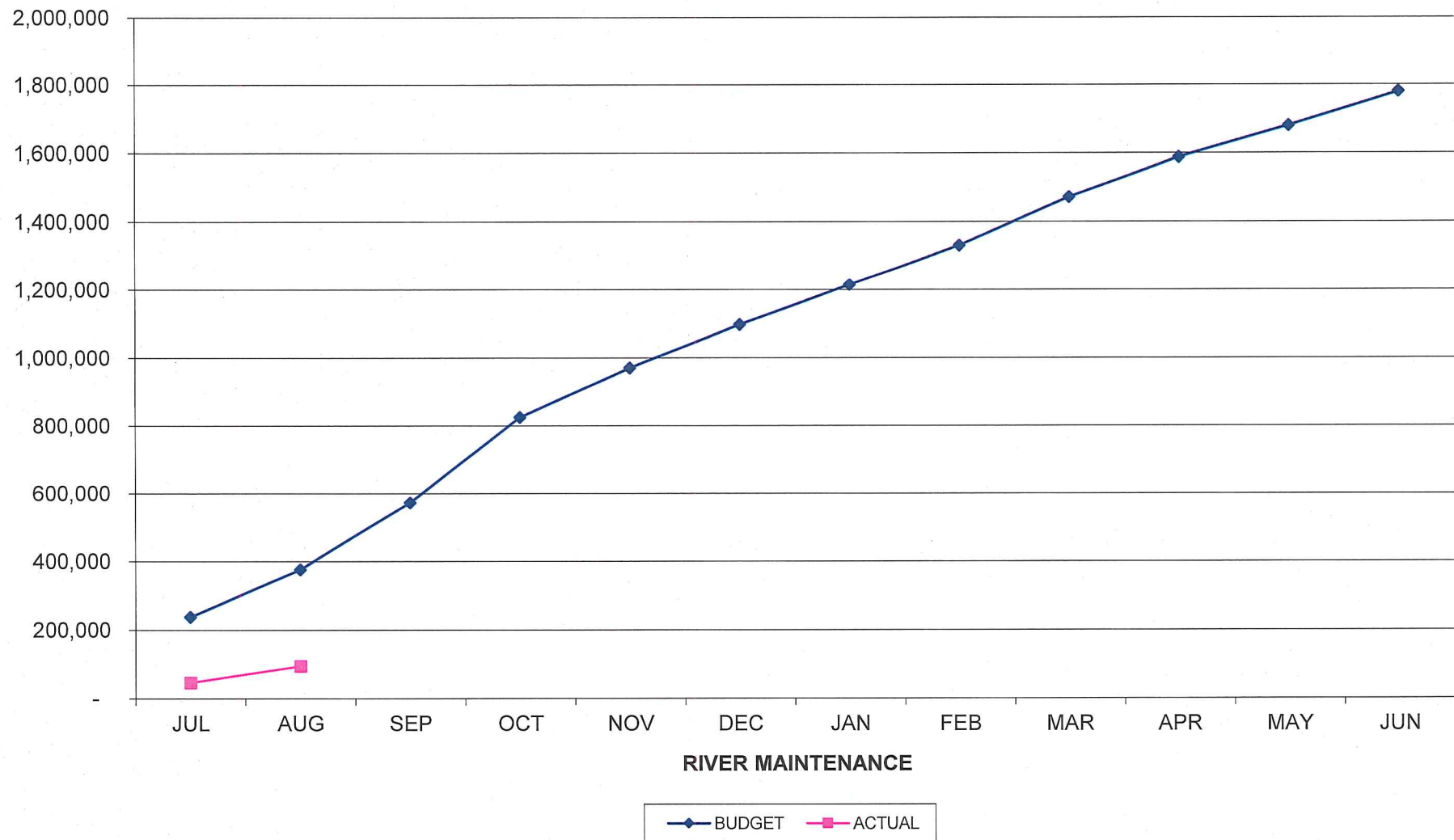
KINGS RIVER CONSERVATION DISTRICT
Summary Budget Comparison - GENERAL FUND (201.17.04) EX GRANTS

AGENDA ITEM 7a.

EXP
From 8/1/2020 Through 8/31/2020

Account Code	Account Title	Current Period Actual	Current Period Budget - Original	Total To Date Actual	2020-2021 Budget	Total Budget Variance YTD	Percent of Budget Used
51000	SALARIES & WAGES	173,229.56	207,398.00	350,510.51	2,521,082.00	2,170,571.49	13.90%
51011	DIRECTORS COMPENSATION	3,500.00	3,500.00	7,000.00	42,000.00	35,000.00	16.66%
51021	PENSION PLAN	20,998.86	23,685.00	42,070.15	307,903.00	265,832.85	13.66%
51022	PAYROLL TAXES	27,312.32	24,802.00	49,542.36	322,428.00	272,885.64	15.36%
51030	EMPLOYEE HEALTH INSURANCE	69,993.11	79,963.00	139,449.42	959,559.00	820,109.58	14.53%
51033	UNEMPLOYMENT INSURANCE	0.00	417.00	0.00	5,000.00	5,000.00	0.00%
52050	SAFETY SUPPLIES	293.84	1,258.00	807.48	17,079.00	16,271.52	4.72%
52060	COMMUNICATIONS	2,864.71	2,228.00	3,902.30	27,324.00	23,421.70	14.28%
52090	HOUSEHOLD EXPENSE	19.42	308.00	19.42	3,145.00	3,125.58	0.61%
52100	INSURANCE & BONDS	13,825.05	12,066.00	23,267.81	218,456.00	195,188.19	10.65%
52120	MAINTENANCE - EQUIPMENT	2,584.12	9,062.00	6,122.32	105,275.00	99,152.68	5.81%
52130	MAINTENANCE - STRUCTURES	6,663.84	47,119.00	6,663.84	710,275.00	703,611.16	0.93%
52140	FMP PROGRAM	0.00	8,071.00	0.00	111,848.00	111,848.00	0.00%
52150	MEMBERSHIPS	2,560.00	3,331.00	5,060.00	41,410.00	36,350.00	12.21%
52160	MISCELLANEOUS	285.78	862.00	371.28	15,902.00	15,530.72	2.33%
52170	OFFICE EXPENSE	5,590.89	10,511.00	11,746.27	143,280.00	131,533.73	8.19%
52181	LEGAL SERVICES	1,033.50	4,458.00	1,033.50	53,500.00	52,466.50	1.93%
52182	ACCOUNTING SERVICES	0.00	0.00	0.00	19,000.00	19,000.00	0.00%
52183	ENGINEERING SERVICES	0.00	3,142.00	0.00	37,700.00	37,700.00	0.00%
52184	WEATHER MODIFICATION	0.00	0.00	0.00	352,395.00	352,395.00	0.00%
52186	PROFESSIONAL & SPECIAL SERVICE	38,239.87	17,479.00	48,032.08	211,245.00	163,212.92	22.73%
52188	BANK SERVICE FEES	290.29	217.00	540.02	2,600.00	2,059.98	20.77%
52190	PUBLICATIONS & LEGAL NOTICES	0.00	83.00	0.00	1,000.00	1,000.00	0.00%
52200	RENTS & LEASES - EQUIPMENT	208.49	3,225.00	208.49	38,400.00	38,191.51	0.54%
52210	RENTS & LEASES - STRUCTURES	0.00	0.00	0.00	95,100.00	95,100.00	0.00%
52220	SMALL TOOLS & INSTRUMENTS	213.54	1,814.00	283.56	25,015.00	24,731.44	1.13%
52230	DISTRICT SPECIAL EXPENSE	299.00	4,650.00	299.00	78,670.00	78,371.00	0.38%
52250	TRANSPORTATION & TRAVEL	4,164.43	11,615.00	7,979.23	139,800.00	131,820.77	5.70%
52260	UTILITIES	355.93	499.00	452.97	10,840.00	10,387.03	4.17%
53280	PAYMENTS TO OTHER AGENCIES	0.00	7,150.00	7,000.00	19,700.00	12,700.00	35.53%
54000	CAPITAL OUTLAYS	0.00	28,000.00	0.00	168,000.00	168,000.00	0.00%
Total EXP		374,526.55	516,913.00	712,362.01	6,804,931.00	6,092,568.99	10.47%
Report Difference		374,526.55	516,913.00	712,362.01	6,804,931.00	6,092,568.99	10.47%

KINGS RIVER CONSERVATION DISTRICT BUDGET TO ACTUAL COMPARISON

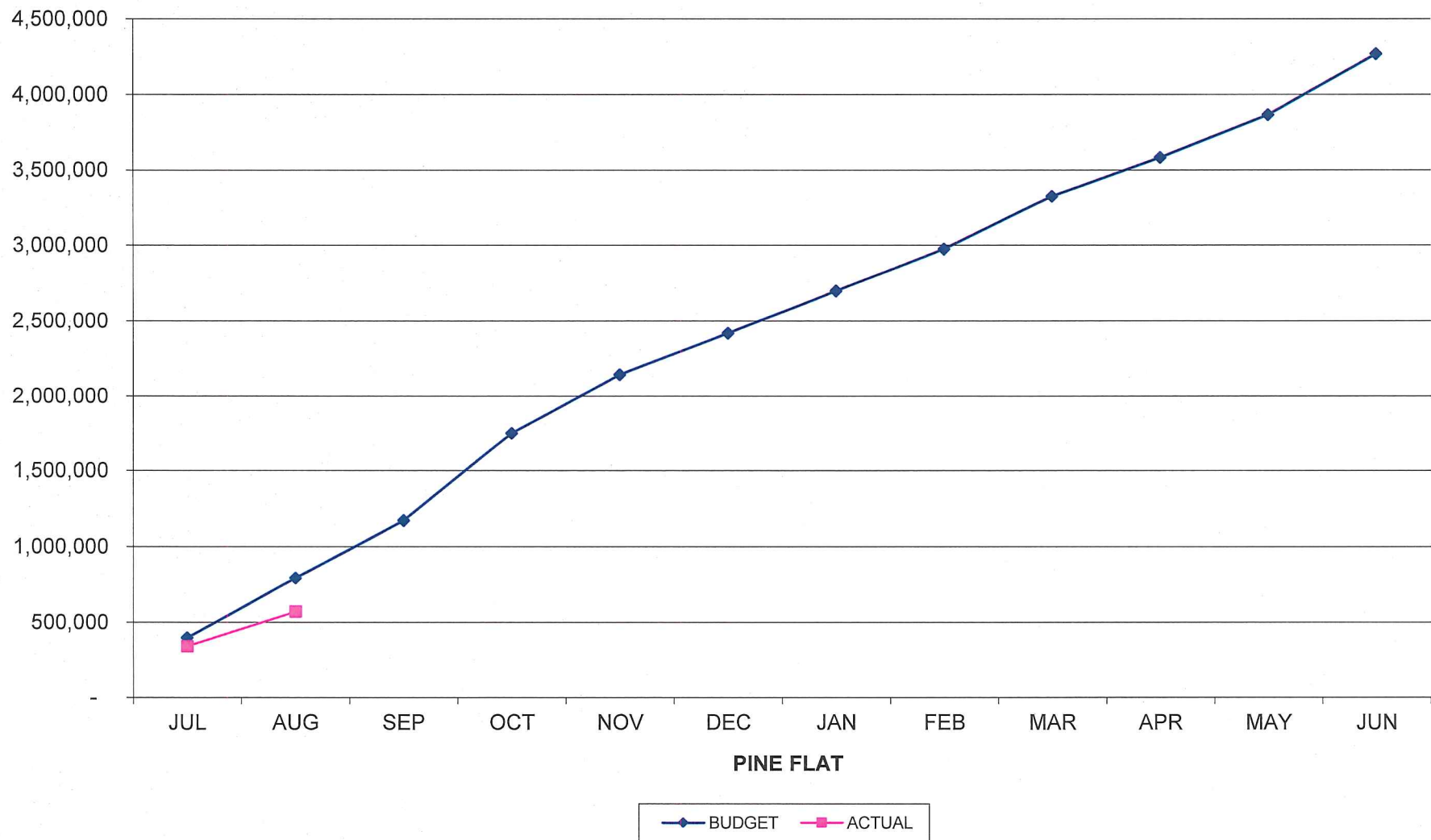


KINGS RIVER CONSERVATION DISTRICT
Summary Budget Comparison - RIVER MAINTENANCE FUND (201.17.04)

EXP
From 8/1/2020 Through 8/31/2020

Account Code	Account Title	Current Period Actual	Current Period Budget - Original	Total to Date Actual	2020-2021 Budget	Total Budget Variance YTD	Percent of Budget Used
51000	SALARIES & WAGES	31,988.66	38,863.00	71,921.77	505,216.00	433,294.23	14.23%
52050	SAFETY SUPPLIES	293.84	1,204.00	538.48	14,450.00	13,911.52	3.72%
52060	COMMUNICATIONS	47.18	225.00	204.48	2,700.00	2,495.52	7.57%
52090	HOUSEHOLD EXPENSE	0.00	287.00	0.00	2,895.00	2,895.00	0.00%
52100	INSURANCE & BONDS	2,915.00	0.00	2,915.00	15,700.00	12,785.00	18.56%
52120	MAINTENANCE - EQUIPMENT	1,487.56	5,921.00	2,567.30	70,950.00	68,382.70	3.61%
52130	MAINTENANCE - STRUCTURES	6,663.84	46,867.00	6,663.84	692,775.00	686,111.16	0.96%
52150	MEMBERSHIPS	60.00	0.00	60.00	900.00	840.00	6.66%
52160	MISCELLANEOUS	45.28	75.00	45.28	5,350.00	5,304.72	0.84%
52170	OFFICE EXPENSE	54.47	230.00	71.31	4,065.00	3,993.69	1.75%
52181	LEGAL SERVICES	0.00	500.00	0.00	6,000.00	6,000.00	0.00%
52183	ENGINEERING SERVICES	0.00	32,725.00	0.00	182,700.00	182,700.00	0.00%
52186	PROFESSIONAL & SPECIAL SERVICE	196.21	0.00	746.86	500.00	(246.86)	149.37%
52200	RENTS & LEASES - EQUIPMENT	208.49	3,000.00	208.49	36,000.00	35,791.51	0.57%
52220	SMALL TOOLS & INSTRUMENTS	96.47	650.00	96.47	10,500.00	10,403.53	0.91%
52230	DISTRICT SPECIAL EXPENSE	0.00	825.00	0.00	7,370.00	7,370.00	0.00%
52250	TRANSPORTATION & TRAVEL	3,949.94	5,800.00	7,496.19	71,600.00	64,103.81	10.46%
52260	UTILITIES	355.93	449.00	452.97	10,240.00	9,787.03	4.42%
54000	CAPITAL OUTLAYS	0.00	0.00	0.00	140,000.00	140,000.00	0.00%
	Total EXP	48,362.87	137,621.00	93,988.44	1,779,911.00	1,685,922.56	5.28%
Report Difference		48,362.87	137,621.00	93,988.44	1,779,911.00	1,685,922.56	5.28%

KINGS RIVER CONSERVATION DISTRICT BUDGET TO ACTUAL COMPARISON



KINGS RIVER CONSERVATION DISTRICT
Summary Budget Comparison - PINE FLAT O & M (201.17.04)

EXP
From 8/1/2020 Through 8/31/2020

Account Code	Account Title	Current Period Actual	Current Period Budget - Original	Total To Date Actual	2020-2021 Budget	Total budget Variance YTD	Percent of Budget Used
51000	SALARIES & WAGES	134,488.75	136,817.00	257,742.25	1,778,604.00	1,520,861.75	14.49%
52050	SAFETY SUPPLIES	31.80	1,200.00	123.67	14,400.00	14,276.33	0.85%
52060	COMMUNICATIONS	1,103.66	3,540.00	2,904.10	42,480.00	39,575.90	6.83%
52090	HOUSEHOLD EXPENSE	637.27	800.00	928.63	9,600.00	8,671.37	9.67%
52100	INSURANCE & BONDS	2,971.00	0.00	2,971.00	245,500.00	242,529.00	1.21%
52120	MAINTENANCE - EQUIPMENT	5,990.33	24,065.00	14,372.72	195,379.00	181,006.28	7.35%
52130	MAINTENANCE - STRUCTURES	305.05	3,150.00	306.92	37,800.00	37,493.08	0.81%
52150	MEMBERSHIPS	0.00	0.00	0.00	2,950.00	2,950.00	0.00%
52160	MISCELLANEOUS	0.00	150.00	0.00	83,100.00	83,100.00	0.00%
52170	OFFICE EXPENSE	437.46	5,545.00	468.05	38,240.00	37,771.95	1.22%
52181	LEGAL SERVICES	0.00	4,000.00	0.00	48,000.00	48,000.00	0.00%
52182	ACCOUNTING SERVICES	0.00	0.00	0.00	20,600.00	20,600.00	0.00%
52183	ENGINEERING SERVICES	6,045.99	18,000.00	6,045.99	216,000.00	209,954.01	2.79%
52184	WEATHER MODIFICATION	0.00	0.00	0.00	39,155.00	39,155.00	0.00%
52186	PROFESSIONAL & SPECIAL SERVICE	7,642.79	16,575.00	10,158.79	383,042.00	372,883.21	2.65%
52190	PUBLICATIONS & LEGAL NOTICES	0.00	200.00	0.00	2,400.00	2,400.00	0.00%
52200	RENTS & LEASES - EQUIPMENT	0.00	150.00	0.00	6,050.00	6,050.00	0.00%
52210	RENTS & LEASES - STRUCTURES	0.00	0.00	0.00	2,000.00	2,000.00	0.00%
52220	SMALL TOOLS & INSTRUMENTS	517.96	1,350.00	705.12	21,200.00	20,494.88	3.32%
52230	DISTRICT SPECIAL EXPENSE	0.00	2,000.00	0.00	29,000.00	29,000.00	0.00%
52250	TRANSPORTATION & TRAVEL	125.00	2,895.00	660.23	27,940.00	27,279.77	2.36%
52260	UTILITIES	1,100.00	9,300.00	2,341.25	242,350.00	240,008.75	0.96%
53280	PAYMENTS TO OTHER AGENCIES	0.00	0.00	0.00	1,200.00	1,200.00	0.00%
53300	FERC	69,483.00	128,826.00	271,003.00	743,856.00	472,853.00	36.43%
54000	CAPITAL OUTLAYS	0.00	36,000.00	(79.75)	36,000.00	36,079.75	(0.22)%
Total EXP		230,880.06	394,563.00	570,651.97	4,266,846.00	3,696,194.03	13.37%
Report Difference		230,880.06	394,563.00	570,651.97	4,266,846.00	3,696,194.03	13.37%

KINGS RIVER CONSERVATION DISTRICT
PINE FLAT POWER PLANT - POWER GENERATION FORECAST
FY2020 - 2021

		KRCD Power Gen Revenue Budget		KRCD Power Gen Revenue Actual/Estimated		Over / (Short)	
July	2020	\$	278,840	\$	344,613	\$ 65,773	actual
August	2020		202,020		90,442	(111,578)	actual
September	2020		37,240		22,965	(14,275)	estimate
October	2020		-		-	-	estimate
November	2020		-		-	-	estimate
December	2020		-		-	-	estimate
January	2021		-		-	-	estimate
February	2021		-		-	-	estimate
March	2021		-		-	-	estimate
April	2021		-		85,466	85,466	estimate
May	2021		133,535		167,140	33,605	estimate
June	2021		357,865		349,087	(8,778)	estimate
Total		\$	1,009,500	\$	1,059,714	\$ 50,214	

September, 2020 through March, 2021 estimated based on September 1, 2020 Power Generation Forecast 50% runoff, 100% thereafter.

KINGS RIVER CONSERVATION DISTRICT
Monthly General Fund Investment Report
 August, 2020

General Fund Operating and Investment Funds of the Kings River Conservation District are disposed as follows:

	Balance at End of Month	% of Portfolio	Maximum % of Portfolio	Interest Received this Month	Interest Rate	Interest Accrued this Month	Interest Accrued But Not Yet Received	Market Value
<u>General Fund Bank Accounts:</u>								
Chase Bank, N.A. Operating Accounts	\$ 757,211.45	3.3%	No Max	\$ -	0.00%	\$ -	\$ -	\$ 757,211.45
Subtotal General Fund Bank Accounts	\$ 757,211.45			\$ -		\$ -	\$ -	\$ 757,211.45
<u>General Fund Investment Pools :</u>								
Local Agency Investment Fund (LAIF)	\$ 3,214,662.01	13.9%	No Max	\$ -	0.86%	\$ 2,618.98	\$ 4,995.97	\$ 3,219,657.98
Fresno County Investment Pool	\$ 12,391,523.12	53.7%	No Max	\$ -	1.99%	\$ 20,911.80	\$ 83,199.83	\$ 12,474,722.95
Fresno County Investment Pool - Stabilization Fund	\$ 5,432,011.35	23.6%	No Max	\$ -	1.99%	\$ 9,167.00	\$ 43,103.06	\$ 5,475,114.41
CalTRUST Medium Term Fund	\$ 256,504.10	1.1%	No Max	\$ 253.00	1.18%			\$ 256,504.10
Subtotal General Fund Investment Pools:	\$ 21,294,700.58			\$ 253.00		\$ 32,697.78	\$ 131,298.86	\$ 21,425,999.44
Total KRCD Operating Funds:	\$ 22,051,912.03			\$ 253.00		\$ 32,697.78	\$ 131,298.86	\$ 22,183,210.89
<u>Warrants:</u>								
	\$ -	0.0%	No Max	\$ -	0.00%	\$ -	\$ -	\$ -
Subtotal Investments in Notes and Warrants:	\$ -			\$ -		\$ -	\$ -	\$ -
<u>General Fund Investment Accounts :</u>								
J.P. Morgan Securities								
Commercial Paper	\$ -	0.0%	25%	\$ -	0.00%	\$ -	\$ -	\$ -
Corporate Bonds	\$ 1,003,120.00	4.4%	30%	\$ -	2.63%	\$ 2,187.50	\$ 9,625.00	\$ 1,012,745.00
Subtotal Investment Funds:	\$ 1,003,120.00			\$ -		\$ 2,187.50	\$ 9,625.00	\$ 1,012,745.00
Total General Fund Cash & Investments	\$ 23,055,032.03			\$ 253.00		\$ 34,885.28	\$ 140,923.86	\$ 23,195,955.89

Weighted Average Earnings (based on month-end balance)

1.79%

The Fresno County Investment Pool interest rate is based on the last published rate, 1.987% at June 30, 2020.

Brian T. Granow

CFO

File Code: 201.24

Kings River Conservation District
Detail of J.P. Morgan Securities Account
July, 2020 - June, 2021 as of August 31, 2020

CUSIP	Description	Par Value	Cost	Maturity Date	Coupon Rate	Purchased Interest	Accrued Interest	Interest Received this Period	Interest Received Fiscal YTD	Change in Value	Account Value With Accrued Interest	Est. Annual Income	Yield to Maturity	S&P Rating
	Short-Term Commercial Paper													
		-	-			-	-	-	-	-	-			
	Sub-total	-	-			-	-	-	-	-	-	-		
	Medium-Term Notes													
94974BGM6	WELLS FARGO & CO			7/22/2020	2.60%	-	-	13,000.00	13,000.00	-	-	26,000.00	3.160%	A-
06051GFT1	BANK AMERICA FUNDING CORP	1,000,000.00	999,870.00	10/19/2020	2.63%	-	9,625.00	-	-	3,250.00	1,012,745.00	26,250.00	2.630%	A-
	Sub-total	1,000,000.00	999,870.00			-	9,625.00	13,000.00	13,000.00	3,250.00	1,012,745.00	52,250.00	2.630%	
	Total	1,000,000.00	999,870.00			-	9,625.00	13,000.00	13,000.00	3,250.00	1,012,745.00	52,250.00	2.630%	

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KINGS RIVER CONSERVATION DISTRICT
Schedule of Disbursements and Current Accounts Payable
Presented September 8, 2020
(For Expenditures in the Month Ending August 31, 2020)

Employee Payroll	08/05/20	97,367.33	
Employee Payroll	08/07/20	40,845.53	
Director's Payroll	08/11/20	2,706.40	
Employee Payroll	08/19/20	98,983.03	
			239,902.29
Accounts Payable (KRCD)		2,299,168.16	2,299,168.16
	Sub-Total		2,539,070.45
Ready-Tax Electronic Funds Transfers:			
Employee Tax Deposits	08/12/20		72,706.64
Director's Tax Deposits	08/14/20		1,137.25
Employee Tax Deposits	08/26/20		45,085.55
	TOTAL		<u>2,657,999.89</u>

KINGS RIVER CONSERVATION DISTRICT
Check/Voucher Register - PAYROLL CHECK REGISTER
From 8/5/2020 Through 8/5/2020

Check Number	Check Date Payee	Check Amount
V24131	8/5/2020 MANAGER, POWER PLANT O&M	3,392.53
V24132	8/5/2020 SR. ACCOUNTANT	2,199.20
V24133	8/5/2020 PROGRAM & REGULATORY ANALYST	2,472.11
V24134	8/5/2020 SENIOR MECHANIC	2,544.93
V24135	8/5/2020 MANAGER, FLOOD OPERATIONS & MAINTENANCE	2,894.59
V24136	8/5/2020 SR OPERATOR	3,347.63
V24137	8/5/2020 ELECTRICIAN	2,418.58
V24138	8/5/2020 MGR, WATER RESOURCES	2,460.43
V24140	8/5/2020 SENIOR ELECTRICIAN	2,192.68
V24141	8/5/2020 FLOOD MAINTENANCE WORKER I	1,297.46
V24142	8/5/2020 DIRECTOR OF WATER RESOURCES	2,783.97
V24143	8/5/2020 SUPERVISOR, FLOOD OPERATIONS & MAINTENANCE	2,082.47
V24144	8/5/2020 FLOOD MAINTENANCE WORKER II	362.01
V24145	8/5/2020 ELECTRO-MECH. TESTING TECH.	2,818.15
V24146	8/5/2020 ELECTRO-MECH. TESTING TECH.	2,673.96
V24147	8/5/2020 BUYER	1,988.29
V24148	8/5/2020 FLOOD MAINTENANCE WORKER I	1,071.49
V24149	8/5/2020 MANAGER OF ENVIRONMENTAL PROGRAMS	2,136.27
V24150	8/5/2020 ASSOCIATE RESOURCE ANALYST	1,966.06
V24151	8/5/2020 SENIOR MECHANIC	2,327.64
V24152	8/5/2020 SENIOR OPERATOR	3,248.23
V24153	8/5/2020 FLOOD MAINTENANCE WORKER I	926.98
V24154	8/5/2020 SENIOR OPERATOR	3,496.90
V24155	8/5/2020 MAINTENANCE JOURNYWORKER	1,827.08
V24156	8/5/2020 EXECUTIVE ASSISTANT	2,057.72
V24157	8/5/2020 DEPUTY GENERAL MANAGER, COO	4,575.96
V24158	8/5/2020 SENIOR OPERATOR	3,325.75
V24159	8/5/2020 SR. ACCOUNTING ASSISTANT	1,432.07
V24160	8/5/2020 FLOOD MAINTENANCE WORKER I	1,190.18
V24161	8/5/2020 GENERAL MANAGER	4,266.56
V24162	8/5/2020 PUBLIC AFFAIRS ASSOCIATE	1,872.12
V24163	8/5/2020 SR. ADMINISTRATIVE ASSISTANT	1,299.99
V24164	8/5/2020 CUSTOMER SERVICE REPRESENTATIVE	1,190.61
V24165	8/5/2020 SR. ADMINISTRATIVE ASSISTANT	1,219.96
V24166	8/5/2020 RESOURCE ANALYST I	2,140.35
V24167	8/5/2020 STUDENT INTERN	412.53
V24168	8/5/2020 ASSOCIATE RESOURCE ANALYST	2,426.65
V24169	8/5/2020 DEPUTY GENERAL MANAGER, CFO	3,657.78
V24170	8/5/2020 MANAGER, COMMUNITY/PUBLIC RELATIONS	3,184.45
V24171	8/5/2020 RESOURCE ANALYST I	1,674.25
V24172	8/5/2020 RESOURCE ANALYST I	1,605.27
V24173	8/5/2020 MANAGER, HUMAN RESOURCES	2,131.30
V24174	8/5/2020 SENIOR OPERATOR	<u>2,774.19</u>
Report Total		<u>97,367.33</u>

KINGS RIVER CONSERVATION DISTRICT
Check/Voucher Register - PAYROLL CHECK REGISTER
From 8/7/2020 Through 8/7/2020

Check Number	Check Date	Payee	Check Amount
44167	8/7/2020	VOID	0.00
44168	8/7/2020	VOID	0.00
44170	8/7/2020	SENIOR OPERATOR	1,710.86
44171	8/7/2020	SENIOR OPERATOR	<u>39,134.67</u>
Report Total			<u>40,845.53</u>

KINGS RIVER CONSERVATION DISTRICT
Check/Voucher Register - PAYROLL CHECK REGISTER
From 8/11/2020 Through 8/11/2020

<u>Check Number</u>	<u>Check Date</u>	<u>Payee</u>	<u>Check Amount</u>
44169	8/11/2020	DAVID P. STANFIELD	489.35
V24175	8/11/2020	GREGORY H. BEBERIAN	461.75
V24177	8/11/2020	CEIL W. HOWE JR	461.75
V24178	8/11/2020	CHRIS M. KAPHEIM	321.75
V24179	8/11/2020	MARK C. MCKEAN	498.55
V24180	8/11/2020	MASARU YOSHIMOTO	<u>473.25</u>
Report Total			<u><u>2,706.40</u></u>

KINGS RIVER CONSERVATION DISTRICT
Check/Voucher Register - PAYROLL CHECK REGISTER
From 8/19/2020 Through 8/19/2020

Check Number	Check Date Payee	Check Amount
V24181	8/19/2020 MANAGER, POWER PLANT O&M	3,393.75
V24182	8/19/2020 SR. ACCOUNTANT	2,199.21
V24183	8/19/2020 PROGRAM & REGULATORY ANALYST	2,537.11
V24184	8/19/2020 SENIOR MECHANIC	2,544.92
V24185	8/19/2020 MANAGER, FLOOD OPERATIONS & MAINTENANCE	2,894.58
V24186	8/19/2020 CONTROLLER	1,864.66
V24187	8/19/2020 SR OPERATOR	2,987.31
V24188	8/19/2020 ELECTRICIAN	2,418.58
V24189	8/19/2020 MGR, WATER RESOURCES	2,486.70
V24191	8/19/2020 SENIOR ELECTRICIAN	2,192.66
V24192	8/19/2020 FLOOD MAINTENANCE WORKER I	1,222.71
V24193	8/19/2020 DIRECTOR OF WATER RESOURCES	2,783.97
V24194	8/19/2020 SUPERVISOR, FLOOD OPERATIONS & MAINTENANCE	2,082.48
V24195	8/19/2020 ELECTRO-MECH. TESTING TECH.	2,818.16
V24196	8/19/2020 ELECTRO-MECH. TESTING TECH.	2,673.96
V24197	8/19/2020 BUYER	1,988.28
V24198	8/19/2020 FLOOD MAINENANCE WORKER I	1,071.50
V24199	8/19/2020 MANAGER OF ENVIROMENTAL PROGRAMS	2,136.29
V24200	8/19/2020 SENIOR MECHANIC	2,327.64
V24201	8/19/2020 ASSOCIATE RESOURCE ANALYST	2,031.06
V24202	8/19/2020 SENIOR OPERATOR	3,362.86
V24203	8/19/2020 FLOOD MAINTENANCE WORKER I	926.97
V24204	8/19/2020 MAINTENANCE JOURNYWORKER	1,827.08
V24205	8/19/2020 EXECUTIVE ASSISTANT	2,057.72
V24206	8/19/2020 DEPUTY GENERAL MANAGER,COO	4,590.27
V24207	8/19/2020 SENIOR OPERATOR	3,115.53
V24208	8/19/2020 SR. ACCOUNTING ASSISTANT	1,432.04
V24209	8/19/2020 FLOOD MAINENANCE WORKER I	1,190.18
V24210	8/19/2020 GENERAL MANAGER	4,304.92
V24211	8/19/2020 PUBLIC AFFAIRS ASSOCIATE	1,792.11
V24212	8/19/2020 SR. ADMINISTRATIVE ASSISTANT	1,318.33
V24213	8/19/2020 CUSTOMER SERVICE REPRESENTATIVE	1,190.61
V24214	8/19/2020 SENIOR OPERATOR	2,944.15
V24215	8/19/2020 SR. ADMINISTRATIVE ASSISTANT	1,200.53
V24216	8/19/2020 RESOURCE ANALYST I	2,140.34
V24217	8/19/2020 STUDENT INTERN	436.47
V24218	8/19/2020 ASSOCIATE RESOURCE ANALYST	2,476.52
V24219	8/19/2020 DEPUTY GENERAL MANAGER,CFO	3,657.79
V24220	8/19/2020 MANAGER, COMMUNITY/PUBLIC RELATIONS	3,184.45
V24221	8/19/2020 RESOURCE ANALYST I	1,739.25
V24222	8/19/2020 RESOURCE ANALYST I	1,605.26
V24223	8/19/2020 MANAGER, HUMAN RESOURCES	2,131.31
V24224	8/19/2020 SENIOR OPERATOR	<u>3,702.81</u>
Report Total		<u>98,983.03</u>

KRCD

Check Register

103418	8/5/2020	STATIONARY ENGINEERS, LOCAL 39	UNION DUES	\$	476.27
103419	8/5/2020	UNITED WAY OF FRESNO COUNTY	CONTRIBUTIONS	\$	10.00
103420	8/7/2020	E & B BULK TRANSPORTATION, INC	BASE ROCK	\$	27,257.69
103421	8/7/2020	EMPLOYEE RELATIONS, INC.	BACKGROUND CHECK	\$	427.11
103422	8/7/2020	GEI CONSULTANTS, INC.	PROFESSIONAL SERVICES	\$	10,432.90
103423	8/7/2020	INIGUEZ TIRE & WHEEL	SERVICE CALL/TIRE REPAIR	\$	20.00
103424	8/7/2020	INTEGRITY NETWORKS, LLC	WIRELESS INTERNET	\$	347.97
103425	8/7/2020	LEGAL SHIELD	PR DEDUCTIONS FOR JUL	\$	502.50
103426	8/7/2020	PC SOLUTIONS	LAPTOP/DESKTOP SETUP	\$	6,971.47
103427	8/7/2020	PACIFIC GAS & ELECTRIC DTL	RIVERDALE YARD	\$	190.77
103428	8/7/2020	SPARKLETTS	BOTTLED WATER	\$	180.60
103429	8/7/2020	THE GAS COMPANY	GAS CHARGES	\$	22.57
103430	8/7/2020	STATIONARY ENGINEERS LOCAL 39	PENSION CONTRIB. AUG-20	\$	1,260.80
103431	8/7/2020	TELCO ENTERPRISES	IP TRUNKING COST	\$	232.44
103432	8/7/2020	UNITED PARCEL SERVICE	SHIPPING CHARGES	\$	140.22
103433	8/7/2020	VAN NESS FELDMAN LLP	PROFESSIONAL SERVICES	\$	4,255.00
103434	8/19/2020	ACWA JOINT POWERS	HEALTH, DENTAL, VISION & EAP	\$	82,793.49
103435	8/19/2020	ACWA JOINT POWERS INSURANCE	2020-2021 PROPERTY DEPOSIT	\$	8,100.74
103436	8/19/2020	AT&T	T1 LINE	\$	82.35
103437	8/19/2020	BLUE MARBLE GEOGRAPHICS	GLOBAL MAPPER MAINT/SUPPORT	\$	440.00
103438	8/19/2020	CN UTILITY CONSULTING, INC.	PROFESSIONAL SERVICES	\$	3,000.00
103439	8/19/2020	COFFEE BREAK SERVICE INC	COFFEE	\$	85.50
103440	8/19/2020	DEPARTMENT OF AGRICULTURE/	RESEARCH ASSESSMENT/BAIT	\$	537.33
103441	8/19/2020	DIAMOND MOWERS, LLC	MISC. MATERIAL	\$	684.74
103442	8/19/2020	THE FERGUSON GROUP LLC	PROFESSIONAL SERVICES	\$	1,750.00
103443	8/19/2020	FRESNO EQUIPMENT COMPANY	MISC. MATERIAL	\$	212.01
103444	8/19/2020	FRESNO OXYGEN	TANK RENTAL	\$	88.70
103445	8/19/2020	GRAINGER	MISC. MATERIAL	\$	740.66
103446	8/19/2020	THE GUALCO GROUP, INC	PROFESSIONAL SERVICES	\$	5,090.45
103447	8/19/2020	HACH COMPANY	MISC. MATERIAL	\$	187.48
103448	8/19/2020	HDR ENGINEERING, INC.	RELICENSING SUPPORT	\$	6,045.99
103449	8/19/2020	THE HOME DEPOT PRO	MISC. MATERIAL	\$	46.27
103450	8/19/2020	INIGUEZ TIRE & WHEEL	SERVICE CALL/TIRE REPAIR	\$	125.37
103451	8/19/2020	INSTAMATION SYSTEMS, INC.	SOFTWARE SUPPORT	\$	1,390.00
103452	8/19/2020	JORGENSEN COMPANY	MISC. MATERIAL	\$	31.80
103453	8/19/2020	KLEIN, DENATALE, GOLDNER,	PROFESSIONAL SERVICES	\$	1,492.00
103454	8/19/2020	MCMASTER-CARR	MISC. MATERIAL	\$	41.63
103455	8/19/2020	MIRAMONTE SANITATION	GARBAGE DISPOSAL	\$	207.40
103456	8/19/2020	McCOY POWER CONSULTANTS, INC.	NERC-WECC CMRP	\$	4,200.00
103457	8/19/2020	OFFICE DEPOT	OFFICE SUPPLIES	\$	537.96
103458	8/19/2020	OVERHEAD DOOR CO. OF FRESNO	REPAIR/LABOR ROLL UP DOOR	\$	256.99
103459	8/19/2020	PACIFIC STORAGE COMPANY	MONTHLY STORAGE	\$	147.25
103460	8/19/2020	PC SOLUTIONS	CYBER POWER UPS LABOR	\$	253.20
103461	8/19/2020	PACIFIC GAS & ELECTRIC KTL	WEIR GATES	\$	31.89
103462	8/19/2020	PRICE, PAIGE & COMPANY	PROFESSIONAL SERVICES	\$	5,230.00
103463	8/19/2020	PRUDENTIAL OVERALL SUPPLY	WORK UNIFORMS	\$	146.92
103464	8/19/2020	QUINN COMPANY	MISC. MATERIAL	\$	237.79
103465	8/19/2020	RAY MORGAN COMPANY	MAINTENANCE AGREEMENT	\$	153.21
103466	8/19/2020	RENT-A-TOILET	SINGLE TRAILER TOILET RENTAL	\$	200.00
103467	8/19/2020	RIVERDALE PUBLIC UTILITY	RIVERDALE SHOP	\$	110.70
103468	8/19/2020	SEQUOIA PUMPING	SEWAGE DISPOSAL	\$	1,100.00
103469	8/19/2020	SPARKLETTS	BOTTLED WATER	\$	28.76

KRCD**Check Register****August 1-31, 2020**

103470	8/19/2020	SONITROL	QUARTERLY MONITORING	\$	372.00
103471	8/19/2020	STANTEC CONSULTING SERVICES	KRCD STORAGE APPRAISAL STUDY	\$	17,192.00
103472	8/19/2020	U.S BANK CORPORATE	MEETING EXPENSES	\$	3,843.92
103473	8/19/2020	VALERO FLEET	VEHICLE FUEL	\$	234.49
103474	8/19/2020	WATER EDUCATION FOUNDATION	2020 CONTRIBUTIONS/MEMBERSHIP	\$	2,500.00
103475	8/21/2020	STATIONARY ENGINEERS, LOCAL 39	UNION DUES	\$	439.83
103476	8/21/2020	UNITED WAY OF FRESNO COUNTY	CONTRIBUTIONS	\$	10.00
103477	8/28/2020	AFLAC	08/05/20-08/19/20	\$	2,961.96
103478	8/28/2020	AT&T	PHONE SERVICE	\$	1,126.44
103479	8/28/2020	AT&T	LONG DISTANCE CALLS	\$	220.90
103480	8/28/2020	AT & T	CONFERENCE CALLS	\$	116.91
103481	8/28/2020	AT&T	PHONE SERVICE	\$	843.45
103482	8/28/2020	AT&T	PHONE SERVICE	\$	96.58
103483	8/28/2020	AT&T	PHONE SERVICE	\$	47.18
103484	8/28/2020	FRONTIER COMMUNICATIONS	T1 LINE	\$	645.69
103485	8/28/2020	GREAT AMERICA FINANCIAL SVCS	MAIL MACHINE LEASE	\$	134.96
103486	8/28/2020	THE HOME DEPOT PRO	MISC MATERIAL	\$	196.21
103487	8/28/2020	KINGS RIVER WATER ASSOCIATION	2ND QTR POWER BENEFIT	\$	480,526.34
103488	8/28/2020	LEASE CORPORATION OF AMERICA	COPIER LEASE	\$	523.50
103489	8/28/2020	LEGAL SHIELD	PR DEDUCTIONS FOR AUG	\$	502.50
103490	8/28/2020	LEIGHTON STONE CORP.	MISC MATERIAL	\$	3,354.46
103491	8/28/2020	PARCEL QUEST	PARCEL QUEST RENEWAL	\$	3,000.00
103492	8/28/2020	PROFESSIONAL EXCHANGE	ANSWERING SERVICE	\$	45.00
103493	8/28/2020	PRUDENTIAL OVERALL SUPPLY	SHOP TOWELS/COVERALLS	\$	217.71
103494	8/28/2020	SAFETY-KLEEN SYSTEMS, INC.	OIL WASTE PICK UP	\$	438.78
103495	8/28/2020	SUTTON HAGUE LAW CORP	PROFESSIONAL SERVICES	\$	373.50
103496	8/28/2020	TARGET SPECIALTY PRODUCTS INC	ROUNDUP/PROSPREADER	\$	6,126.51
103497	8/28/2020	UNITED PARCEL SERVICE	SHIPPING CHARGES	\$	8.77
103498	8/28/2020	VIRGIL'S BUSY BEE	CARPET CLEANING	\$	750.00
ACH080520	8/5/2020	VOYA RETIREMENT INSURANCE &	EE CONTRIBUTIONS	\$	3,858.12
ACHA080520	8/5/2020	ADMINISTRATIVE SOLUTIONS	EE CONTRIBUTIONS	\$	1,380.27
ACHH080520	8/5/2020	HEALTH EQUITY EMPLOYER SERVICE	HSA CONTRIB/DEDUCTIONS	\$	375.00
ACHI080520	8/5/2020	ICMA RETIREMENT TRUST - 457	457 CONTRIBUTIONS	\$	18,653.10
ACH081920	8/19/2020	VOYA RETIREMENT INSURANCE &	EE CONTRIBUTIONS	\$	3,858.12
ACHA081920	8/19/2020	ADMINISTRATIVE SOLUTIONS	EE CONTRIBUTIONS	\$	1,380.27
ACHH081920	8/19/2020	HEALTH EQUITY EMPLOYER SERVICE	ADMIN FEE	\$	380.90
ACHI081920	8/19/2020	ICMA RETIREMENT TRUST - 457	457 CONTRIBUTIONS	\$	18,043.82
WT-411	8/14/2020	FEDERAL ENERGY	ANNUAL FERC CHARGES	\$	1,541,902.14
WT-412	8/28/2020	SHELL OIL COMPANY	VEHICLE FUEL	\$	3,949.94

TOTAL **\$ 2,299,168.16**

REQUISITION TO BANK OF NEW YORK FOR
PINE FLAT POWER PLANT
OPERATIONS AND MAINTENANCE FUND

<u>REQUISITION NO.</u>	<u>O & M MONTH</u>		
472	8/3/2020	KINGS RIVER CONSERVATION DISTRICT	1,860,790.90

Grant: Proposition 50 – Sustainable Groundwater Management Watershed Coordinator Program Grant

Agency: CA Department of Conservation

Amount Available: \$1.5M statewide, each proposal may only request a max of \$300,000 (I expect KRCD would be requesting the max allowed).

Goals/Objectives of Grant Program: To improve watershed areas and related groundwater improvement sustainability by supporting local watershed and groundwater improvement efforts. The Program will fund watershed coordinator positions to facilitate watershed and groundwater improvement efforts in areas of the State most immediately impacted by the implementation of SGMA.

KRCD Proposal:

Background	<p>The Kings and Tulare Lake Subbasins are high priority basin as defined by DWR’s Bulletin 118 and includes parts of Fresno, Kings, and Tulare Counties. Hundreds of thousands of people in the Valley rely on groundwater as their primary source of drinking water, the decisions that are made to reduce over pumping of groundwater as a result of SGMA would impact them greatly.</p> <p>The Central Valley Regional Water Quality Control Board adopted amendments to the Basin Plans to establish a Salt and Nitrate Control Program in the Central Valley. The Nitrate Control Program established two pathways for compliance. One pathway (Pathway B) authorizes the establishment of Management Zones that would consist of multiple permittees and local stakeholders working collaboratively to ensure safe drinking water and manage nitrate to create a balance within a defined management area and ultimately develop and implement a long-term plan for restoration of groundwater (where reasonable, feasible, and practicable) to meet applicable water quality objectives.</p> <p>Lessons learned from the Management Zone Pilot Study that was conducted in 2018-2020 for the Alta Irrigation District/Kings River East Groundwater Sustainability Agency study area will be applied to the formation of the new Management Zone.</p>
Scope of Work	<p>SGMA requires governments and water agencies of high and medium priority basins to halt groundwater overdraft and bring groundwater basins into balanced levels of pumping and recharge without causing significant and unreasonable undesirable results to the six sustainability indicators. KRCD’s proposal would address the SGMA sustainability indicator of “significant and unreasonable degraded water quality” by formation of one Management Zone encompassing the Kings and Tulare Lake Subbasins (Coalition boundaries). The Management Zone would address water quality by utilizing regional cooperation amongst diverse stakeholders to identify and implement projects and strategies that would provide a safe source of drinking water to vulnerable communities.</p> <ul style="list-style-type: none"> • Task 1: Grant Administration – Administration and management of grant agreement and subcontractors.

	<ul style="list-style-type: none"> Task 2: Watershed Coordinator – Obtaining an individual(s) to assist with facilitation and coordination of Management Zone formation. Work involves facilitating stakeholder meetings and performing outreach and education to affected groups and communities. The Watershed Coordinator would guide group discussions related to development of the Preliminary Management Zone Proposal and Early Action Plan (LSCE would be writing the PMZP and EAP).
Need for Partnership	<p>Partnerships make for a strong application. KRCD request letters of partnership indicating the partner’s commitment to participate in the regional effort by committing one or two staff to participate and engage in the effort.</p> <p>Note the difference between a partnership and cooperator letter:</p> <ul style="list-style-type: none"> Stakeholders that would be directly participating in MZ formation and ultimately would have to ensure long-term implementation of MZ would provide letters of partnership (dairies, wineries, coalition, etc.). Stakeholders that would cooperate with KRCD by engaging where needed or every so often would provide letters of cooperation (i.e. irrigation districts, GSAs, environmental groups).

BEFORE THE BOARD OF DIRECTORS
OF THE KINGS RIVER CONSERVATION DISTRICT
FRESNO, CALIFORNIA

AGENDA ITEM 8

RESOLUTION NO 20-05

**AUTHORIZATION TO FILE AN APPLICATION FOR A GRANT UNDER THE PROPOSITION 50 2020
SUSTAINABLE GROUNDWATER MANAGEMENT WATERSHED COORDINATOR GRANT
PROGRAM AND TO ENTER INTO AN AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF
CONSERVATION**

WHEREAS, the Kings River Conservation District (District) has a responsibility to participate in projects that will benefit flood control, hydroelectric power generation, improved water management and efficiency, environmental oversight and groundwater management; and

WHEREAS, the Kings and Tulare Lake Subbasins are designated high priority basins as defined by the California Department of Water Resources' Bulletin 118; and

WHEREAS, the Central Valley Regional Water Quality Control Board adopted amendments to the Basin Plans to establish a Salt and Nitrate Control Program in the Central Valley that authorizes two pathways for compliance. One pathway (Pathway B) authorizes the establishment of Management Zones to ensure safe drinking water, manage nitrate, and develop and implement a long-term plan for restoration of groundwater; and

WHEREAS, the District desires to make an application for funding under the Proposition 50 2020 Sustainable Groundwater Management Watershed Coordinator Grant Program for a Watershed Coordinator that would provide coordination and facilitation services for the formation of one Management Zone encompassing primarily the Kings and Tulare Lake Subbasins and portions of the Kaweah, Madera, Delta-Mendota, Westside, Kern County, Tule, and Pleasant Valley Basins/Subbasins;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of the Kings River Conservation District that application be made to the California Department of Conservation to obtain a Sustainable Groundwater Management Watershed Coordinator Grant pursuant to all the terms and conditions of the Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002, and amendments thereto; and

BE IT FURTHER RESOLVED THAT, the General Manager, or his designee, is hereby authorized and directed to prepare the necessary data, conduct investigations, sign and execute tasks related to the application, grant agreement and reimbursement requests, and enter into a grant agreement accepting the template terms and conditions with the California Department of Conservation, committing the District to all assurances and certifications therein.

THE FOREGOING RESOLUTION was passed and adopted by the Board of Directors at the Regular Meeting of the Board of Directors of the Kings River Conservation District on this 8th day of September 2020, by the following vote:

AYES:

NOES:

ABSENT:

President

ATTEST:

Secretary

I, Paul G. Peschel, Secretary of Kings River Conservation District, hereby certify that the foregoing is a full, true and correct copy of a Resolution duly adopted at a Regular Meeting of the Board of Directors of said District duly and regularly held at the regular meeting place thereof on the 8th day of September 2020, of which meeting all of the members of said Board of Directors had due notice and at which a majority thereof were present.

WITNESS my hand and the seal of Kings River Conservation District this 8th day of September 2020.

Secretary

(Seal)