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October 7, 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, October 13, 2020, via ZOOM Web/Teleconference. The web link and call-in information are on the Agenda.**

**The Regular Monthly Meeting will begin at 1:30 p.m.**

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

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](mailto: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: October 13, 2020 – Tuesday

Time: 1:30 P.M.

Location: Web or Teleconference via **ZOOM**

**ZOOM Link:** <https://us02web.zoom.us/j/81754056252?pwd=bjRCR0JvNkkvSVdkR1dXaURJekIvUT09>

**ZOOM Call-In:** +1 669 900 6833 ; Meeting ID: 817 5405 6252 ; Password: 604267

**ZOOM One-Tap Mobile:** +16699006833,,81754056252#,,,,,0#,,604267#

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 September 8, 2020 Regular Board Meeting

### REPORTS

4. Water Conditions (KRW 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 either of interest to the District or 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 September 30, 2020. In addition, the monthly investment report for September 2020 will be presented.

b. Review of Monthly Disbursements (Mark McKean)

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. ISOTOPE STUDY RE: NITRATES (Debra Dunn)

The Board may ask questions of staff and discuss the recently completed isotope study of nitrates in the Kings subbasin, and may take action regarding recommending future plans for further isotope studies.

9. CONSIDERATION OF ADOPTION OF POLICIES (Cristel Tufenkjian)

The Board will be asked to consider adoption of two policies recommended by the Labor and Personnel Committee:

a. Media Relations Policy

This policy would apply to both KRCD employees and Board members, and relates to the handling of media inquiries.

b. External Communications Policy

This policy would apply to both KRCD employees and Board members, and relates to both authorized and non-authorized participation in events or speaking engagements.

10. RATIFICATION OF AGREEMENT WITH GREATER KAWEAH GROUNDWATER SUSTAINABILITY AGENCY (Cristel Tufenkjian)

The Board will be asked to ratify the agreement for consulting services made with Greater Kaweah Groundwater Sustainability Agency.

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

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

b. Government Code Section 54956.9 (d)(4) To confer with its Legal Counsel regarding the initiation of one matter of potential litigation.

12. 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.

**Minutes**

KINGS RIVER CONSERVATION DISTRICT  
Board of Directors Meeting

**Date:** September 08, 2020 – Tuesday  
**Time:** 1:35 p.m.  
**Location:** 4886 E. Jensen Avenue, Fresno

President Stanfield called the meeting to order at 1:35 p.m.

**DIRECTORS PRESENT**

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

**DIRECTORS ABSENT**

None

**OTHERS PRESENT**

<u>KRCD Staff</u>	<u>Consultants &amp; Others</u>
Paul Peschel	Steve Haugen (via Zoom)
David Merritt	
Brian Trevarrow	
Binu Brar (via Zoom)	
Debra Dunn (via Zoom)	
Cristel Tufenkjian (via Zoom)	
Stacy Wright (via Zoom)	
Corey McLaughlin	

**ROUTINE OPENING BUSINESS**

1. Additions to or Deletions from the Agenda

None.

2. Public Presentations or Comments

None.

3. Approval of Minutes of the August 11, 2020 Regular Board Meeting

It was moved by Director Cehrs, seconded by Director Yoshimoto, and unanimously carried, that the minutes of the August 11, 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 historical weather patterns and associated flooding events in California, along with changes in evapotranspiration rates as they relate to potential water resource impacts.

**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, had nothing to add to her written report.
- c. Debra Dunn, Manager of Water Resources, reported the following:
  - i. Developments with CV-SALTS and the Management Zones.
    1. Director Cehrs volunteered to serve on the interim Management Zone Technical Committee.
  - ii. Kaweah Basin's request to KRCB for non-profit Management Zone Executive Director services
  - iii. Various Kings River Water Quality Coalition membership activities and submittal processes.
  - iv. Addressed questions from Board Members on several items.
- d. David Merritt, Deputy General Manager, reported the following:
  - i. Summary of performance and activities at Pine Flat power plant prior to shut-down for the season and the FERC License Amendment progress; also updates on how the Creek Fire is affecting the power plant.
  - ii. Flood Project maintenance activities and System Wide Improvement Framework (SWIF) progress.
  - iii. Unit 4 RFI response period extended to September 11 to accommodate vendor requests.
- e. Brian Trevarrow, CFO, had nothing further to report.

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

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

**b. Review of Monthly Disbursements (Mark McKean)**

It was moved by Director McKean, seconded by Director Cehrs, and unanimously carried, that bills in the amount of \$2,657,999.89, 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. ADOPTION OF RESOLUTION 20-05 AUTHORIZING APPLICATION FOR GRANT UNDER PROPOSITION 50 SUSTAINABLE GROUNDWATER MANAGEMENT WATERSHED COORDINATOR PROGRAM (Paul Peschel)

It was moved by Director Cehrs, seconded by Director Howe, and unanimously carried to adopt Resolution 20-05, authorizing application for grant funds under the Proposition 50 Sustainable Groundwater Management Watershed Coordinator Program.

Roll Call Vote:

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

9. CLOSED SESSION

No closed session was held.

10. RECONVENE FROM CLOSED SESSION/REPORT CLOSED SESSION ACTIONS

No closed session was held.

ADJOURNMENT

There being no further business, President Stanfield adjourned the meeting at 2:52 p.m.

\_\_\_\_\_  
 Paul G. Peschel  
 Board Secretary

\_\_\_\_\_  
 Board President

Approved on \_\_\_\_\_, 2020

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**KINGS RIVER WATER ASSOCIATION**

4888 EAST JENSEN AVE.

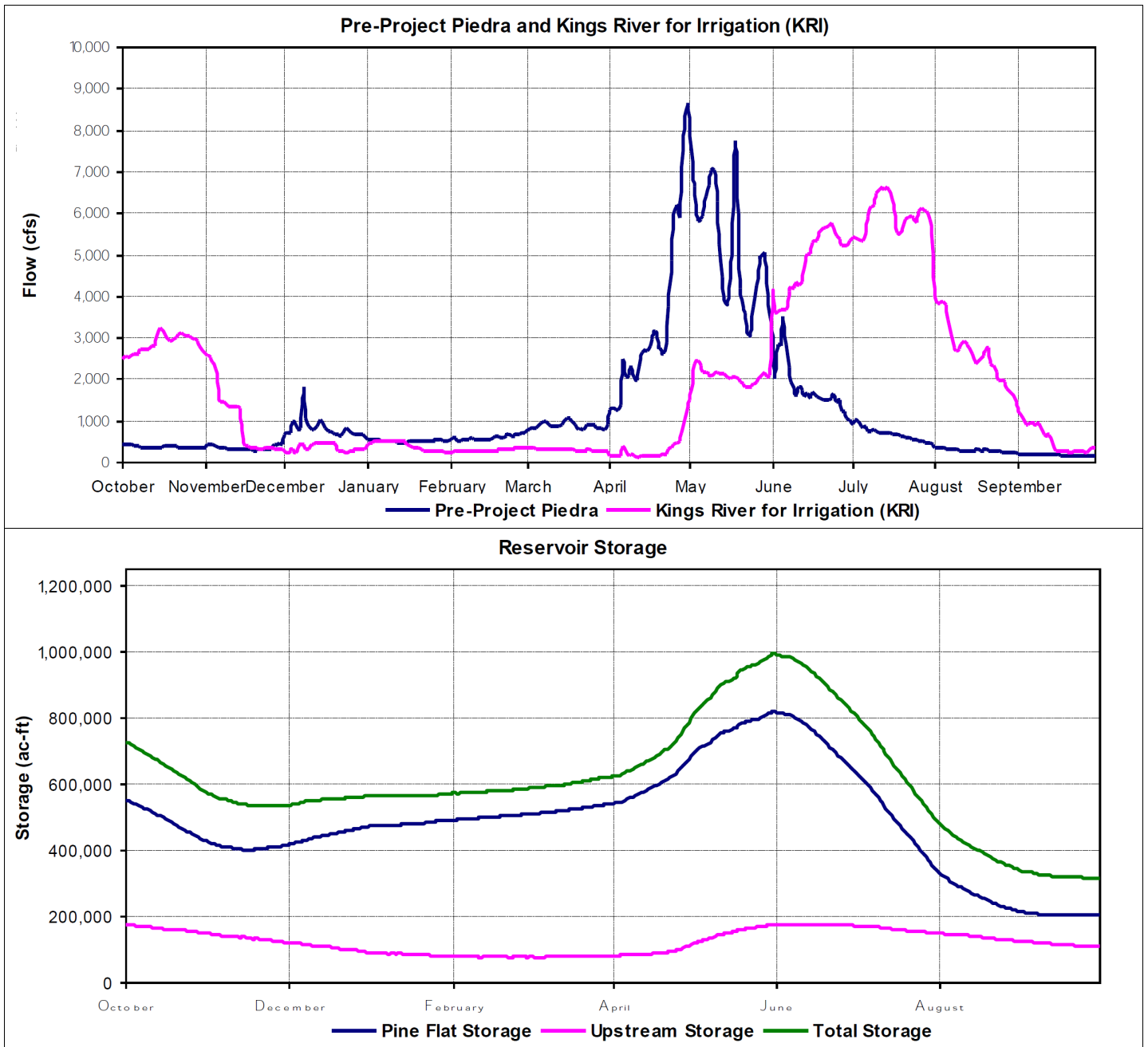
FRESNO, CALIFORNIA

**PRELIMINARY WATER CONDITIONS**

<b>Storage</b>	<i>Sunday, October 11, 2020</i>	<i>Midnight</i>	
Pine Flat	24 Hr. Storage Change -230	205,988	A.F.
Upstream	24 Hr. Storage Change -262	104,019	A.F.
Subtotal		310,007	A.F.
Less P.G. & E.		-60,000	A.F.
Net K.R.W.A.		250,007	A.F.
<b>Vacant Space</b>			
<i>Sunday, October 11, 2020</i>			
Pine Flat		794,012	A.F.
Upstream		149,981	A.F.
Total		943,993	A.F.
<b>Inflow</b>			
<i>Sunday, October 11, 2020</i>			
Calculated Natural Flow at Piedra		154	C.F.S.
<b>Available for Distribution</b>			
<i>Monday, October 12, 2020</i>		<i>7:00 AM</i>	
Pine Flat Release		307	C.F.S.
Mill & Hughes Creeks		0	C.F.S.
Friant-Kern		0	C.F.S.
Total Available		307	C.F.S.
<b>Precipitation at Pine Flat</b>			
October 1 - October 11, 2020		0.00	Inches
Average for Date		0.24	Inches
Percent of Average		0.0%	

# Kings River Water Association 2019–2020 Water Year Hydrologic Data

October 1 to September 30



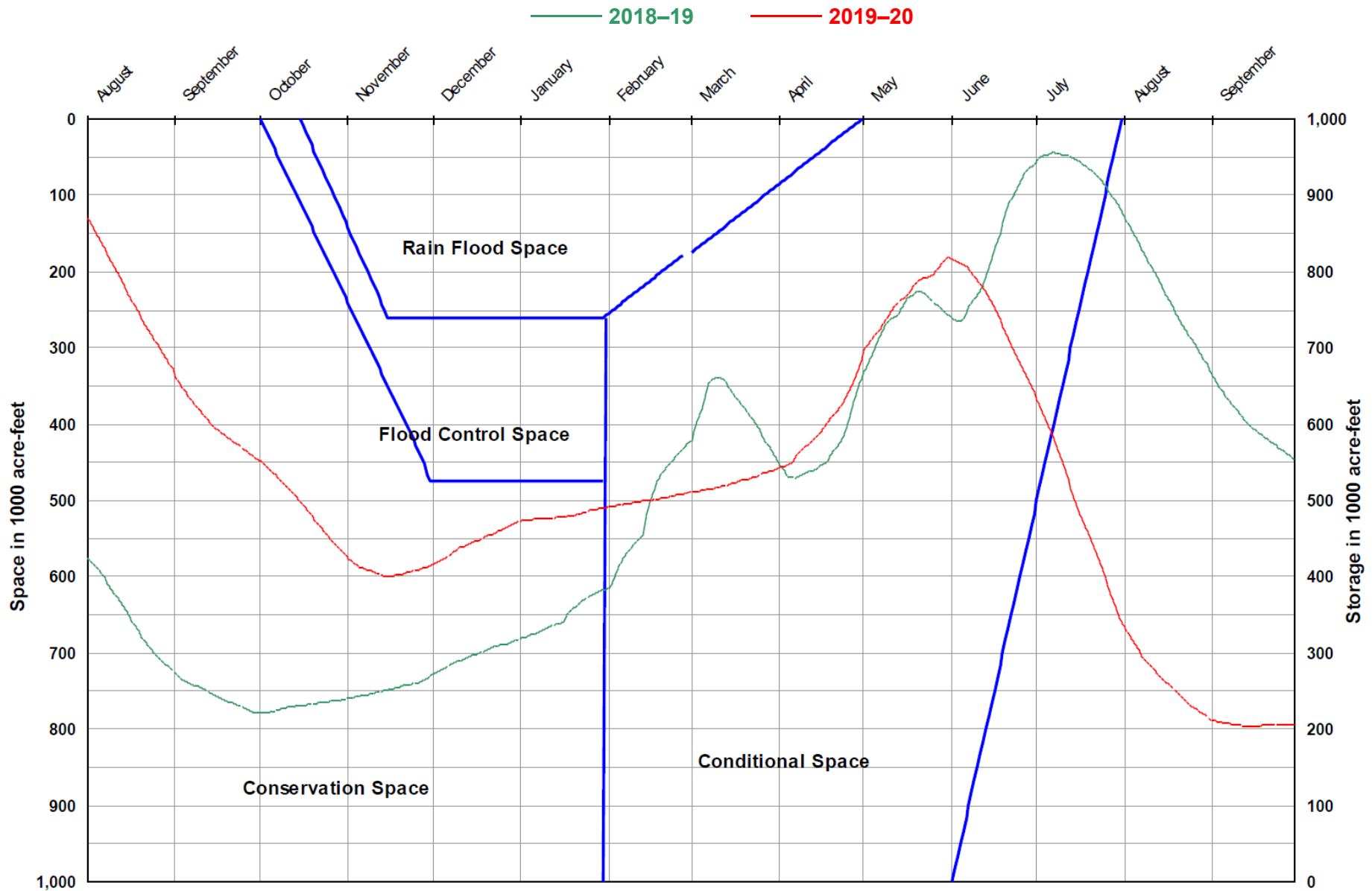
Pre-Project Piedra		Date
Water Year:	912,768 af	YTD
Maximum:	8,656 cfs	4/30/2020
Minimum:	150 cfs	9/30/2020
April-July Runoff:	669,870 af	YTD
% of Average:	54.54%	YTD

Precipitation at Pine Flat		Date
Water Year:	13.39in	YTD
Average:	19.23in	YTD
% of Average:	69.65%	YTD

Kings River for Irrigation		Date
Total K.R.I.:	1,311,084 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.):	204,075 af	9/14/2020
Upstream (Max.):	175,328 af	6/16/2020
Upstream (Min.):	76,516 af	3/3/2020

# PINE FLAT LAKE Flood Control Diagram



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October 7, 2020

## ***Memorandum***

TO: Board of Directors

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

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

## ***State Affairs***

The governor announced the following appointments to the California Water Commission:

**Samantha F.V. Arthur**, 35, of Sacramento, has been Working Lands Program Director at Audubon California since 2019. She was a Strategic Planning and Policy Intern at the California Association of Resource Conservation Districts from 2013 to 2014 and a Land Protection Specialist at Big Sur Land Trust from 2010 to 2012. Arthur earned a Master of Science degree in Environmental Science and Management from the University of California, Santa Barbara. This position requires Senate confirmation. Arthur is a Democrat.

**Alexandre B. Makler**, 52, of Berkeley, has been Senior Vice President, West Region of Calpine Corporation since 2014, where he has held multiple positions since 1999, including Vice President of Strategic Origination and Development and Vice President/Assistant General Counsel. He was an Associate at Pillsbury Winthrop from 1998 to 1999 and at Curtis, Mallet-Prevost, Colt & Mosle from 1995 to 1998. He earned a Juris Doctor degree from the University of California, Berkeley School of Law. This position requires Senate confirmation. Makler is a Democrat.

The California Water Commission consists of nine members appointed by the Governor and confirmed by the State Senate. Seven members are chosen for their expertise related to the control, storage, and beneficial use of water and two are chosen for their knowledge of the environment. The Commission provides a public forum for discussing water issues, advises the Director of the Department of Water Resources on matters within the Department's jurisdiction, approves rules and regulations, and monitors and reports on the construction and operation of the State Water Project. The Commission membership is now at seven members.

## ***Legislative***

### ***Bills***

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

### ***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

was vetoed by the Governor on September 28<sup>th</sup>. Attached is Governor Newsome's veto message stating the need to develop solutions for the entirety of the State, not one project at a time.

### *SB 974 (Hurtado)*

This bill exempts new water projects that serve small, rural communities from some provisions of the California Environmental Quality Act (CEQA). The exemption allows low-income communities to find relief for the expensive and exhaustive permit process to produce water wells and related projects. Senator Melissa Hurtado (D-Sanger) secured Governor Gavin Newsom's signature on the legislation, which will aid low income Central Valley communities to deliver clean drinking water for residents.

### *Association of California Water Agencies (ACWA) Energy Committee*

Attached is a letter from ACWA, which KRCD contributed to, that was sent to the leadership of the California Energy Commission (CEC), California Air Resources Board (CARB), and California Public Utilities Commission (CPUC) providing comments on SB 100 draft results. SB 100 requires the CEC, CARB, and CPU to complete a joint-agency report to the Legislature evaluating the 100 percent zero-carbon electricity policy. ACWA's comments discussed the inclusion of large hydropower as an eligible zero-carbon resource.

### *San Joaquin Valley Blueprint (SJVb)*

I attended the Blueprint meeting on September 17<sup>th</sup>. The meeting reviewed an outreach effort called "Uncommon Dialogue." Technical updates dates were provided including potential pursuit of grant funds, along with communication and financial updates. Contacts were made with the California Partnership for the San Joaquin Valley, the Tulare and Merced Farm Bureaus, and Kern Groundwater Sustainability Agency (GSA). The Uncommon Dialogue effort was hosted by Stanford University's Water in the West program. The intent is to encourage a group of diverse water interests to interact with each other and to discuss their level of interest to pursue a collaborative approach to better manage water resources.

## *Regulatory*

### *The Safe and Affordable Funding for Equity and Resilience (SAFER) Program Loan*

The Safe and Affordable Funding for Equity and Resilience (SAFER) program was provided a loan from the Underground Storage Tank Clean-Up Fund to ensure SAFER receives its full \$130 million for at least this coming fiscal year. The SAFER program, intended to help water systems provide a safe, accessible, and affordable supply of drinking water to communities is funded through the Cap-and-Trade program. Businesses that emit greenhouse gases buy carbon "credits" through Cap-and-Trade and that money is used to pay for a host of programs intended to reduce California's overall greenhouse gas emissions. The SAFER program was added to that list.

Due to the shutdown caused by COVID-19, the Cap-and-Trade credit auctions went from raising up to \$850 million a quarter to \$25 million in May. To back fill the loss of Cap-and-Trade money, the SWRCB borrowed money from the Underground Storage Tank Fee this year. The first set of SAFER projects, activities and programs were approved in July. Within the KRCD service area, the following projects were funded:

- \$2 Million – Water system reliability project - London Community Services District
- \$185, 964 – Consolidation project - City of Reedley
- \$4.3 million – Arsenic treatment facility and water meters - Caruthers Community Services District

I have a pending application for inclusion on the SAFER Advisory Committee.

### *State Water Resource Control Board (SWRCB) Fees*

Work with Bob Gore continues. We developed an outline of a water resource study proposal intended to be used as the foundation for a proactive approach to helping control fees. The intent would be to reduce redundancy and reporting and to create economy by developing solutions to achieve multiple benefits. The outline is termed the "Multi-Beneficial Water Resource Study Proposal". The goal is to have the State fund the first three stages, data acquisition, assessment and development of an implementation plan. Once the implementation plan is completed, the goal would be to move forward with solutions delineated in the plan on a collaborative basis such that increased benefits are provided to KRCD and our constituents as compared to independently addressing less beneficial solutions. Absent additional benefits being realized an autonomous approach would be recommended.

The noted outline will be used in future communications with SWRCB members and senior management, along with California Department of Food and Agriculture (CDFA) and California Department of Water Resources (DWR) senior management.

### *Agricultural Water Management Plans*

ACWA relaunched an Ag Water Management Plan (AWMP) Work Group to address issues and upcoming deadlines with AWMPs, which ag water suppliers providing water to more than 25,000 irrigated acres must adopt by April 1, 2021 and submit to DWR within 30 days of adoption. Attached is a comment letter submitted by ACWA on the Public Review draft of the 2020 Agricultural Water Management Plan Guidebook.

Some items of note associated with the Guidebook:

Agencies that produce a Bureau report are allowed to use that in place of an AWMP even though current Bureau requirements may not meet all AWMP requirements. Supplemental information is required with this approach. These are associated with water measurement regulations delineated in the California Code of Regulations, Enhanced Watershed Management Programs (EWMP) for grant and loan eligibility, and public process notifications of notification and adoption.

Water Budgeting is a new requirement. Fines are now in place for not preparing an AWMP. Farm Gate Delivery has always been in the report. Nonetheless, method changes are in the new AWMP.

New requirements pushed for efficiency to be calculated on a drop per crop basis but this requirement did not make it through legislation. Many concerns were expressed with this approach by agencies. Nonetheless, with the new AWMP this is an option but as noted not required. Although crop per drop was not made a requirement, efficiency calculations are now required for informational purposes. Agencies have concerns that how this information may be used.

In addition to these items, we provided feedback regarding how farm water use efficiency is presented.

### *Other*

#### *Joint State-Federal Initiative to Reduce Wildfire Risks*

In a key step to improve stewardship of California's forests, the Newsom Administration and the United States Forest Service announced on August 13<sup>th</sup>, a new joint State-Federal initiative to reduce wildfire risks, restore watersheds, protect habitat and biological diversity, and help the State meet its climate objectives. The Agreement for Shared Stewardship of California's Forest and Rangelands includes a commitment by the Federal government to match California's goal of reducing wildfire risks on 500,000 acres of forest land per year. The Federal government owns nearly 58 percent of California's 33 million acres of forestlands, while the State owns 3 percent. The Shared Stewardship Agreement builds on existing coordination between State and Federal agencies, that outlines six core principles and nine specific actions that will drive improved State-Federal collaboration.

Core Principals:

- Prioritize public safety;
- Use science to guide forest management;
- Coordinate land management across jurisdictions;
- Increase the scale and pace of forest management projects;
- Remove barriers that slow project approvals; and
- Work closely with all stakeholders, including tribal communities, environmental groups, academia, and timber companies.

Specific Actions:

- Treat one million acres of forest and wildland annually to reduce risk of catastrophic wildfire (building on the state's existing 500,000-acre annual commitment);
- Develop a shared 20-year plan for forest health and vegetation treatment that establishes and coordinates priority projects;
- Expand the use of ecologically sustainable techniques for vegetation treatments such as prescribed fire;
- Increase pace and scale of forest management by improving ecologically sustainable timber harvest in California and grow jobs by tackling structural obstacles, such as workforce and equipment shortfalls and lack of access to capital;
- Prioritize co-benefits of forest health such as carbon sequestration, biodiversity, healthy watersheds and stable rural economies;
- Recycle forest byproducts to avoid burning slash piles;
- Improve sustainable recreation opportunities;
- Enable resilient, fire-adapted communities; and
- Share data and continue to invest in science.

Of particular interest for Kings River constituents is the discussion in the Memorandum of Understanding (MOU) to protect water resources. It states that California's forested watersheds function as critical natural infrastructure for wildlife and people. Catastrophic wildfire devastates both the natural and built infrastructure endangering California's drinking water. By prioritizing vulnerable watersheds for restoration and vegetation treatment, the work will protect and purify California's water supply for communities, agriculture, and critical fish and wildlife habitat. Much of California's physical water infrastructure including reservoirs and pipelines run through high risk fire zones. The Parties will focus on protecting water systems against damaging wildfire effects.

The Great American Outdoors Act, signed by President Trump on August 4th, will provide funding for the Forest Service's work in California.

*Newsome's Executive Order to have 100 Percent Zero-Emission Vehicles by 2035*

Attached is Governor Newsome's Executive Order making it a State requirement that 100 percent of in-State sales of new passenger cars and trucks will be zero-emission by 2035 and by 2045 that 100 percent of medium-and-heavy-duty vehicles will be the same. Also attached is a response to the governor's Executive Order from the United States Environmental Protection Agency Administrator Andrew Wheeler to Governor Gavin Newsom, which raises questions regarding the legality and practicality of the Executive Order.



### *Resource Conservation District's*

I attended the Fresno Local Agency Formation Commission (LAFCo) meeting on September 9th. A Workshop was held and led by Karen Buhr, Executive Director of the California Association of Resource Conservation District's (CARCD). I had follow-up discussions with Karen Buhr, David Fey of Fresno LAFCo, Steve Haze of Sierra RCD, and Matt Hurley of Tranquility RCD.

### *Tulare Basin Watershed Partnership (TBWP)*

I have attended all three meetings held by the TBWP. This group previously existed and is attempting to reestablish itself. The latest meeting was held on September 22<sup>nd</sup>. The TBWP is in the process of completing a Charter. Comments to the group focused on the TBWP having a clear plan going forward, strategic, or otherwise, that lays out goals and specific objectives and how those goals and objectives will be accomplished. It was further noted that activities that follow should add value, and not conflict with other entities. Also, the need to vet potential activities to ensure those activities, projects, programs etc. add value and do not conflict with other entities is critical.

## *Federal Affairs*

Both the House and Senate are set to recess in early October to allow Members and Senators to return home before the November election. The Senate is scheduled to return on November 9<sup>th</sup> and the House on November 16<sup>th</sup> for a lame duck session of Congress. The schedule for the lame duck session will be somewhat dependent on the outcome of the election, both in terms of the Presidential race as well as party control of Congress. Pending items that could be considered in Fiscal Year 2021 appropriations, the Supreme Court nomination, coronavirus relief, the Water Resources Development Act (WRDA), energy legislation, tax relief, and emergency disaster aid. If the Senate, the White House, or both, change control and the House remains the same, Democrats may be disinclined to make deals with Republicans on COVID relief, Fiscal Year 2021 spending, or any other legislation and instead may wait until January, when the new Congress and Administration convene.

## *Legislative*

### *Bills*

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

### *Corps Bills*

#### *Water Resources Development Act (WRDA)*

Staff from both the House and Senate authorizing committees with jurisdiction over the reauthorization of WRDA continued to work on a final bill over September. With a few issues remaining unresolved, discussions were tabled until after the November election where WRDA is a likely candidate for consideration in the lame duck congressional schedule. Talks and negotiations also continued on the development of a Reclamation title to accompany the WRDA bill.

#### *Water Infrastructure Finance and Innovation Act (WIFIA)*

On September 14th, Congressman John Garamendi (D-CA) introduced the WIFIA Improvement Act (H.R.8217) with the following original cosponsors: Representatives TJ Cox (D-CA), Jim Costa (D-CA), Doug LaMalfa (R-CA), Josh Harder (D-CA), and Dan Newhouse (R-WA).

The legislation would amend the WIFIA of 2014 to make public water projects eligible for low-interest, longer-term Federal loans from the United State Environmental Protection Agency (USEPA). The bill would allow water projects with longer useful lifecycles like Sites Reservoir to receive Federal WIFIA financing for 55-year loan terms an increase from the current 35-year term, thereby lowering capital costs for such projects.

The bill also clarifies that federally owned but locally maintained infrastructure are also eligible for WIFIA loans for capital improvement and modernization costs. The legislation would make nearly \$6 billion in low-interest Federal financing for California water projects available. In California alone, it is estimated that over \$2.5 billion dollars is needed to repair dams and nearly \$51 billion to provide reliable water supplies. Approximately \$11.5 billion is available each year in low-interest Federal financing from the USEPA's WIFIA loan program.

KRCD, along with the Family Farm Alliance, American Society of Civil Engineers, American Public Works Association, National Water Resources Association, Sites Project Joint Powers Authority, Friant Water Authority, and San Joaquin River Exchange Contractors Water Authority were original endorsers of the bill.

Our lobbyists, The Ferguson Group (TFG), remain engaged with Representative Garamendi's office on ways to advance the legislation and get the bill attached to legislation being considered during the lame duck session, including the WRDA bill.

## ***Reclamation Bills***

### ***Aerial Snowpack Observatory (ASO)***

The Snow Water Supply Forecasting Program Authorization Act (S. 4530/H.R. 8041), being led by Senator Dianne Feinstein (D-CA) and Congressman Josh Harder (D-CA) and of which Kings River Conservation District was an original endorser, continues to gain momentum in both the House and Senate. As the bill gathers additional support, including from larger national organizations, the chances it is included in a WRDA Reclamation title increase. TFG continues to stay engaged with staff from both Senator Feinstein and Representative Harder's offices to advance the bill and work to have it included in legislation during the lame duck session.

### ***Water Storage***

Congressman T.J. Cox (D-CA) introduced legislation to increase funding for surface and groundwater storage and water conveyance projects. The Western Water Storage Infrastructure Act (H.R. 8166) would authorize the Bureau of Reclamation to partner with non-Federal entities to spend up to \$800 million for increased water storage, as well as provide cost-shared funding to repair key canals in California that have been damaged due to land subsidence. The bill has garnered broad water user support, including the California Farm Bureau Federation and many California and west-wide irrigation associations and districts, and extends provisions of the Water Infrastructure Improvements for the Nation (WIIN) Act of 2016, some of which may be considered too controversial by the House Natural Resources Committee. Congressman Cox introduced a previous version of the bill in April that is replaced by this updated bill text.

### ***Environmental Justice***

The House Natural Resources Committee held a hearing on October 1<sup>st</sup> on the Environmental Justice for All Act (H.R. 5986), which would provide more protections to those disproportionately affected by pollution and environmental health and safety hazards, which tend to be lower-income communities of color. The legislation would require Federal agencies to consider community health impacts during permitting decisions under the National Environmental Policy Act (NEPA); codify into law the Federal government's existing environmental justice initiatives; and impose new fees on oil, gas and coal companies to fund local transitions away from fossil fuel economies. Although the bill has no real path forward in this Congress, it provides insight into one of the Democrat party's key policy priorities during an election year.

### ***Wildfire***

The Senate Energy and Natural Resources Subcommittee on Public Lands, Forests and Mining held a hearing on September 16<sup>th</sup>, on the Emergency Wildfire and Public Safety Act of 2020 (S. 4431). The bipartisan legislation would provide for a more aggressive approach to managing forests for wildfire.

The hearing came as fires raged in California and Oregon and amid the political debate whether climate change or mismanagement are to blame. The bill cosponsors, Senator Steve Daines (R-MT) and Senator Diane Feinstein (D-CA) are both arguing for a Senate vote this year. The bill was one of 15 considered during the subcommittee legislative hearing.

## ***COVID-19***

### ***Coronavirus Relief Package***

On September 28<sup>th</sup>, House Democrats introduced a revised version of the Health and Economic Recovery Omnibus Emergency Solutions (HEROS) Act, the coronavirus relief package originally passed by the House in May. The new package called for an additional \$2.2 trillion in relief funding to help the nation respond to the pandemic and its economic impacts. However, the total cost of the package was met with criticism and hesitation from the White House and Senate Republicans who have stated they want total spending in the \$1 to \$1.5 trillion range. Negotiations between Speaker of the House Nancy Pelosi and Treasury Secretary Steven Mnuchin, as well as Senate Republicans occurred the prior week. On September 30<sup>th</sup>, the White House presented a \$1.62 trillion proposal to House Democrats. Senate Majority Leader Mitch McConnell said he could reluctantly secure enough support. When concerns arose around some provisions of the Administration's proposal, the House moved forward with a vote on the HEROES 2.0 legislation, passing the bill late on October 1<sup>st</sup> by a vote of 214-207. While Congress and the Administration were not able to reach a deal before the October recess, it was expected that coronavirus relief legislation would be a priority for the lame duck session in November and December. Members could be called back to Washington during October if a deal materializes. However, President Trump has now said he will not sign a stimulus bill until after his re-election, so future progress is uncertain.

### ***ACWA Federal Affairs Committee (FAC)***

The ACWA FAC met on September 28<sup>th</sup> to hear reports from ACWA legislative subcommittees and take action on a newly introduced legislation. Of interest to KRCD, the FAC took action to support the Western Water Storage Infrastructure Act (H.R. 8166); Senator Merkley's WIFIA amendment legislation (S. 4206); the WIFIA Improvement Act of 2020 (H.R.8217); the Snow Water Supply Forecasting Program Authorization Act (S. 4530/H.R. 8041); and the Emergency Wildfire and Public Safety Act of 2020 (S. 4431/H.R. 7978). The FAC also received an update from majority and minority staff from the Senate Energy and Natural Resources and the status of water resource and energy legislation pending before the committee and the outlook for consideration during the lame duck congressional schedule.

## ***Budget***

### ***FY 2021 Appropriations***

President Trump signed a continuing resolution (CR), the Continuing Appropriations Act, 2021 and Other Extensions Act, on October 1<sup>st</sup>, the start of the new Federal fiscal year. Passage of the CR averted a government shutdown and extended funding for Federal agencies through December 11<sup>th</sup>. The bill also provided aid for farmers and extended highway transportation programs and the National Flood Insurance Program through September 30<sup>th</sup>. Both were set to expire at the end of Fiscal Year 2020.

## ***Regulatory***

### ***Clean Water Act (CWA)***

In July, after the Navigable Waters Protection rule defining WOTUS took effect on June 22<sup>nd</sup>, the USEPA and United States Army Corps of Engineers (Corps) **Error! Hyperlink reference not valid.** several memoranda providing guidance to the rule, including a joint memorandum "Concerning

Exempt Construction or Maintenance of Irrigation Ditches and Exempt Maintenance of Drainage Ditches Under Section 404 of the Clean Water Act." The new guidance memo on ditches and drains replaces Regulatory Guidance Letter (RGL) 07-02 for the implementation of the CWA exemptions for the construction and maintenance of ditches and maintenance of drains. Several United States Environmental Protection Agency (USEPA) and Corps officials hosted a virtual meeting on September 8<sup>th</sup> to discuss the joint memorandum and to answer any questions. TFG issued a Brief (attached) that provided an overview of the discussion that occurred on the call with USEPA and the Corps.

### *National Environmental Policy Act (NEPA)*

A coalition of 20 Democratic states led by California Attorney General Xavier Becerra (D) and including, among others, Washington, Colorado, and Delaware told the White House Council on Environmental Quality (CEQ) they intend to file more claims against the Trump Administration's updates to NEPA, with their most recent complaint claiming the changes violate the Federal Endangered Species Act (FESA). The White House issued its new rules on NEPA in July, arguing that the guidance will streamline the permitting process for a range of infrastructure projects. The notice of intent to sue will give the states 60 days to amend a similar complaint they have pending at the United States District Court for the Northern District of California to include the new FESA claims. The state representatives say CEQ did not perform appropriate due diligence as required by the FESA when it promulgated the new rules on how NEPA should be carried out. Other lawsuits are pending at district courts in New York, Virginia, and California.

In Congress, on September 22nd, House Republicans introduced a bill that would legislate the CEQ NEPA rule changes into law. H.R. 8333, the "Building U.S. Infrastructure through Limited Delays & Efficient Review (BUILDER) Act," was introduced by Representative Garret Graves (R-LA), ranking member of the House Select Committee on the Climate Crisis and several other panels. The bill would institutionalize many of the proposed NEPA changes, imposing time limits for project reviews under NEPA and making those final actions more difficult to challenge.

Federal Judge James Jones of the United States District Court for the Western District of Virginia has denied environmental groups' request in *Wild Virginia, et al. v. CEQ, et al.* to issue a preliminary nationwide injunction that would have prevented the White House CEQ's rule streamlining how agencies implement the NEPA from taking effect on September 14th. However, as noted above, there have been several legal challenges filed against the NEPA rule.

### Background

NEPA was the first major environmental law in the country and was signed into law by President Nixon on January 1st, 1970. It requires Federal agencies to assess the environmental effects of major Federal actions and incorporate public input into that process. The NEPA statute also established the CEQ, which has responsibility for the development of guidance and regulations associated with implementation of the law.

In those intervening years, the legislation has been criticized by lawmakers and industry for delaying and increasing the cost of major infrastructure projects. According to the CEQ, it now takes, on average, four and a half years to complete the law's environmental impact statements (EIS). Additionally, NEPA is the most litigated environmental law in the country, which further delays projects and increases costs.

On July 15th, the Trump Administration issued a long-anticipated overhaul of the regulations implementing NEPA. This was the first substantive amendment to the regulations since the 1970s, over 40 years. The Final Rule's stated goal is to comprehensively update, modernize, and clarify the current regulations "to facilitate more efficient, effective, and timely NEPA reviews by Federal agencies."

### *Federal Endangered Species Act (FESA)*

A proposed new rule under FESA will significantly change the way the United States Fish and Wildlife Service (USFWS) applies its authority in determining critical habitat designations. The USFWS published the proposed new rule on September 8th. The agency is accepting public comments through October 8th.

If adopted, the new rule would change how USFWS determines whether particular areas are excluded from critical habitat based upon economic and other relevant impacts of a proposed designation. Among other changes, the proposed rule provides a more expansive definition of the types of probable economic impacts that will be reviewed by USFWS during the critical habitat designation process, and requires a more robust consideration of local government, public health and safety, and community interests during the review. The rule also establishes as a principle that USFWS "will exclude areas whenever it determines that the benefits of exclusion outweigh the benefits of inclusion, as long as exclusion will not result in the extinction of the species."

### Background

Two Federal departments primarily administer FESA: the Secretary of the Interior acting through USFWS, and the Secretary of Commerce acting through the National Marine Fisheries Service (NMFS). The NMFS regulates marine and anadromous (e.g., salmon) species that are listed as endangered or threatened, and USFWS regulates other listed species including terrestrial species. The proposed rule relates exclusively to USFWS and the species it regulates.

In broad terms, FESA prohibits public or private entities or individuals from "taking" a listed species without authorization. The take prohibition is not limited to killing a listed species, but also includes injuring, collecting and a host of other prohibited actions. In addition, "Section 7" of FESA requires Federal agencies taking a discretionary Federal action — whether considering building a hotel in a national park, providing Federal funding to a regional highway project or issuing a Federal permit to a public or private developer — to consult with USFWS about whether the proposed Federal action is likely to jeopardize the continued existence of a listed species, or destroy or adversely modify designated critical habitat.

### *Critical Habitat*

At the time a species is listed as endangered or threatened, USFWS is also directed under FESA to designate such species' critical habitat. FESA defines "critical habitat" as:

- (i) *the specific areas within the geographical area occupied by the species, at the time it is listed . . . , on which are found those physical or biological features (I) essential to the conservation of the species and (II) which may require special management considerations or protection; and*
- (ii) *specific areas outside the geographical area occupied by the species at the time it is listed . . . , upon a determination by the Secretary that such areas are essential for the conservation of the species.*

The new proposed rule follows a separate FESA rule proposed in early August to establish a regulatory definition of the term "habitat" as used when designating critical habitat.

### *United States Environmental Protection Agency (USEPA)*

USEPA Assistant Administrator for Water David Ross last week announced a limited reorganization to better align its institutional structure with the agency's water priorities. The changes include elevating a loan program that President Trump has touted as a means for post-pandemic recovery and creating a "Water Reuse Team" and "Economics Center." According to Administrator Ross, the organizational changes will improve the office's utilization of existing resources and operational efficiency to better protect public health and the environment. The reorganization proposes to make the WIFIA program branch a division within the Office of Water and to tap a member of the Senior Executive Service

(SES), the top career managers in government, as its director. The position could also be filled by a political appointee.

PP/CT/cm

R20-0050  
File: 202.01



***Key Activities, Events, and Meetings***

- August 31: Weekly Meeting with Leadership Team
- September 1: Webinar on WIFIA
- September 2: Attended Southern San Joaquin Valley MPEP/CV-SALTS Meeting to present on SWRCB Fees
- September 3: Call with State Lobbyist to continue work with SWRCB and DWR
- September 4: Call with Steve Haze, Sierra RCD
- September 4: KRWQC Policy Committee Meeting
- September 8: KRCD Board Meeting
- September 9: Pre-Leg. Committee Meeting Conference Calls
- September 9: Fresno LAFCo Presentation by California Association of Resource Conservation Districts (CARCD)
- September 10: VAWC Conference Call
- September 11: SAFER Program Meeting
- September 11: Call with State Lobbyist to continue work with SWRCB and DWR
- September 13: Weekly Meeting with Leadership Team
- September 15: SWRCB Fee-Setting Meeting
- September 15: KRWA Executive Committee Meeting
- September 16: Met with Staff re: IRWM Racial Equity
- September 16: Met with Staff re: Subsidence Monitoring Plan
- September 16: KBWA Advisory Committee Meeting
- September 16: AWMP Guidebook Public Workshop
- September 17: Call with David Fey of Fresno LAFCo
- September 17: Met with Staff re: Subsidence Monitoring Plan
- September 18: Follow-up Conversation with Karen Buhr of CARCD
- September 18: KRWQC Finance Committee Meeting
- September 18: Met with Steve Haze, Sierra RCD
- September 21: Weekly Meeting with Leadership Team
- September 21: Review of Draft Communications Policies with Staff and Joe Hughes
- September 22: KRWA Fish and Wildlife Committee Meeting
- September 22: KRCD Labor and Personnel Committee Meeting
- September 25: TBWP Network Meeting
- September 28: Quarterly Meeting with Leadership Development Facilitator

**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 mitigated 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		Vetoed by 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





OFFICE OF THE GOVERNOR

SEP 28 2020

To the Members of the California State Senate:

I am returning Senate Bill 559 without my signature.

This bill requires the Department of Water Resources (DWR) to report to the Legislature on federal funding approved to restore the capacity of the Friant-Kern Canal, with a proposal for the state to pay for a share of the project.

California's major canal systems are aging and damaged by land subsidence. Local, state and federal systems all need repair. As established in the Water Resilience Portfolio, state agencies are holistically assessing the needs of all of California's water supply systems. This bill focuses on a single piece of conveyance and directs DWR to develop a proposal for the state to help fund this specific project. As we address California's water needs in the coming months and years, we need to evaluate, develop and identify solutions and funding that provides water supply and conveyance for the entirety of the state, not one project at a time.

Sincerely,

Gavin Newsom

September 15, 2020

Comment letter submitted via electronic commenting system

The Honorable David Hochschild, Chair  
California Energy Commission  
1516 Ninth Street  
Sacramento, CA 95814

The Honorable Mary Nichols, Chair  
California Air Resources Board  
1001 I Street  
Sacramento, CA 95814

The Honorable Liane Randolph, Commissioner  
California Public Utilities Commission  
505 Van Ness Ave,  
San Francisco, CA 94102

Re: Association of California Water Agencies' Comments on SB 100 Draft Results

Dear Interagency Principals of the SB 100 Report,

The Association of California Water Agencies (ACWA) appreciates the opportunity to provide public comments to the California Energy Commission (CEC), California Air Resources Board (CARB), and California Public Utilities Commission (CPUC) [Joint Agencies] for the Draft Results of the SB 100 Joint Agency Report. ACWA represents more than 460 public water agencies that collectively deliver approximately 90 percent of the water in California for domestic, agricultural, and industrial uses.

Public water agencies' primary mission is to provide a reliable water supply. Notwithstanding, our member agencies are positioned to help the State meet its energy policies and support a reliable electric grid. For decades, local water agencies have been actively contributing to the State's clean energy supply. ACWA members have implemented a wide range of renewable and zero-carbon energy projects, including large and small hydropower, biogas, microturbines, geothermal, wind, energy storage, and photovoltaic solar. In addition, ACWA members have participated in a combination of energy efficiency, demand-side management, and peak-use reduction programs. These projects and programs have helped make water more affordable for their customers, while contributing to the State's greenhouse gas emissions reduction goals.

In response to the Draft Results for the 2021 Joint Agency Report, ACWA submits the following comments:

1. ACWA Supports the Inclusion of Large Hydropower amongst SB 100 Eligible Zero-Carbon Resources

ACWA applauds the inclusion of existing large hydropower amongst the eligible zero-carbon resources modeled within the Joint Agencies' framework to achieve California's goal of 100 percent of total retail sales of electricity from renewable energy and zero-carbon resources by December 31, 2045. As stated in past comments, and during the September 2, 2020 SB 100 Draft Results Workshop, ACWA believes that large hydropower is a valuable resource for meeting the state's power needs and improving grid reliability; and the State should continue to consider this power source when recommending approaches for achieving SB 100 goals. SB 100 implementation should promote cost-effective energy supplies, grid reliability, and utility rate designs that are reasonable, predictable, and competitive. SB 100 implementation should also provide a coordinated, predictable regulatory approach from the Joint Agencies.

Hydropower will be an essential resource to meeting the state's power needs, including: baseload, peak load, ramping and resource adequacy. Ensuring an adequate and reliable power supply will continue to be a challenge as demand is expected to increase due to electrification of the grid, and increased reliance on intermittent resources (such as solar and wind). The State must ensure sufficient dispatchable and baseload capacity, and have the necessary transmission infrastructure to accommodate new generation and the clean energy future. Hydropower resources, both small and large, can be coupled with other renewable resources, such as wind and solar, to maintain system reliability during normal and stressed system conditions. Hydroelectric storage, including pumped storage, can also be used to ensure reliability. Currently, many public water agencies in California generate hydroelectric power with the water they deliver to farms, communities and the environment. An all the above approach will be necessary to ensure resource adequacy moving forward.

Public water agencies are a key State partner for helping meet energy policies and in supporting a reliable electric grid. Public water agencies quickly responded to energy shortages by increasing their generation of hydropower resources to help meet the State's demand during the recent state of emergency with rolling blackouts in August 2020, and can be ready for future blackouts as well. Public water agencies have the ability to quickly increase hydropower generation when additional power is needed. During the September 2 workshop, leadership from the Joint Agencies expressed the need for ensuring reliability, promoting load flexibility and resource diversity, and planning for the future. The recent heatwave reminds us that blackouts are still a concern when experiencing record temperatures because of climate change. The demand for energy increases with rising temperatures. When solar generation drops off after sundown, with generation ending during this time, a diverse portfolio of clean energy resources, including large and small hydropower, is essential for ensuring grid reliability.

2. ACWA Looks Forward to Continued Work with the Interagency Principals, Staff, and Other Stakeholders

As previously mentioned, ACWA stands ready to work with the Interagency Principals, staff, and diverse stakeholders on this high priority effort. Public water agencies can be key partners as agencies have played, and will continue to play, a significant role in decarbonizing California's economy in a safe, reliable and equitable manner.

SB 100 implementation should enable and encourage local water agencies to stay the course. Local water agencies are moving the needle with investments to develop energy storage projects, including battery storage, pumped storage and bulk storage, for on-site or grid-level electric reliability that are cost-effective and economically viable for water agency customers. SB 100 implementation should not result in the stranding of clean energy assets that public dollars are funding.

ACWA appreciates the diligent work by staff across the CEC, CARB and CPUC. We thank you for the opportunity to comment and look forward to working with you and your staff. Please do not hesitate to contact me at [nickb@acwa.com](mailto:nickb@acwa.com) or (916) 441-4545 if you have any questions regarding ACWA's input.

Sincerely,



Nicholas Blair  
Regulatory Advocate

cc: Ms. Marybel Batjer, President, California Public Utilities Commission  
Mr. Drew Bohan, Executive Director, California Energy Commission  
Mr. Richard Corey, Executive Director, California Air Resources Board  
Mr. Dave Eggerton, Executive Director, Association of California Water Agencies  
Ms. Cindy Tuck, Deputy Executive Director for Government Relations, Association of California Water Agencies

September 28, 2020

Submitted via: [agWUE@water.ca.gov](mailto:agWUE@water.ca.gov)

Ms. Sabrina Cook  
Environmental Program Manager I  
Water Use and Efficiency Branch  
Department of Water Resources  
1416 9<sup>th</sup> Street  
Sacramento, CA 95814

**Re: Comments on the Public Review Draft of the 2020 AWMP Guidebook**

Dear Ms. Cook:

The Association of California Water Agencies (ACWA) appreciates the opportunity to provide comments regarding the Department of Water Resources' (DWR) Public Review Draft of the 2020 Agriculture Water Management Plan (AWMP) Guidebook (Draft Guidebook). ACWA represents over 450 public water agencies that deliver approximately 90 percent of the water used for residential, commercial, and agricultural purposes in California.

ACWA thanks DWR for holding the informative AWMP Guidebook Public Workshop on September 16, 2020 and extending the deadline for comments on the Draft Guidebook.

**Comment 1: SPACE IN TABLES FOR EXPLANATIONS – Tables should include room for explanations supporting the data provided in the tables.**

Some data that water suppliers must provide in the tables will be confusing or inaccurately represented if forced to stand alone, so a space to explain or leave notes on data is essential to being able to provide the most accurate information. Based on DWR's statements in the AWMP Guidebook Public Workshop, ACWA understands that the tables are or will be available in a downloadable Excel file format in the Water Use Efficiency Portal (WUE Portal), and that these files have spaces for notes. ACWA appreciates this approach and would like to emphasize the importance of downloadable files and space for explanations of data for materials moving forward.

**Comment 2: SUBSTANTIAL PROGRESS – DWR should be clear about what constitutes substantial progress during the remedy process.**

ACWA remains concerned that some districts will not be able to meet the April 1, 2021 deadline for AWMPs due to new constraints on staffing and resources because of the impacts of coronavirus. The Draft Guidebook notes that DWR may provide additional time to remedy a deficiency if the supplier is making substantial progress towards remedy. If this becomes the case for a supplier, ACWA requests that DWR is clear with the supplier about what DWR expects the supplier to do to show that it is making substantial progress towards remedy. ACWA understands that showing substantial progress includes good communication with DWR, but requests that DWR communicate expectations with suppliers during the remedy process.

**Comment 3: OPTIONS FOR WEB ACCESSIBILITY – DWR should provide additional options or support for suppliers without the capability to meet web accessibility requirements.**

The Draft Guidebook states that if a water supplier does not have its own website, it may submit its AWMP to DWR to post online. The AWMP submitted to DWR must comply with Web Content Accessibility Guidelines (WCAG) 2.0, the federal standard for accessibility. While ACWA recognizes the benefits of web accessibility, we note that meeting web accessibility requirements can be challenging for some suppliers. Suppliers without websites or that are unable to post plans on their websites likely lack the resources or technological familiarity to comply with federal web accessibility requirements, so this seemingly small step could present a large hurdle for some water suppliers. It would be helpful for DWR to consider other ways to help with accessibility, including providing additional support or guidance for suppliers having difficulty meeting the requirements.

ACWA looks forward to engaging with DWR and staff on this important topic. To discuss these comments, please contact Lauren Bernadett at (916) 441-4545 or [laurenb@acwa.com](mailto:laurenb@acwa.com).

Sincerely,



Lauren Bernadett  
Regulatory Advocate  
Association of California Water Agencies

cc: Mr. Peter Brostrom, Chief, Water Use and Efficiency Branch, California Department of Water Resources  
Mr. Martin Berbach, Senior Environmental Scientist, Specialist, Water Use and Efficiency Branch, California Department of Water Resources  
Mr. James Campagna, Office Assistant, Water Use and Efficiency Branch, California Department of Water Resources

**EXECUTIVE ORDER N-79-20**

**WHEREAS** the climate change crisis is happening now, impacting California in unprecedented ways, and affecting the health and safety of too many Californians; and

**WHEREAS** we must accelerate our actions to mitigate and adapt to climate change, and more quickly move toward our low-carbon, sustainable and resilient future; and

**WHEREAS** the COVID-19 pandemic has disrupted the entire transportation sector, bringing a sharp decline in demand for fuels and adversely impacting public transportation; and

**WHEREAS** as our economy recovers, we must accelerate the transition to a carbon neutral future that supports the retention and creation of high-road, high-quality jobs; and

**WHEREAS** California's long-term economic resilience requires bold action to eliminate emissions from transportation, which is the largest source of emissions in the State; and

**WHEREAS** the State must prioritize clean transportation solutions that are accessible to all Californians, particularly those who are low-income or experience a disproportionate share of pollution; and

**WHEREAS** zero emissions technologies, especially trucks and equipment, reduce both greenhouse gas emissions and toxic air pollutants that disproportionately burden our disadvantaged communities of color; and

**WHEREAS** California is a world leader in manufacturing and deploying zero-emission vehicles and chargers and fueling stations for cars, trucks, buses and freight-related equipment; and

**WHEREAS** passenger rail, transit, bicycle and pedestrian infrastructure, and micro-mobility options are critical components to the State achieving carbon neutrality and connecting communities, requiring coordination of investments and work with all levels of governments including rail and transit agencies to support these mobility options; and

**WHEREAS** California's policies have contributed to an on-going reduction in in-state oil extraction, which has declined by over 60 percent since 1985, but demand for oil has not correspondingly declined over the same period of time; and

**WHEREAS** California is already working to decarbonize the transportation fuel sector through the Low Carbon Fuel Standard, which recognizes the full life cycle of carbon in transportation emissions including transport into the State; and



**WHEREAS** clean renewable fuels play a role as California transitions to a decarbonized transportation sector; and

**WHEREAS** to protect the health and safety of our communities and workers the State must focus on the impacts of oil extraction as it transitions away from fossil fuel, by working to end the issuance of new hydraulic fracturing permits by 2024; and

**WHEREAS** a sustainable and inclusive economic future for California will require retaining and creating high-road, high-quality jobs through sustained engagement with communities, workers and industries in changing and growing industries.

**NOW THEREFORE, I, GAVIN NEWSOM**, Governor of the State of California by virtue of the power and authority vested in me by the Constitution and the statutes of the State of California, do hereby issue the following Order to pursue actions necessary to combat the climate crisis.

**IT IS HEREBY ORDERED THAT:**

1. It shall be a goal of the State that 100 percent of in-state sales of new passenger cars and trucks will be zero-emission by 2035. It shall be a further goal of the State that 100 percent of medium- and heavy-duty vehicles in the State be zero-emission by 2045 for all operations where feasible and by 2035 for drayage trucks. It shall be further a goal of the State to transition to 100 percent zero-emission off-road vehicles and equipment by 2035 where feasible.
2. The State Air Resources Board, to the extent consistent with State and federal law, shall develop and propose:
  - a) Passenger vehicle and truck regulations requiring increasing volumes of new zero-emission vehicles sold in the State towards the target of 100 percent of in-state sales by 2035.
  - b) Medium- and heavy-duty vehicle regulations requiring increasing volumes of new zero-emission trucks and buses sold and operated in the State towards the target of 100 percent of the fleet transitioning to zero-emission vehicles by 2045 everywhere feasible and for all drayage trucks to be zero-emission by 2035.
  - c) Strategies, in coordination with other State agencies, U.S. Environmental Protection Agency and local air districts, to achieve 100 percent zero-emission from off-road vehicles and equipment operations in the State by 2035.

In implementing this Paragraph, the State Air Resources Board shall act consistently with technological feasibility and cost-effectiveness.

3. The Governor's Office of Business and Economic Development, in consultation with the State Air Resources Board, Energy Commission, Public Utilities Commission, State Transportation Agency, the

Department of Finance and other State agencies, local agencies and the private sector, shall develop a Zero-Emissions Vehicle Market Development Strategy by January 31, 2021, and update every three years thereafter, that:

- a) Ensures coordinated and expeditious implementation of the system of policies, programs and regulations necessary to achieve the goals and orders established by this Order.
  - b) Outlines State agencies' actions to support new and used zero-emission vehicle markets for broad accessibility for all Californians.
- 4. The State Air Resources Board, the Energy Commission, Public Utilities Commission and other relevant State agencies, shall use existing authorities to accelerate deployment of affordable fueling and charging options for zero-emission vehicles, in ways that serve all communities and in particular low-income and disadvantaged communities, consistent with State and federal law.
- 5. The Energy Commission, in consultation with the State Air Resources Board and the Public Utilities Commission, shall update the biennial statewide assessment of zero-emission vehicle infrastructure required by Assembly Bill 2127 (Chapter 365, Statutes of 2018) to support the levels of electric vehicle adoption required by this Order.
- 6. The State Transportation Agency, the Department of Transportation and the California Transportation Commission, in consultation with the Department of Finance and other State agencies, shall by July 15, 2021 identify near term actions, and investment strategies, to improve clean transportation, sustainable freight and transit options, while continuing a "fix-it-first" approach to our transportation system, including where feasible:
  - a) Building towards an integrated, statewide rail and transit network, consistent with the California State Rail Plan, to provide seamless, affordable multimodal travel options for all.
  - b) Supporting bicycle, pedestrian, and micro-mobility options, particularly in low-income and disadvantaged communities in the State, by incorporating safe and accessible infrastructure into projects where appropriate.
  - c) Supporting light, medium, and heavy duty zero-emission vehicles and infrastructure as part of larger transportation projects, where appropriate.
- 7. The Labor and Workforce Development Agency and the Office of Planning and Research, in consultation with the Department of Finance and other State agencies, shall develop by July 15, 2021 and expeditiously implement a Just Transition Roadmap, consistent with the recommendations in the "Putting California on the High Road: A Jobs and Climate Action Plan for 2030" report pursuant to Assembly Bill 398 (Chapter 135, Statutes of 2017).

8. To support the transition away from fossil fuels consistent with the goals established in this Order and California's goal to achieve carbon neutrality by no later than 2045, the California Environmental Protection Agency and the California Natural Resources Agency, in consultation with other State, local and federal agencies, shall expedite regulatory processes to repurpose and transition upstream and downstream oil production facilities, while supporting community participation, labor standards, and protection of public health, safety and the environment. The agencies shall report on progress and provide an action plan, including necessary changes in regulations, laws or resources, by July 15, 2021.
9. The State Air Resources Board, in consultation with other State agencies, shall develop and propose strategies to continue the State's current efforts to reduce the carbon intensity of fuels beyond 2030 with consideration of the full life cycle of carbon.
10. The California Environmental Protection Agency and the California Natural Resources Agency, in consultation with the Office of Planning and Research, the Department of Finance, the Governor's Office of Business and Economic Development and other local and federal agencies, shall develop strategies, recommendations and actions by July 15, 2021 to manage and expedite the responsible closure and remediation of former oil extraction sites as the State transitions to a carbon-neutral economy.
11. The Department of Conservation's Geologic Energy Management Division and other relevant State agencies shall strictly enforce bonding requirements and other regulations to ensure oil extraction operators are responsible for the proper closure and remediation of their sites.
12. The Department of Conservation's Geologic Energy Management Division shall:
  - a) Propose a significantly strengthened, stringent, science-based health and safety draft rule that protects communities and workers from the impacts of oil extraction activities by December 31, 2020.
  - b) Post on its website for public review and consultation a draft rule at least 60 days before submitting to the Office of Administrative Law.

**IT IS FURTHER ORDERED** that as soon as hereafter possible, the Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

**IN WITNESS WHEREOF** I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 23rd day of September 2020.

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GAVIN NEWSOM  
Governor of California

**ATTEST:**

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ALEX PADILLA  
Secretary of State



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

September 28, 2020

THE ADMINISTRATOR

Governor Gavin Newsom  
1303 10th Street, Suite 1173  
Sacramento, CA 95814

Dear Governor Newsom,

Your recent Executive Order (EO) establishing a goal that 100 percent of new vehicle sales be zero emission by 2035 raises serious questions regarding its legality and practicality. As you are aware, the U.S. Environmental Protection Agency (EPA) in 2019 withdrew California's waiver of Clean Air Act preemption for the State's greenhouse gas standards for light duty vehicles and its zero-emissions vehicle program. While the EO seems to be mostly aspirational and on its own would accomplish very little, any attempt by the California Air Resources Board to implement sections of it may require California to request a waiver to U.S. EPA.

Beyond the significant questions of legality and the fact that consumer demand for the type of vehicle you would mandate has never met the aspirations of California's political leadership, your state is already struggling to maintain reliable electricity for today's demands. California's record of rolling blackouts – unprecedented in size and scope – coupled with recent requests to neighboring states for power begs the question of how you expect to run an electric car fleet that will come with significant increases in electricity demand, when you can't even keep the lights on today.

The truth is that if the state were driving 100 percent electric vehicles today, the state would be dealing with even worse power shortages than the ones that have already caused a series of otherwise preventable environmental and public health consequences. For example, in August, after the East Bay Municipal Utility District wastewater treatment plant experienced a power outage for nearly two hours, a pump station failure caused 50,000 gallons of raw sewage to be spilled into California's Oakland Estuary. Also, just this month, the inability to maintain a reliable energy system led the California Independent System Operator (CAISO) to seek an emergency exemption from federal air quality standards in an attempt to maintain power. This request was granted but comes at the cost of increased pollutants such as fine particulate matter and nitrogen oxide in California's air. As noted in CAISO's letter to the U.S. Secretary of Energy, "... in the CAISO's judgment, the loss of power to homes and local businesses in the areas affected by curtailments present a greater risk to public health and safety than the limited departures from those permit limits the CAISO requests here."


The goal of a modern, more efficient and environmentally friendly future is important and shared. At U.S. EPA we have employed a pragmatic and thoughtful approach to fulfilling our

mission. We have modernized regulations that reduce all manner of emissions from power plants, factories, aircraft, and vehicles while avoiding unnecessary consequences. This is why we as a nation lead the world in clean air and clean water progress, as well as overall greenhouse gas emissions reductions.

By setting realistic goals and maintaining a comprehensive awareness of impacts to the economy, we have achieved tangible environmental progress while improving the lives and livelihoods of our citizenry. I urge you to step away from commitments to singular technologies. While it is tempting for federal or state agencies to regulate with a particular technology in mind, it is far more productive to provide innovators the freedom to develop the technologies of tomorrow.

We stand ready to assist so the 40 million residents of California too can enjoy a better environmental future without enduring any unintended harm.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew R. Wheeler", with a long horizontal flourish extending to the right.

Andrew R.  
Wheeler



# Kings River Federal Legislative Tracker

Last Updated: October 02, 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 (1)

Bill Number	Last Action	Status	FN Outlook
<a href="#">S 2657</a>	<a href="#">S Amdt 2675 Senate Amendment Submitted 2020 09 30</a>	In Senate	3.2% 85.8%
<div> <div> <b>Title</b>  Advanced Geothermal Innovation Leadership Act of 2019 </div> <div> <b>Primary Sponsors</b>  Lisa Murkowski </div> </div> <div> <b>Bill Summary:</b> 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. </div> <div> <b>Introduction Date:</b> 2019-10-22 </div>			

### Kings River - Corps of Engineers (3)

Bill Number	Last Action	Status	FN Outlook
<a href="#">HR 7575</a>	<a href="#">Received In The Senate 2020 07 30</a>	In Senate	2.4% 51.7%
<div> <div> <b>Title</b>  Water Resources Development Act of 2020 </div> <div> <b>Primary Sponsors</b>  Peter DeFazio </div> </div> <div> <b>Bill Summary:</b> 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. </div> <div> <b>Introduction Date:</b> 2020-07-13 </div>			



## 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%
<b>Title</b> America's Water Infrastructure Act of 2020		<b>Bill Summary:</b> 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.		
<b>Primary Sponsors</b> John Barrasso		<b>Introduction Date:</b> 2020-05-04		
<b>Organizational Notes</b>  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		Bill Summary:	
Drinking Water Infrastructure Act of 2020		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.	
Primary Sponsors		Introduction Date:	
John Barrasso		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 (16)

Bill Number <b>HR 8166</b>	Last Action <b>Referred To The House Committee On Natural Resources 2020 09 04</b>	Status <b>In House</b>	FN Outlook 12.0% 86.6%
<b>Title</b> Western Water Storage Infrastructure Act		<b>Bill Summary:</b> Last edited by TFG Reports at Sep 8, 2020, 7:13 PM This bill authorizes \$800 million for surface and groundwater storage and conveyance projects. The bill also extends the operational and environmental authorities of the WIIN Act to provide continued water supply benefits without adverse impacts to listed species.	
<b>Primary Sponsors</b> TJ Cox		<b>Introduction Date:</b> 2020-09-04	



## AGENDA ITEM 6a.

Bill Number

HR 8041

Last Action

Introduced In House 2020 08 14

Status

In House

FN Outlook

9.3%

88.1%

### Title

Snow Water Supply Forecasting Program Authorization Act

### Primary Sponsors

Josh Harder

**Bill Summary:** Last edited by TFG Reports at Sep 8, 2020, 7:12 PM

This bill would establish an airborne snow observatory (ASO) and measurement program within the Department of the Interior. The bill would establish a program and provide a total of \$15 million for fiscal years 2022 to 2026.

**Introduction Date:** 2020-08-14

Bill Number

S 4530

Last Action

Read Twice And Referred To The Committee  
On Energy And Natural Resources Sponsor  
Introductory Remarks On Measure Cr S 5410  
2020 08 13

Status

In Senate

FN Outlook

3.7%

84.8%

### Title

Snow Water Supply Forecasting Program Authorization Act

### 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

### Primary Sponsors

Kamala Harris

**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.

**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

4.3%

87.0%

### Title

Water for Conservation and Farming Act

### Primary Sponsors

Ron Wyden

**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.

**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

#### Primary Sponsors

Dianne Feinstein

**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% 46.5%

#### 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.

## AGENDA ITEM 6a.

Bill Number <b>HR 7482</b>	Last Action <b>Introduced In House 2020 07 02</b>	Status <b>In House</b>	FN Outlook 5.4% 83.4%
<b>Title</b> Future of Agricultural Resiliency And Modernization Act		<b>Bill Summary:</b> 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.	
<b>Primary Sponsors</b> Josh Harder		<b>Introduction Date:</b> 2020-07-02	

Bill Number <b>HR 6617</b>	Last Action <b>Referred To The Subcommittee On Water Oceans And Wildlife 2020 04 29</b>	Status <b>In House</b>	FN Outlook 6.5% 82.8%
<b>Title</b> Western Water Storage Infrastructure Act		<b>Bill Summary:</b> 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.	
<b>Primary Sponsors</b> TJ Cox		<b>Introduction Date:</b> 2020-04-24	

Bill Number	Last Action	Status	FN Outlook	
HR 4891	Subcommittee On Water Oceans And Wildlife Discharged 2020 03 11	In House	24.5%	90.2%
Title		Bill Summary:		
Western Water Security Act of 2019		Last edited by TFG Reports at May 12, 2020, 3:45 PM		
Primary Sponsors		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.		
Xochitl Torres Small		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

HR 2473

Last Action

Subcommittee On Water Oceans And Wildlife  
Discharged 2020 03 11

Status

In House

FN Outlook

15.4% 88.7%

#### 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.

## AGENDA ITEM 6a.

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%
<b>Title</b> Disadvantaged Community Drinking Water Assistance Act	<b>Bill Summary:</b> 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.		
<b>Primary Sponsors</b> TJ Cox	<b>Introduction Date:</b> 2019-12-06		
<b>Organizational Notes</b>  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	<div>7.7%</div> <div>88.9%</div>
<hr/>			
<b>Title</b> Move Water Now Act	<b>Bill Summary:</b> 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.		
<b>Primary Sponsors</b> TJ Cox	<b>Introduction Date:</b> 2019-12-05		
<b>Organizational Notes</b>  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% 75.7%
<hr/>			
<b>Title</b> WOW Act	<b>Bill Summary:</b> 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.		
<b>Primary Sponsors</b> Tom McClintock	<b>Introduction Date:</b> 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

3.3%85.7%

AGENDA ITEM 6a.

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 (16)

Bill Number	Last Action	Status	FN Outlook
S 2657	S Amdt 2675 Senate Amendment Submitted 2020 09 30	In Senate	3.2% 85.8%
<hr/>			
<b>Title</b> Advanced Geothermal Innovation Leadership Act of 2019		<b>Bill Summary:</b> 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.	
<b>Primary Sponsors</b> Lisa Murkowski		<b>Introduction Date:</b> 2019-10-22	

Bill Number

S 4431

Last Action

Committee On Energy And Natural Resources  
Subcommittee On Public Lands Forests And  
Mining Hearings Held 2020 09 16

Status

In Senate

FN Outlook

2.8% 87.8%

#### Title

Emergency Wildfire and Public Safety Act of 2020

#### Primary Sponsors

Dianne Feinstein

**Bill Summary:** Last edited by TFG Reports at Sep 17, 2020, 8:54 PM

This bill will provide new authority for the Forest Service and Bureau of Land Management to work collaboratively with state partners in the West to implement wildfire management projects. The bill will also allow disaster mitigation and preparedness funding to be used to reduce the wildfire risk posed by utility lines and expedite permitting for the installation of wildfire detection equipment. The legislation will create a program to incentivize the collection of woody biomass and help expand processing facilities to make biomass more economically viable; and create a workforce development program to train a new generation of workers to help address wildfire and forest health, among other provisions.

**Introduction Date:** 2020-08-04

Bill Number

HR 8217

Last Action

Referred To The Subcommittee On Water  
Resources And Environment 2020 09 14

Status

In House

FN Outlook

5.4% 89.7%

#### Title

WIFIA Improvement Act of 2020

#### Primary Sponsors

John Garamendi

**Bill Summary:** Last edited by TFG Reports at Sep 15, 2020, 10:31 PM

The bill would provide a new 55-year loan term for WIFIA financing and clarifies that WIFIA financing may be used for works that were constructed by the federal government but were contractually transferred to be operated and maintained by a local non-federal agency.

**Introduction Date:** 2020-09-11

#### Organizational Notes

Last edited by Kristi More at Oct 2, 2020, 11:37 PM

#kingsriver The Kings River Conservation District endorsed H.R. 8217 at introduction.

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% 45.5%

#### 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

**AGENDA ITEM 6a.**

Bill Number

**HR 7978**

Last Action

**Referred To The Subcommittee On Economic  
Development Public Buildings And Emergency  
Management 2020 08 10**

Status

**In House**

FN Outlook

**5.4%** **89.2%****Title**

Emergency Wildfire and Public Safety Act of 2020

**Primary Sponsors**

Jimmy Panetta

**Bill Summary:** Last edited by TFG Reports at Sep 17, 2020, 8:55 PM

This bill is the House companion bill to S. 4431, the Emergency Wildfire and Public Safety Act.

**Introduction Date:** 2020-08-07

Bill Number

**HR 1957**

Last Action

**Became Public Law No 116 152 2020 08 04**

Status

**Enacted****Title**

Great American Outdoors Act

**Primary Sponsors**

John Lewis

**Bill Summary:** 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.

**Introduction Date:** 2019-03-28

Bill Number

**HR 7613**

Last Action

**Placed On The Union Calendar Calendar No  
361 2020 07 15**

Status

**In House**

FN Outlook

**17.4%** **81.1%****Title**Energy and Water Development and Related Agencies  
Appropriations Act, 2021**Primary Sponsors**

Marcy Kaptur

**Introduction Date:** 2020-07-15

Bill Number

**S 4206**

Last Action

**Read Twice And Referred To The Committee  
On Environment And Public Works 2020 07 02**

Status

**In Senate**

FN Outlook

**4.0%** **84.4%****Title**

A bill to amend the Water Infrastructure Finance and Innovation Act of 2014 to authorize the interest rate to be used on a secured loan to be the interest rate for United States Treasury securities of a similar maturity on the date of first disbursement of the loan, and for other purposes.

**Primary Sponsors**

Jeff Merkley

**Bill Summary:** Last edited by TFG Reports at Sep 17, 2020, 8:24 PM

This bill amends the Water Infrastructure Finance and Innovation Act of 2014 to authorize the interest rate to be used on a secured loan to be the interest rate for United States Treasury securities of a similar maturity on the date of first disbursement of the loan, and for other purposes.

**Introduction Date:** 2020-07-02



## AGENDA ITEM 6a.

Bill Number

S 3922

Last Action

Introduced In Senate 2020 06 09

Status

In Senate

FN Outlook

5.7%

81.2%

### Title

Coronavirus Regulatory Repeal Act of 2020

**Bill Summary:** 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.

### Primary Sponsors

Rand Paul

**Introduction Date:** 2020-06-09

Bill Number

S 3926

Last Action

Read Twice And Referred To The Committee  
On Environment And Public Works 2020 06 09

Status

In Senate

FN Outlook

5.0%

79.0%

### Title

Federal Permitting Modernization Act of 2020

**Bill Summary:** Last edited by TFG Reports at Jul 6, 2020, 10:22 PM

This bill amends the FAST Act to improve the federal permitting process.

### Primary Sponsors

Ted Cruz

**Introduction Date:** 2020-06-09

Bill Number

S 3927

Last Action

Read Twice And Referred To The Committee  
On Environment And Public Works 2020 06 09

Status

In Senate

FN Outlook

3.6%

80.3%

### Title

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.

**Bill Summary:** 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.

### Primary Sponsors

Ted Cruz

**Introduction Date:** 2020-06-09

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

**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.

### Primary Sponsors

Rodney Davis

**Introduction Date:** 2020-06-08

Bill Number	Last Action	Status	FN Outlook
HR 6691	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	In House	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	7.7% 89.8%

**Title**  
Supporting State and Local Leaders Act

**Primary Sponsors**  
Brad Schneider

**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.

**Introduction Date:** 2020-04-28

#### 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>

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

3.5% 89.5%

#### 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.

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## Brief



DATE: September 15, 2020

## EPA—Corps Meeting Regarding WOTUS Guidance on Ditches and Drains

In July 2020, after the Navigable Waters Protection rule defining “waters of the United States” (WOTUS) took effect on June 22, 2020, the U.S. Environmental Protection Agency (EPA) and U.S. Army Corps of Engineers (Corps) [issued](#) several memoranda providing guidance to the rule, including a [joint memorandum](#) “Concerning Exempt Construction or Maintenance of Irrigation Ditches and Exempt Maintenance of Drainage Ditches Under Section 404 of the Clean Water Act (CWA).”

Several EPA and Corps officials hosted a virtual meeting with several TFG clients on September 8, 2020, to discuss the joint memorandum and to answer any questions. This TFG Brief provides an overview of the discussion that occurred.

### September 8 EPA—Corps Virtual Meeting Discussion

Owen McDonough, Senior Science Advisor in the EPA’s Office of Water, first spoke about the rationale of the memorandum. The purpose of the ditch exemptions memo is to provide “a clear, consistent approach regarding the application of the statutory exemptions that are in the Clean Water Act at Section 404(f)(1)(C) for the construction or maintenance of irrigation ditches as well as for the maintenance only of drainage ditches.” The memo “defines several key terms and provides a framework for determining the applicability of the ditch exemptions themselves for construction or maintenance of irrigation ditches or the maintenance of drainage ditches, as well as what can be recaptured under what is termed the ‘recapture provisions’ that follow in CWA Section 404(f)(2).” Owen stated that the memorandum went through inter-agency review and it has been completed through the OMB process, and it has been posted on the Navigable Water Rule website.

Ryan Fisher, Principal Deputy Assistant Secretary of the Army for Civil Works, then spoke on the call. He stated that the Corps’ approach has always been to provide a “clear, consistent, commonsense” approach to all regulations, including WOTUS and that he finds the flow chart at the end of the memo to be very helpful. He added that the Corps is “focused mostly right now on training field staff” on the final WOTUS rule and the memorandum, including providing webinars with all the regulators within the Corps. The next step, after the Corps regulators are trained, will be for the Corps to host some public webinar engagement with external stakeholders in the near future.

The EPA and Corps officials then accepted questions from attendees at the meeting:

- Larry Martin, an attorney at Halverson Northwest Law Group, asked “How does the joint memorandum to the field compare to the regulatory guidance letter that we used to have? Is there a

hierarchy between those type of documents?” Ryan Fisher answered by stating that the new joint memorandum supersedes the older regulatory guidance letter.

- Larry Martin also asked “In the past, some of my clients had some issues with local field office staff who required that you had to file an application even if you were exempt. Does this memorandum, or the EPA or Corps, contemplate that you have to file an application even if you are exempt?” Ryan Fisher responded by stating that “I think the answer is no—if you’re exempt you should not have to file those applications. This is the exact kind of inconsistency we’ve seen in the past that [Assistant Secretary of the Army for Civil Works] R.D. James and Army Corps leadership as well are hoping to clear up. The intent is no, you should not have to file an application, but we will certainly make a note of that. One of the things we want to hear about is any inconsistency you’re seeing. If three or four months from now you’re hearing stories like this again, now that we’re under a new Navigable Waters Protection rule and we have this new joint memo, if you hear that still happening, absolutely reach out to us and please let me know that so that we can hopefully clear it up.”

Stacey Jensen, Regulatory Community of Practice at the Corps, also stated that “The intention of the memo is really to provide clear guidance both to regulators in the field but also to the regulated public. So the intent is that you will read the memo and understand whether your activities are exempt under 404(f)(1)(C), in which case you do not need to come and are not required to come to either agency for an exemption determination. And certainly, if you are exempt, you do not require any authorization, and therefore shouldn’t require submission of an application to the Corps. Some landowners who choose to submit what’s called an “exemption determination” to the Corps to find out if a particular maintenance activity would fall under the exemption and the guidance, so they can submit a request to the Corps for that exemption determination, but it should not be an application for a permit, which is only required if you have both a discharge in WOTUS and it’s a regulated discharge. The intention of the guidance memo again is that the universe should be reduced and we hope that it’s clear enough that we won’t have too many of those requests anymore for exemption determinations either.”

- Dan Keppen, Executive Director of the Family Farm Alliance, asked “Do you anticipate any criticism coming from certain non-irrigation parties on what you’ve done, and if so, what areas do you think those would be in?” Ryan Fisher stated that “I’m not sure anything WOTUS-related has ever gotten through without criticism. From the ag community, we’ve gotten a majority of positive feedback on not only the rule itself but some of the joint memos and items we’ve been doing.” Lee Forsgren, Deputy Assistant Administrator at the EPA’s Office of Water, stated that “I was going to start by saying that if we weren’t being criticized, we weren’t sure if we’d be breathing. I’m not aware of any specific criticism regarding this specific joint memorandum.” Owen McDonough also stated that “I have also not heard any specific criticism, in the irrigation or non-irrigation world, regarding this new memo. And to echo Stacey’s point, because the rule itself has a more limited jurisdiction over ditches than previous regulations, the application of the exemptions memo themselves will be used less.”
- Mark Limbaugh, President of The Ferguson Group, asked “If, in fact, there is a stay [for the WOTUS rule] in any of our western states, where does that leave us with the guidance? Does the RGL 07-02 that was superseded by this guidance memo come back? Where do you think we are on that?” Lee Forsgren responded by stating that “I think people are conflating the two.” “The stay would be on

- what the scope of what a WOTUS is. I'm not sure that the guidance would be impacted, but it would in what water it might apply to. But I'm not sure that the guidance would be superseded by a stay." Owen McDonough stated that "Lee, I think that's on-point. In fact, I just did a real quick word search to see if the memo itself even implicates the new Navigable Waters Protection Rule and a quick word search did not bring back any returns on that. Lee's point is right—this is specific to the statutory exemption. So whether or not you've got a definition from the '80s in place or 2020 in place, or even if somehow the 2015 rule came back through all the litigation swirling around it, this memo stands on its own legs." Stacey Jensen also stated that "We did contemplate that situation and Owen is spot on when we were drafting this guidance. As you'll recall from RGL 07-02, it did provide a definition of irrigation ditch and drainage ditch, which differs slightly from this guidance memo, and we ended up adopting the same definition that's used in the Navigable Waters Protection Rule for ditches in this guidance document; however, we didn't attach it to the rule, so there is no implication of the rule in this memo. This memo will stand on its own regardless of what happens to the Navigable Waters Protection Rule."
- Tom Myrum, Executive Director of the Washington State Water Resources Association, asked "I'm curious how you get this memo out to your different Corps districts so that you get a similarity of approach from the different districts? I would think that it's obvious on its face, but we have more than one district in Washington State, so I'm just curious how you go about doing that to ensure the similarity of approach." Ryan Fisher responded by stating that "We start by having Corps headquarters disseminating the memo to the field, through the District commanders and regulatory chiefs, which has certainly already happened. Corps headquarters has also organized webinars for field staff as well to go through a slide deck, tell them how we intend for this to be implemented and to answer any questions they might have for us, etc. And ideally, at the end of that process, you have Corps districts that are implementing this joint memo and the overall rule in a consistent fashion. If you feel like you're working with a Seattle District in one area and another district for something else and they're giving you inconsistent answers, certainly let us know that and we can elevate up the chain to try to resolve those differences and add additional clarity to how it is being implemented."



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October 6, 2020

### ***Memorandum***

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

FROM: Cristel L. Tufenkjian, Director of External Affairs

SUBJECT: Monthly Status Report – September 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 released a September SGMA E-News update.

Date	Email Topic	Audience	Recipients	Open rate	Click-through
9/11/2020	SGMA E-News	SGMA E-News list	339	41%	12%

**Media Relations:** External Affairs staff worked with Deputy General Manager David Merritt on a interview for ABC30's 30-minute agriculture-focused special, *Valley Grown*, which explores the many facets of California's ag culture. The focus for this episode is sustainability and the discussion of the water supply. Merritt's interview focused on the reliable, low-cost energy provided by the power plant and the multiple, sustainable uses of the water before and after it flows through the plant.

**Social Media:** External Affairs staff members continued developing content via Hootsuite content manager across social channels.

**Water Safety Council:** External Affairs staff attended the Water Safety Council and assisted in the development and release of a Labor Day water safety Facebook ad.

#### **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. In addition, administrative support was provided to the Valley Ag Water Committee and the KRWLA 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
- Began planning logistics for a project tour within MAGSA

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

- 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:** 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
- Securing Kings Subbasin cost-share opportunity for coordinated outreach to schools and domestic well owners

**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



Paul G. Peschel, P.E., General Manager  
October 6, 2020  
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**Implementation of Educational Programs for ILRP and CV-SALTS**

**CV-SALTS:** External Affairs staff supported outreach efforts including planning a campaign to conduct community outreach for the development of the Early Action Plan under the CV-SALTS Nitrate Control Program. Mailers and outreach materials are being developed.

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September 30, 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 – September 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, and Lori Werner.

### **WATER QUALITY**

#### **Kings River Water Quality Coalition (KRWQC or Coalition)**

##### **KRWQC Board Meeting**

No KRWQC Board meeting was held in September. The next KRWQC Board meeting will be held on October 20<sup>th</sup> with anticipated updates on membership, Fill Stations, Kings Management Zone, and State Water Resources Control Board fees.

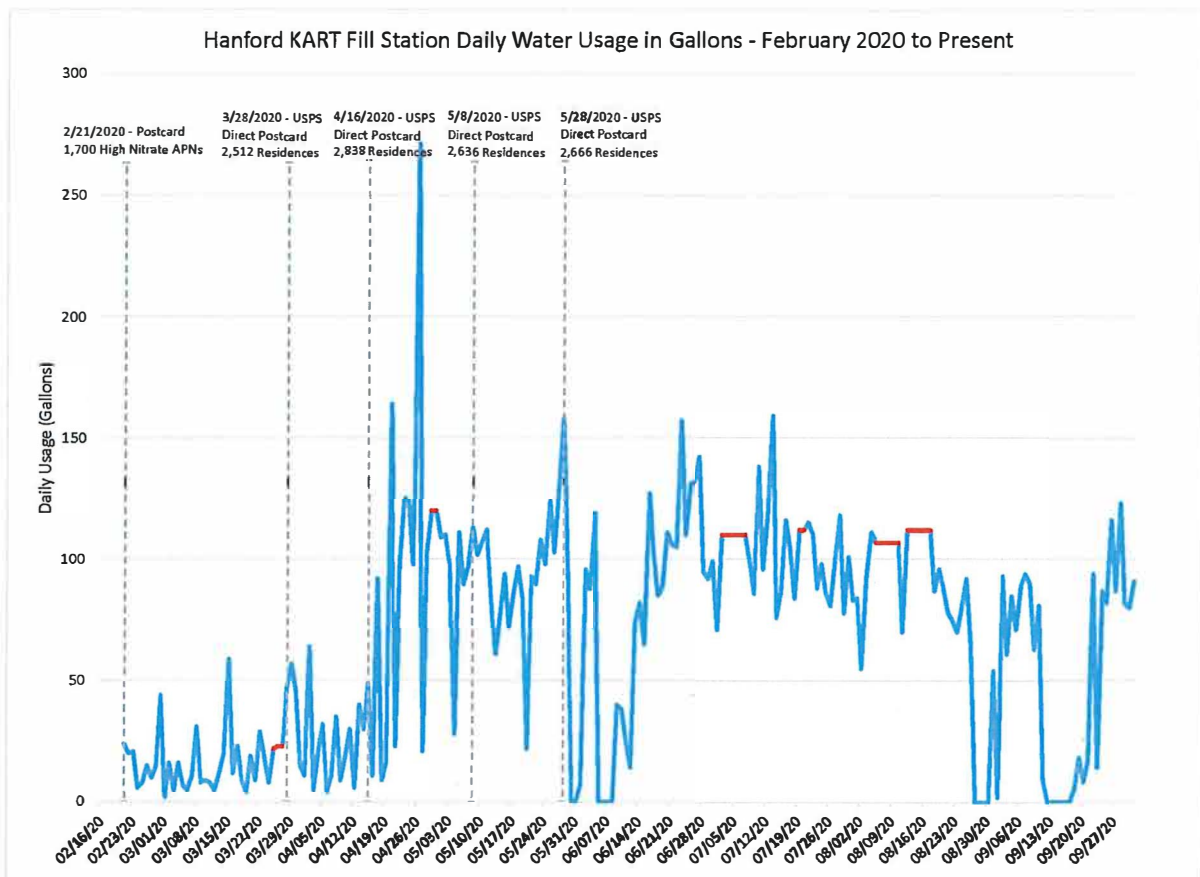
##### **Fill Station Development and Construction**

The Hanford fill station experienced electrical issues mid-September. For the month of September the fill station averaged 70 gallons daily water usage. Weekly bacteria samples collected at the fill station resulted in absent results. A door switch that allows water to dispense only when the door is shut was installed at the end of the month. Staff continue to implement solutions and modify maintenance schedules as necessary at the fill station.

Construction for the Kerman Fill Station started on September 14 and was completed on September 28<sup>th</sup> with the installation of the fill station. The fill station was turned on for public usage on September 30, after receiving absent results from bacteria samples taken on September 28. KRWQC Staff are currently working on outreach efforts and operations and maintenance requirements.

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. Coalition staff completed a site visit in mid-September to determine alternate locations for the Dinuba Public Library Fill Station. Three temporary locations and one additional permanent location have been proposed to Tulare County and the Coalition is awaiting a response. The Coalition continues to work through necessary insurance requirements

David M. Merritt, Deputy General Manager, Chief Operating Officer  
October 1, 2020  
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### Nitrate Management Zones

Staff continue to work with legal counsel for the formation of a non-profit organization for the KRWQC Management Zone. The initial non-profit board includes 3 ILRP, 2 dairy, and 1 poultry board seats. Further discussions with dischargers continue interested in participating in the management zone continue with the next meeting scheduled for October 12. Additionally, the interim technical committee met on September 25 to discuss key components of the PMZP/EAP, boundary delineation, coordination, initial assessment of groundwater conditions, and outreach. Another technical committee meeting will be held in late October.

### Isotope Study – Phase 2

Nothing to report for September 2020.

### KRWQC Membership Activities

Coalition staff are currently working with the Regional Board to verify the list of dropped members; these members are dropped due to lack of payment.

The new MLJ Environmental user portal is nearing completion and the final imports are being verified for accuracy prior to its launch. Staff anticipate members will be able to access the portal in October.

David M. Merritt, Deputy General Manager, Chief Operating Officer  
October 1, 2020  
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In the meantime, an extensive quality control check is being completed on our member's past Nitrogen data submittals to ensure completeness and accuracy. The members with data in need of resolve are being contacted for more information.

#### Web-Based Submittal Database

The Coalition is currently coordinating with developers to finalize designs for member portal login and dashboard webpages as well as invoice design. Parcel data management options to best assess grower requirements in the future, rates and regional specifications were considered during the design and data transfer process. The Coalition has worked with developers to resolve issues with linking delegate accounts with managed memberships and consolidate redundant secondary membership contacts.

#### Outreach Activities

The Coalition sent out postcards at the end of September reminding members of the upcoming December 31, 2020 deadline to test drinking water wells. KRCD staff held a second discussion on meeting the requirements of the Early Action Plan for the Kings Management Zone and developed and designated tasks to meet these requirements.

#### Surface Water Quality Monitoring Plan Revisions

No updates to the development of a revised Surface Water Monitoring Plan occurred in September.

#### Surface Water Quality Sampling Activities

Surface water samples were collected from two out of eight sites Manning Ave. and Jackson Ave. on September 21, 2020. Field sheets and photo documentation were collected at all sites including the six dry sites of Gould Canal, Tivy Valley, Lemoore Weir, Empire 2 Weir, Crescent Weir, and Stinson Weir.

#### Drain Survey Activities

The August drain survey was conducted on the 18<sup>th</sup> and 25<sup>th</sup> of September. The upper river from Army Corp Bridge to Hwy 41 was assessed on the 18<sup>th</sup>. The South Fork and the North Fork drains were assessed on the 25<sup>th</sup>. Due to the sharp decrease in water deliveries the river only flows pass Reedley and the majority of drains were not discharging into the riverbed and isolated pools.

#### Groundwater Quality Trend Monitoring Plan

No further comments have been received from Regional Board staff regarding the revised Trend Monitoring Network. MLJ Environmental has provided the update spreadsheets for the 2020 data to be entered into the Data Management System and eventual upload to GeoTracker. This data update should be completed by mid-October.

#### Groundwater Quality Trend Monitoring Activities

Revisions to the Central Valley Groundwater Monitoring Collaborative's Comprehensive Quality Assurance Plan (CQAP) are underway and the changes implemented for 2019 and 2020 will be incorporated into the new document. The CQAP determines the plan for how we collect and process water quality samples for the program. Data processing for 2020 data is anticipated soon.

### Comprehensive Groundwater Quality Management Plan

The Management Practices Implementation Report (MPIR) has been Conditionally Approved by the Regional Board for Phase I of the MPIR process. Once the submitted methodology for the Groundwater Protection Targets is approved, a revision of the existing Comprehensive Groundwater Management Plan to incorporate the Groundwater Protection Targets proposal and Phase II of the MPIR proposal will be developed and submitted to the Regional Board for approval.

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

The monthly MPEP/CVSALTS committee meeting was held on September 2. The Committee received updates on Fiscal status and on PlanTierra activities. John Dickey, PlanTierra, reported that preparatory work (outreach to cooperators) is underway in the hopes that the Conservation Innovation Grant (CIG) will be awarded. The prep work is to have growers/sites selected so that the research components of the CIG can begin in crop year 2021. FREP Grant work continues with the collection of Yield Samples to further expand the number of crops where Nitrogen Removed data is available. The State Board Surface Water Expert Panel met remotely and received final reports from the East San Joaquin and other interested parties. After several hours of private deliberation, the panel reported that they found the East San Joaquin methodology adequate to the requirements issued by the Regional Board, although they would like to see some changes related to toxicity testing and pesticide screening. A written draft is expected in October, and a review of public comments in November, with a final report in December. This report may or may not impact the approach used by other coalitions, although Regional Board management stated that they will treat the report as "recommendations." A careful review of the draft and final reports is required.

CVGMC members discussed the use of the 5-year report as a replacement for the Groundwater Assessment Report revisions, and the Regional Board indicated comfort with that approach.

*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 September 17, 2020 the discussion centered on management zone implementation status and the Salinity Prioritization and Optimization study target setting for the Lower San Joaquin.

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

### Central Valley Groundwater Monitoring Collaborative (CVGMC)

A conference call was held on September 14<sup>th</sup> to discuss the 2021 budget, Comprehensive Quality Assurance Plan (CQAP) for 2019 and 2020, and planning for the 5-year report,

David M. Merritt, Deputy General Manager, Chief Operating Officer  
 October 1, 2020  
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which will incorporate the previous Groundwater Assessment Report (GAR) requirement. The next conference call is scheduled for November 2nd.

*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 September 2020. Coalition members that had their membership cancelled due to non-payment will receive letters from the RWQCB in October regarding their obligation to retain coverage under the General Order.

### **State Water Board Petition of the East San Joaquin General Order**

The East San Joaquin General Order litigation hearings were conducted on September 4, 2020. The East San Joaquin and irrigated agriculture interests were represented by Tess Dunham, Jennifer Spaletta and the California Farm Bureau's Kari Fisher. Further details will be available as the process unfolds.

## **WATER RESOURCES**

### **Sustainable Groundwater Management Act of 2014 (SGMA)**

GSA's in the Kings and Tulare Lake subbasin are actively developing policies to implement their respective GSP's. SGMA regulations require that the GSA's post the policies on their websites. Note that not all GSA's are conducting public comment periods for policies.

### **Groundwater Sustainability Planning (GSP) Related Activities**

#### *North Fork Kings Groundwater Sustainability Agency (GSA) Implementation*

The North Fork Kings GSA is in the process of developing two policies including the GSA's Rules and Regulations and Groundwater Banking Policy. The Rules and Regulations will lay the foundation for monitoring, well registration, measurement, and data management. The Banking Policy discusses the GSA's role in new project development. Staff anticipate a thirty-day public comment period for these policies starting in late October.

#### *North Fork Kings GSA Grant Activities*

Round 2, Invoice 7 grant funds are still pending DWR approval for payment. The reason for delay is due to DWR's changing invoicing requirements and lack of urgency to review and approve invoices in a timely manner.

#### *South Fork Kings GSA Implementation*

The South Fork Kings GSA is developing a Privacy policy to ensure data confidentiality as the GSA collects needed information from groundwater extractors.

#### *South Fork Kings GSA Grant Activities*

Consultants are currently working to acquire the appropriate permits to begin the Aquifer Storage and Recovery pilot project; staff will continue to work with the consultant to develop the project in the coming months.



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

Staff have discussed the current KRCD monitoring efforts and has decided to continue collecting data for Fall 2020. Many of the wells monitored by KRCD under the CASGEM program have been migrated to the GSAs, and as such, KRCD cannot upload the data to CASGEM. Those wells that are unclaimed by GSAs but remain in CASGEM can be uploaded. Other data collected by KRCD is beneficial to the GSAs as it fills the data gaps that exist in the western Kings Basin. Monitoring is targeted for early October.

### **KRCD Subsidence Monitoring**

The Subsidence Monitoring Program Extension and Implementation Plan has been completed and the cost-sharing agreement is being considered by the Kings and Tulare Lake Subbasin GSA's. Six GSA's have approved the agreement, as of this report: North Fork Kings, South Fork Kings, Southwest Kings, El Rico, North Kings, and Tri-County. The 2020 subsidence survey is scheduled for the first two weeks of 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 KBWA Advisory Committee met on September 16, 2020 via Microsoft Teams. Although the Committee lacked a quorum, the Committee provided consensus to accept the updates made to the KBWA Highlight brochure by the Outreach Workgroup and approved a recommendation to the Board of Directors to accept Reclamation District 1606 as an Interested Party.

### **Prop 1 Disadvantaged Communities (DACs) Involvement Grant**

The Project Advisory Committee (PAC) met on September 17, 2020 via Zoom. The PAC approved two IRWM educational videos developed by Self-Help Enterprises. The two videos include interview with KRCD staff Soua Lee highlighting the purpose of IRWM. The PAC also received an update on completed DAC planning projects and that the online DAC StoryMap tool and DAC Needs Assessment Report are final and ready for public use.

### **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. Fresno Metropolitan Flood Control District (FMFCD) staff continue to review the draft agreement and will provide DWR with any necessary changes or information. A Sub-Agreement outlining grant responsibilities of the sub-grantee was provided to FMFCD for review.

### **Inter-regional and Statewide Coordination**

On behalf of the Roundtable of Regions, staff composed a blog post that was published on Maven's Notebook on September 22, 2020. The topic of the blog post explores the successful collaboration between IRWM and SGMA by highlighting how two local GSAs and the Kings Basin Water Authority have been able to come together and a project by the



David M. Merritt, Deputy General Manager, Chief Operating Officer  
October 1, 2020  
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Fresno Metropolitan Flood Control District and Malaga County Water District to use IRWM funding to meet SGMA requirements. The blog post also served as a preview to a webinar hosted by Maven's Notebook and the Roundtable of Regions on September 23, 2020. The topic of the webinar was regarding successful collaborations between IRWM and SGMA.

### **Kings River Conservation District Grants**

#### **McMullin On-Farm Flood Water Capture and Recharge Project**

No activity to report.

#### **Prop 84 Statewide Flood Emergency Response Grant Program**

No activity to report.

## **WATER RESOURCES DIVISION ACTIVITIES**

### **Geographic Information System (GIS) Projects**

#### **SGMA**

Staff are preparing for the 2020 subsidence survey and fall groundwater measuring event, both scheduled for October. Collaboration with SGMA consultants continues to ensure that all wells and data needed for SGMA reporting will be gathered appropriately. Analysis continues for the SGMA, CASGEM, and KRCD monitoring networks to identify overlaps and exclusions.

#### **KRWQC**

The Coalition GIS parcel dataset was updated for 2020, including Kings, Fresno and Tulare county data.

#### **Flood Maintenance**

Staff surveyed waterline and levee elevations upstream of Empire #1. Work continues to digitize the Right-of-Way and easement paper files.

#### **Other Programs**

Staff are determining nitrate-affected communities and parcels in the Kings Area Management Zone for use in outreach activities. Staff are supporting External Affairs' Recharge Campaign with GIS data and applications. A map was created to show Reclamation District 1606's overlap with the Kings Basin Water Authority. Staff completed a map for an environmental permit. Staff answered questions and provided data in response to multiple inquiries from stakeholders, consultants, and other districts. Staff reviewed potential training platforms and their offerings as part of a staff development project.

## **ENVIRONMENTAL DIVISION**

### **Administrative Items**

#### **Reservoir Profile**

Staff conducted biweekly reservoir profiles in September in support of temperature management for the tailwater fishery. Profiles were conducted on September 2<sup>nd</sup>, 16<sup>th</sup>, and

David M. Merritt, Deputy General Manager, Chief Operating Officer  
October 1, 2020  
Page 8

30<sup>th</sup>. Results of those profiles from the beginning and middle of the month indicate a cooling trend at the surface of the reservoir of almost three degrees, while warming was observed at both the penstock and lower levels of the reservoir. The penstock level had warmed one degree to 21°C (70°F) while the lower levels warmed two degrees to around 13°C (55°F). Dissolved oxygen levels at the penstock level decreased 2 mg/L to 3 mg/L by mid-September and remained at 0 mg/L at the lower levels. Visibility in the lake decreased by three feet from the previous month to around 7 feet, with algae clearly present; biweekly profiles are expected to continue through October.

### **Fisheries Management Program (FMP)**

#### **Incubator Building**

Incubator is currently offline until December 2020.

#### **Proposed Habitat Projects**

Staff have evaluated the habitat enhancement projects proposed by Cramer Fish Sciences and made their recommendations to the TSC as potential projects for the FMP to move forward with. Projects recommended included gravel augmentation below the Army Corps Bridge, creation of a side-channel on the right bank below Winton County Park, restoration of the Thorburn spawning channel, and widening of the Winton electrofishing site.

#### **Electrofishing**

Staff have begun work on a comprehensive electrofishing report for the years 2007-2019. Data is currently being organized, verified, and reformatted to facilitate analysis.

### **Executive Committee Meeting (ExCom)**

ExCom did not meet in September. The next meeting is scheduled for October 16<sup>th</sup> via Zoom.

### **Technical Steering Committee (TSC)**

The TSC met on September 22<sup>nd</sup>. Items discussed included current and projected water conditions in the river and reservoir, the status of planned fish stocking by CDFW and supplemental stocking by Calaveras Trout Farm, and a discussion of the habitat enhancement projects proposed by Cramer Fish Sciences. It was decided an additional TSC meeting, date to be announced, should occur before the October ExCom so that any projects the TSC decides to move forward can be advanced to the ExCom for approval. The next regular meeting of the TSC is slated for October 20, 2020.

### **Public Advisory Group (PAG)**

The PAG meeting was conducted via Zoom on September 22, 2020. Staff from KRCD, KRWA, and CDFW provided the PAG with updates on current and forecasted water conditions, informed of the cancellation of the fall electrofishing survey, and provided an update on current and planned stocking by the CDFW and KRCD. The next PAG meeting is scheduled to occur via Zoom on October 20<sup>th</sup>.

David M. Merritt, Deputy General Manager, Chief Operating Officer  
October 1, 2020  
Page 9

## **Stocking**

### **Supplemental Stocking Plan**

Supplemental stocking through Calaveras Trout Farm (CTF) will begin the week of October 26th when water temperatures are anticipated to be more suitable for trout.

### **CDFW Annual Budgeted Stocking**

Staff have been informed by CDFW that stocking of the lower Kings River is expected to continue on a weekly basis. Since July, 8<sup>th</sup>, 840 brook trout (4,400 lbs.) have been stocked in the river. It is expected that stocking will soon switch to rainbow trout once they become available in the hatchery.

CG/dmr

R20-0046  
File: 202.03

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4886 East Jensen Avenue  
Fresno, California 93725

Tel: 559-237-5567

Fax: 559-237-5560

www.krcd.org

October 6, 2020

## ***Memorandum***

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

FROM: David M. Merritt, Deputy General Manager 

SUBJECT: Monthly Status Report – September 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 765.1 feet (ft.) and storage of 214,281 acre-feet (AF). As of October 1, 2020, the reservoir elevation was 762.2 ft. and storage of 206,782 AF. Turbine discharge for the month was 5,671 AF. Discharge through the turbine bypass system was 13,501 AF. Spill from the dam for the month was 14,202 AF. Flow from Mill and Hughes Creeks was 0 AF.

#### **Power Plant Generation:**

Net facility generation – 692.2 MWhrs.

#### **Unit Status:**

Unit #	Gross MWhrs	In-Service Hours	Standby Hours	Out of Service Hours
1	0	0	553.72	166.28
2	0	0	553.72	166.28
3	735.79	84	469.72	166.28
<b>TOTAL</b>	<b>735.79</b>			

#### **Administrative:**

COVID-19 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 has 30-days left under the 60-day public review period. To date, no formal written comments have been received. I have answered several questions from the public via phone calls received and no further issues post those conversations.

Power Market Price Shaping – conversations with the Department of Water Resources continue.

We have engaged with a Utility Rate Consultant to explore potential changes to the Pine Flat Power Purchase Agreement processes. This project will run through the end of this year.

Staff is working with Provost & Pritchard on development of a Request for Proposals to repair the entrance road to the power plant. This road is the original and has only had some spot repairs performed over the years.

**Operations & Maintenance:**

- Routine monthly preventative maintenance tasks completed.
- On September 4<sup>th</sup>, the facility generation was shut down due to low irrigation outflows.
- Pacific Gas & Electric performed maintenance on the 230kV transmission line September 14-18 under CAISO OMS# 9065821.
- Reinstalled No. 2 drainage pump after rebuilt / repair.
- The annual facility maintenance outage started on September 28<sup>th</sup> under CAISO OMS# 9154182.
- Through support of HDR (engineer contractor), we continue developing additional enhancements to add into the newly installed microprocessor relays that will be incorporated fourth quarter 2020.

**Environmental, Health and Safety (EH&S):**

Facility safety record as of October 1, 2020 - 979 days without a lost-time incident.

Monthly safety meetings covered the Creek Fire and coordinated response from the U.S. Army Corps of Engineers (USACE) if the facility is impacted. Reviewed the upcoming safety concerns with the annual maintenance process.

**Regulatory Compliance:**

The following items were completed:

- Energy Information Administration - Form 923M – September production report.
- Filed with CEC, the 2020 third quarter report – Form 1304

**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.

NERC training was completed with newly hired operator, Jose Silvera.

**Personnel:**

No report

**Forecast / Reports:**

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

<b>2020/21 Power Revenue Budget to Actual – Budget was based on \$7.6/MWhr – Escalation is \$7.7/MWhr</b>			
<b>Month</b>	<b>Budgeted Revenue - Gross</b>	<b>Actual (AR) / Forecasted (FR) Revenue - Gross</b>	<b>Over / (Short) Based On Actual - Gross</b>
July	\$557,680	\$689,227 - AR	\$131,547
August	\$404,040	\$180,884 - AR	(\$223,155)
September	\$74,480	\$5,330 - AR	(\$69,150)
October	-	-	
November	-	-	
December	-	-	
January	-	-	
February	-	-	
March	-	-	
April	-	\$169,650 - FR	
May	\$267,070	\$334,490 - FR	
June	\$715,730	\$699,330 - FR	
<b>Total:</b>	<b>\$2,019,000</b>	<b>\$2,078,911 = AR+FR</b>	<b>(\$160,758)</b>

**FUTURE POWER / WATER STORAGE RELATED ITEMS****Pine Flat – Unit 4:**

I received five potential vendor responses to our Request for Information (RFI), some of those provided more than one option for consideration. We (DWR, Engineering Consultant and I) have been working through the proposals and updating our financial models to further guide our decision process on moving forward. We will need to work further with the potential selected vendor to firm up proposals based on expected head range and outflow, along with the issue of an open air discharged francis turbine.

**Water Storage Opportunity Projects:**

We are wrapping up the additional modeling study performed assuming SGMA projects are developed and the impact of those on cost of the larger surface water projects. We also incorporated the operations of Pine Flat Reservoir post SGMA and the potential climate change impacts – more rain / less snow.

**FLOOD DIVISON****Administrative:**

COVID-19 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

#### USACE Levee Routine Inspection Reports:

The USACE 2019 Project Levee inspection reports were received September 17<sup>th</sup>. Per the USACE regulations, a copy of the inspection letters will be sent to the county emergency management agency, state emergency management agency, FEMA region, and to the Congressional

delegations. Specifically, for Kings River, these letters are sent to King & Fresno County Office of Emergency Services, Department of Water Resources Flood Operations Center, FEMA Region IX, and Representative TJ Cox's office.

This same reporting requirement occurred post the 2012 inspections and what caused KRCD to develop the System Wide Improvement Framework to retain PL84-99 eligibility. Despite the amount of improvement made by KRCD post the 2012 inspection, the levees continue to be rated Unacceptable. The letters are included with my report.

#### **Operations and Maintenance Activities:**

- Levee grading – 1.4 miles
- Levee mowing – 6.1 miles
- Channel mowing – 94 acres
- Weed control (spraying) along levee – 3 miles
- Rodent control program – continuous over month
- Sediment removed from channel – 5,000 cubic yards. This will increase as channel dries up.

#### **Environmental, Health and Safety (EH&S):**

Safety record as of October 1, 2020 – 790 days without a lost time incident.

Monthly safety topics covered COVID-19, Hazard Communications, Incident Reporting, and daily tailgate meetings on Heat Injury Illness Prevention

#### **Personnel:**

Tony Bettencourt started with the District on September 16.

#### **GRANT ACTIVITIES**

#### **McMullin On-Farm Flood Water Project (Terranova):**

Work over the month:

- The contractor completed the bump test of the pump motor for proper rotation, set the pump bowls and coupled the motor to the pump. The oiler for the motor bearing needed to be reconfigured to adjust leakage. All major work required of Floyd Johnston Construction is now complete.
- The grant extension amendment was fully executed by DWR - the project completion date is November 2021.
- Project governance structure planning and development continues by KRCD legal – I am expecting their draft the week of October 5, 2020.

#### **Levee Evaluation Grant:**

All significant activities are completed under this program and continue pulling together final documents to close it out.



**Statewide Flood Emergency Response Grant Program:**

Staff continued to review project documents and reviewed the proposed flood inundation maps based on theoretical levee breaches – this modeling effort was discussed with the consultant (GEi) over the month.

**Prop 68 – Invasive Plant Species:**

Pending response from the State.

**Weather Modification Services:**

This year's program will eliminate the aerial portion from the contract. After conversation with North American Weather Consultants and KRWA, more programs have moved toward 100% ground based due to safety / liability of aerial operations. We will also use a 3% AgI concentration solution in the ground generators with the expectation results should be the same / better with aerial. This year, cost will be reduced by \$120,000, cost is shared by KRCD, KRWA, PG&E and a small percentage by DWR.

DM/sjs

R20-0048  
File: 202.03

KINGS RIVER CONSERVATION DISTRICT PINE FLAT POWER PLANT - POWER GENERATION FORECAST												
DATE OF FORECAST :		1-October-2020										
RESERVOIR STORAGE :		206,782 AF										
BASIS OF DATA :		1. BASED ON 50% CNRFC PROBABILITY FOR OCTOBER THROUGH MARCH 2021, AND 100% OF KRWA AVERAGE THEREAFTER. 2. IRRIGATION DEMAND PROJECTIONS BY KRWA AS OF 9/30/2020. 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 OUTFLOW CFS	AVG TURB Q CFS	AVG SPILL CFS	AVG GEN MW	MIN GEN MW	MAX GEN MW	GEN MWH	ENERGY PAYMENT \$1000
OCT	2020	225,716	769	508	200	0	200	0.00	0.00	0.00	0	0.00
NOV	2020	242,079	775	425	150	0	150	0.00	0.00	0.00	0	0.00
DEC	2020	264,852	783	520	150	0	150	0.00	0.00	0.00	0	0.00
JAN	2021	299,871	794	720	150	0	150	0.00	0.00	0.00	0	0.00
FEB	2021	352,552	811	1,099	150	0	150	0.00	0.00	0.00	0	0.00
MAR	2021	421,282	830	1,618	500	0	500	0.00	0.00	0.00	0	0.00
APR	2021	533,228	858	3,381	1,500	1,500	0	30.60	28.58	32.48	22,032	169.65
MAY	2021	748,809	905	6,006	2,500	2,500	0	58.39	54.50	62.00	43,440	334.49
JUN	2021	812,118	917	6,064	5,000	5,000	0	126.14	124.00	128.00	90,822	699.33
JUL	2021	597,623	873	3,012	6,500	6,235	265	150.72	134.84	165.75	112,134	863.43
AUG	2021	437,155	834	1,390	4,000	4,000	0	84.65	77.40	90.40	62,981	484.95
SEP	2021	381,554	819	1,066	2,000	2,000	0	37.28	35.80	38.70	26,839	206.66
12 MONTH TOTALS :				2153	1912	1780	131	40.90			358,248	\$ 2,759 90.8% of normal generation yr.

512.03.07

KINGS RIVER CONSERVATION DISTRICT PINE FLAT POWER PLANT - RESERVOIR OPERATION FORECAST								
DATE OF FORECAST : 1-October-2020 RESERVOIR STORAGE : 206782 AF BASIS OF DATA : 1. BASED ON 50% CNRFC PROBABILITY FOR OCTOBER THROUGH MARCH 2021, AND 100% OF KRWA AVERAGE THEREAFTER. 2. IRRIGATION DEMAND PROJECTIONS BY KRWA AS OF 9/30/2020. 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 OUTFLW CFS
OCT	2020	225,716	769	31,232	12,298	18,934	508	200
NOV	2020	242,079	775	25,288	8,926	16,362	425	150
DEC	2020	264,852	783	31,996	9,223	22,773	520	150
JAN	2021	299,871	794	44,242	9,223	35,019	720	150
FEB	2021	352,552	811	61,012	8,331	52,681	1,099	150
MAR	2021	421,282	830	99,474	30,744	68,730	1,618	500
APR	2021	533,228	858	201,202	89,256	111,946	3,381	1,500
MAY	2021	748,809	905	369,300	153,719	215,581	6,006	2,500
JUN	2021	812,118	917	360,830	297,521	63,309	6,064	5,000
JUL	2021	597,623	873	185,174	399,669	(214,495)	3,012	6,500
AUG	2021	437,155	834	85,482	245,950	(160,468)	1,390	4,000
SEP	2021	381,554	819	63,408	119,008	(55,600)	1,066	2,000
<b>12 MONTH TOTALS :</b>				<b>1,558,640</b>	<b>1,383,868</b>		<b>2,153</b>	<b>1,912</b>

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



**DEPARTMENT OF THE ARMY**  
**U.S. ARMY CORPS OF ENGINEERS, SACRAMENTO DISTRICT**  
 1325 J STREET  
 SACRAMENTO CA 95814-2922

SEP 14 2020

Executive Office

Mr. David M. Merritt  
 Deputy General Manager  
 Kings River Conservation District  
 4886 East Jensen Avenue  
 Fresno, CA 93725

Dear Mr. Merritt:

A Routine Inspection (RI) of the Kings River - Units 6, 9, and 11 North and James Bypass Levee System was conducted between July 22 and August 7, 2019. The enclosed map, report card, and inspection report serve as a summary of the RI. The system is comprised of three federally authorized segments, and one non-federal segment. The non-federal segment, James Bypass, was not inspected as part of this recent inspection. However, to provide a comprehensive understanding of the condition of the entire levee system, the inspection ratings presented in the enclosed report card for the James Bypass segment are the ratings from the last inspection of the segment in 2014. The U.S. Army Corps of Engineers (USACE) plans to inspect the James Bypass segment in the summer of 2020, and at which point, a revised report card with updated inspection ratings will be sent to your office.

Based on observations made as part of the inspection, the Kings River - Units 6, 9, and 11 North and James Bypass Levee System is rated Unacceptable. The unacceptable rating is due to encroachments, erosion/bank caving, animal control, sod cover, settlement, and depressions/rutting (shown in orange on the Report Card). An engineering determination, based upon visual inspection, concluded that these issues are likely to prevent the system from performing as intended during the next flood event. Vegetation growth was rated unacceptable (shown in purple on the Report Card), but an engineering determination, based on visual inspection, concluded that the issues were not likely to prevent the system from performing as intended during the next flood event.

The system rating is used to determine the status of the system in the Rehabilitation Program (RP) pursuant to Public Law (PL) 84-99. A system rating of at least minimally acceptable is required to be active in the RP. However, USACE offers non-federal sponsors a process through the System Wide Improvement Framework (SWIF) program to remain temporarily active in the RP while the sponsors correct unacceptable issues.

On March 24, 2014, Headquarters USACE approved the Reclamation District 1606 and Kings River Conservation District's Letter of Intent to develop a SWIF plan. Based upon this inspection, the USACE Interim Policy for Determining Eligibility Status of Flood Risk Management Projects for the RP pursuant to PL 84-99, dated March 21, 2014, and the non-federal sponsor's participation in the SWIF program, the Kings River - Units 6, 9, and 11 North and James Bypass Levee System is active in the PL 84-99 RP.

-2-

If further information is available that documents correction of an issue; the completion of an interim repair; an issue is not within the sponsor/project easement; or an issue is a less critical concern, please provide documentation for USACE consideration. If a potential levee safety issue is outside the local sponsor's easement area, USACE recommends the local sponsor develop and implement measures within its legal authorities to mitigate or correct the issue. Neither the system rating nor status in the RP will be adversely impacted by an issue outside the project easement.

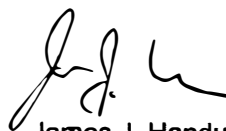
The findings associated with this RI have significant impacts to the community in the leveed area and will be communicated to interested parties that include federal, state, and local branches of government. This inspection report is used for the purpose of determining eligibility for the RP and should not be construed to provide any express or implied warranty regarding levee performance during a flood event.

This USACE inspection rating represents an evaluation of operations and maintenance of the flood risk reduction system and may be used in conjunction with other information for a levee certification determination for National Flood Insurance Program (NFIP) purposes, if applicable. For a levee system receiving a USACE unacceptable rating and currently accredited by the Federal Emergency Management Agency (FEMA) for NFIP purposes, it is recommended that the system be evaluated by the levee owner to determine the potential impacts to the certification for FEMA.

It is requested that an updated levee log, an inspection or plan for inspection of the condition of all pipes affecting the flood risk management structure and a map showing the right-of-way easement area be submitted within one year from the date of this letter, or any re-inspection request.

If you have any questions regarding this inspection, please contact Juan Gonzalez, Chief, Inspection Section, by telephone at (916) 557-7936 or if you have questions regarding participation in the SWIF program, please contact Josh Jimerfield, PL 84-99 Program Manager, by telephone at (916) 557-6974. A copy of this letter is being furnished to the Department of Water Resources Flood Operations Center, both Fresno and Kings County Offices of Emergency Services, FEMA Region IX, and Congressman TJ Cox's office as required by our regulations.

Sincerely,



James J. Handura  
Colonel, U.S. Army  
Commander and District Engineer

Enclosures



DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS, SACRAMENTO DISTRICT  
1325 J STREET  
SACRAMENTO CA 95814-2922

SEP 14 2020

Executive Office

Mr. David M. Merritt  
Deputy General Manager  
Kings River Conservation District  
4886 East Jensen Avenue  
Fresno, CA 93725

Dear Mr. Merritt:

A Routine Inspection (RI) of the Kings River - Units 4, 7, 10 Levee System was conducted between July 15 and July 22, 2019. The enclosed map, report card, and inspection report serve as a summary of the RI. The system is comprised of the three segments listed in the Report Card.

Based on observations made as part of the inspection, the Kings River - Units 4, 7, 10 Levee System is rated Unacceptable. The unacceptable rating is due to encroachments, erosion/bank caving, animal control, and vegetation growth (shown in orange on the Report Card). An engineering determination, based upon visual inspection, concluded that these issues are likely to prevent the system from performing as intended during the next flood event. Sod cover, settlement, and depression/rutting were rated unacceptable (shown in purple on the Report Card), but an engineering determination, based on visual inspection, concluded that the issues were not likely to prevent the system from performing as intended during the next flood event.

The system rating is used to determine the status of the system in the Rehabilitation Program (RP) pursuant to Public Law (PL) 84-99. A system rating of at least minimally acceptable is required to be active in the RP. However, the U.S. Army Corps of Engineers (USACE) offers non-federal sponsors a process through the System Wide Improvement Framework (SWIF) program to remain temporarily active in the RP while the sponsors correct unacceptable issues.

On March 28, 2013, Headquarters USACE approved Kings River Conservation District's Letter of Intent to develop a SWIF plan for the Kings River - Units 4, 7, 10 Levee System. Based upon this inspection, the USACE Interim Policy for Determining Eligibility Status of Flood Risk Management Projects for the RP pursuant to PL 84-99, dated March 21, 2014, and the non-federal sponsor's participation in the SWIF program, the Kings River - Units 4, 7, 10 Levee System is active in the PL 84-99 RP.

If further information is available that documents correction of an issue; the completion of an interim repair; an issue is not within the sponsor/project easement; or an issue is a less critical concern, please provide documentation for USACE consideration. If a potential levee safety issue is outside the local sponsor's easement area, USACE recommends the local sponsor

-2-

develop and implement measures within its legal authorities to mitigate or correct the issue. Neither the system rating nor status in the RP will be adversely impacted by an issue outside the project easement.

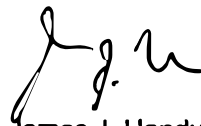
The findings associated with this RI have significant impacts to the community in the leveed area and will be communicated to interested parties that include federal, state, and local branches of government. This inspection report is used for the purpose of determining eligibility for the RP and should not be construed to provide any express or implied warranty regarding levee performance during a flood event.

This USACE inspection rating represents an evaluation of operations and maintenance of the flood risk reduction system and may be used in conjunction with other information for a levee certification determination for National Flood Insurance Program (NFIP) purposes, if applicable. For a levee system receiving a USACE unacceptable rating and currently accredited by the Federal Emergency Management Agency (FEMA) for NFIP purposes, it is recommended that the system be evaluated by the levee owner to determine the potential impacts to the certification for FEMA.

It is requested that an updated levee log, an inspection or plan for inspection of the condition of all pipes affecting the flood risk management structure and a map showing the right-of-way easement area be submitted within one year from the date of this letter, or any re-inspection request.

If you have any questions regarding this inspection, please contact Juan Gonzalez, Chief, Inspection Section, by telephone at (916) 557-7936 or if you have questions regarding participation in the SWIF program, please contact Josh Jimerfield, PL84-99 Program Manager, by telephone at (916) 557-6974. A copy of this letter is being furnished to the Department of Water Resources Flood Operations Center, Kings County Office of Emergency Services, FEMA Region IX, and Congressman TJ Cox's office as required by our regulations.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Handura', with a stylized flourish at the end.

James J. Handura  
Colonel, U.S. Army  
Commander and District Engineer

Enclosures



DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS, SACRAMENTO DISTRICT  
1325 J STREET  
SACRAMENTO CA 95814-2922

Executive Office

SEP 14 2020

Mr. David M. Merritt  
Deputy General Manager  
Kings River Conservation District  
4886 East Jensen Avenue  
Fresno, CA 93725

Dear Mr. Merritt:

A Routine Inspection (RI) of the Kings River – Unit 11 South of RR Levee System was conducted between August 5 and August 7, 2019. The enclosed map, report card, and inspection report serve as a summary of the RI. The system is comprised of the one segment listed in the Report Card.

Based on observations made as part of the inspection, the Kings River – Unit 11 South of RR Levee System is rated Unacceptable. The unacceptable rating is due to encroachments, slope stability, erosion/bank caving, animal control, settlement, and depressions/rutting (shown in orange on the Report Card). An engineering determination, based upon visual inspection, concluded that these issues are likely to prevent the system from performing as intended during the next flood event. Vegetation growth, sod cover, and cracking were rated unacceptable (shown in purple on the Report Card), but an engineering determination, based on visual inspection, concluded that the issues were not likely to prevent the system from performing as intended during the next flood event.

The system rating is used to determine the status of the system in the Rehabilitation Program (RP) pursuant to Public Law (PL) 84-99. A system rating of at least minimally acceptable is required to be active in the RP. However, the U.S. Army Corps of Engineers (USACE) offers non-federal sponsors a process through the System Wide Improvement Framework (SWIF) program to remain temporarily active in the RP while the sponsors correct unacceptable issues.

On March 28, 2013, Headquarters USACE approved Kings River Conservation District's Letter of Intent to develop a SWIF plan for the Kings River – Unit 11 South of RR Levee System. Based upon this inspection, the USACE Interim Policy for Determining Eligibility Status of Flood Risk Management Projects for the RP pursuant to PL 84-99, dated March 21, 2014, and the non-federal sponsor's participation in the SWIF program, the Kings River – Unit 11 South of RR Levee System is active in the PL 84-99 RP.

If further information is available that documents correction of an issue; the completion of an interim repair; an issue is not within the sponsor/project easement; or an issue is a less critical concern, please provide documentation for USACE consideration. If a potential levee safety issue is outside the local sponsor's easement area, USACE recommends the local sponsor



-2-

develop and implement measures within its legal authorities to mitigate or correct the issue. Neither the system rating nor status in the RP will be adversely impacted by an issue outside the project easement.

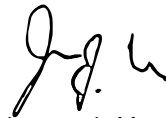
The findings associated with this RI have significant impacts to the community in the leveed area and will be communicated to interested parties that include federal, state, and local branches of government. This inspection report is used for the purpose of determining eligibility for the RP and should not be construed to provide any express or implied warranty regarding levee performance during a flood event.

This USACE inspection rating represents an evaluation of operations and maintenance of the flood risk reduction system and may be used in conjunction with other information for a levee certification determination for National Flood Insurance Program (NFIP) purposes, if applicable. For a levee system receiving a USACE unacceptable rating and currently accredited by the Federal Emergency Management Agency (FEMA) for NFIP purposes, it is recommended that the system be evaluated by the levee owner to determine the potential impacts to the certification for FEMA.

It is requested that an updated levee log, an inspection or plan for inspection of the condition of all pipes affecting the flood risk management structure and a map showing the right-of-way easement area be submitted within one year from the date of this letter, or any re-inspection request.

If you have any questions regarding this inspection, please contact Juan Gonzalez, Chief, Inspection Section, by telephone at (916) 557-7936 or if you have questions regarding participation in the SWIF program, please contact Josh Jimerfield, PL84-99 Program Manager, by telephone at (916) 557-6974. A copy of this letter is being furnished to the Department of Water Resources Flood Operations Center, Kings County Office of Emergency Services, FEMA Region IX, and Congressman TJ Cox's office as required by our regulations.

Sincerely,



James J. Handura  
Colonel, U.S. Army  
Commander and District Engineer

Enclosures



DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS, SACRAMENTO DISTRICT  
1325 J STREET  
SACRAMENTO CA 95814-2922

SEP 14 2020

Executive Office

Mr. David M. Merritt  
Deputy General Manager  
Kings River Conservation District  
4886 East Jensen Avenue  
Fresno, CA 93725

Dear Mr. Merritt:

A Routine Inspection (RI) of the Kings River - Units 15, 16, 17 Levee System was conducted between July 30 and July 31, 2019. The enclosed map, report card, and inspection report serve as a summary of the RI. The system is comprised of the three segments listed in the Report Card.

Based on observations made as part of the inspection, the Kings River - Units 15, 16, 17 Levee System is rated Unacceptable. The unacceptable rating is due to encroachments, slope stability, erosion/bank caving, animal control, and cracking (shown in orange on the Report Card). An engineering determination, based upon visual inspection, concluded that these issues are likely to prevent the system from performing as intended during the next flood event. Vegetation growth, sod cover, depressions/rutting, and riprap revetments & bank protection were rated unacceptable (shown in purple on the Report Card), but an engineering determination, based on visual inspection, concluded that the issues were not likely to prevent the system from performing as intended during the next flood event.

The system rating is used to determine the status of the system in the Rehabilitation Program (RP) pursuant to Public Law (PL) 84-99. A system rating of at least minimally acceptable is required to be active in the RP. However, the U.S. Army Corps of Engineers (USACE) offers non-federal sponsors a process through the System Wide Improvement Framework (SWIF) program to remain temporarily active in the RP while the sponsors correct unacceptable issues.

On March 28, 2013, Headquarters USACE approved Kings River Conservation District's Letter of Intent to develop a SWIF plan for the Kings River - Units 15, 16, 17 Levee System. Based upon this inspection, the USACE Interim Policy for Determining Eligibility Status of Flood Risk Management Projects for the RP pursuant to PL 84-99, dated March 21, 2014, and the non-federal sponsor's participation in the SWIF program, the Kings River - Units 15, 16, 17 Levee System is active in the PL 84-99 RP.

If further information is available that documents correction of an issue; the completion of an interim repair; an issue is not within the sponsor/project easement; or an issue is a less critical concern, please provide documentation for USACE consideration. If a potential levee safety issue is outside the local sponsor's easement area, USACE recommends the local sponsor

-2-

develop and implement measures within its legal authorities to mitigate or correct the issue. Neither the system rating nor status in the RP will be adversely impacted by an issue outside the project easement.


The findings associated with this RI have significant impacts to the community in the leveed area and will be communicated to interested parties that include federal, state, and local branches of government. This inspection report is used for the purpose of determining eligibility for the RP and should not be construed to provide any express or implied warranty regarding levee performance during a flood event.

This USACE inspection rating represents an evaluation of operations and maintenance of the flood risk reduction system and may be used in conjunction with other information for a levee certification determination for National Flood Insurance Program (NFIP) purposes, if applicable. For a levee system receiving a USACE unacceptable rating and currently accredited by the Federal Emergency Management Agency (FEMA) for NFIP purposes, it is recommended that the system be evaluated by the levee owner to determine the potential impacts to the certification for FEMA.

It is requested that an updated levee log, an inspection or plan for inspection of the condition of all pipes affecting the flood risk management structure and a map showing the right-of-way easement area be submitted within one year from the date of this letter, or any re-inspection request.

If you have any questions regarding this inspection or participation in the program, please contact Juan Gonzalez, Chief, Inspection Section, by telephone at (916) 557-7936 or if you have questions regarding participation in the SWIF program, please contact Josh Jimerfield, PL84-99 Program Manager, by telephone at (916) 557-6974. A copy of this letter is being furnished to the Department of Water Resources Flood Operations Center, both Fresno and Kings County Offices of Emergency Services, FEMA Region IX, and Congressman TJ Cox's office as required by our regulations.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Handura', is positioned above the printed name.

James J. Handura  
Colonel, U.S. Army  
Commander and District Engineer

Enclosures

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4886 East Jensen Avenue  
Fresno, California 93725


Tel: 559-237-5567  
Fax: 559-237-5560

[www.krccd.org](http://www.krccd.org)

October 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 September 2020

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

Field work on the annual audits of KRCD, and the KRWQC, began this month. Auditors spent the week of September 21<sup>st</sup> through the 25<sup>th</sup> here in the office and working with us remotely. The KRCD audit is expected to be completed and presented at the November 10, 2020 board meeting.

The audits of the McMullin Area GSA, North Fork GSA and the South Fork GSA are expected to begin in October.

Finance staff participated in web-based training that included topics such as Wage and Hour Law and Combatting Payments Fraud in the Age of COVID-19.

The District's copier leases are expiring in December 2020. I am currently soliciting proposals for a new lease contract.

Stacy Wright, Manager of Human Resources, attended various meetings, webinars, and training sessions to keep her understanding of ever-changing HR issues, laws, and COVID-19 implications on employment up to date. Throughout the month, Stacy coordinated the recruitment and interviews for six candidates for the External Affairs Coordinator position. She also processed the separation of two District employees, one a voluntary resignation, and the other which reached the end of the limited term of employment as an intern. On the other side of employment, Stacy conducted a new employee orientation for a Flood Maintenance Worker with the Riverdale crew.

BT/dmr

R20-0047  
File: 202.03

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# KINGS RIVER CONSERVATION DISTRICT BUDGET TO ACTUAL COMPARISON



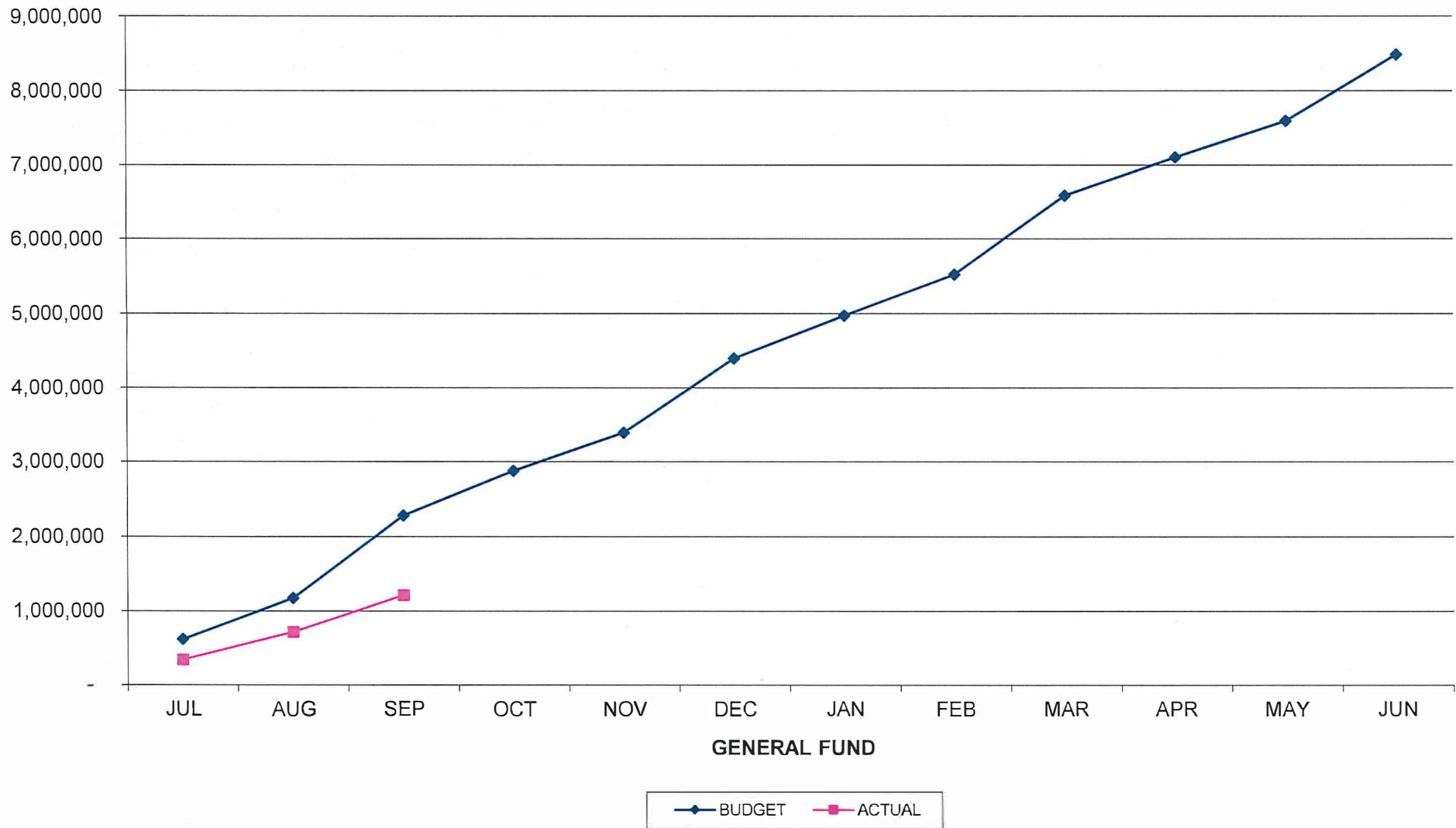
**KINGS RIVER CONSERVATION DISTRICT**  
**Summary Budget Comparison - ALL FUNDS (201.17.04)**

From 9/1/2020 Through 9/30/2020

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	476,522.99	486,981.00	984,553.22	4,317,268.00	3,332,714.78	22.80%
51011	DIRECTORS COMPENSATION	3,500.00	3,500.00	10,500.00	42,000.00	31,500.00	25.00%
51021	PENSION PLAN	31,077.12	35,527.00	73,147.27	307,903.00	234,755.73	23.75%
51022	PAYROLL TAXES	33,563.96	37,204.00	83,106.32	322,428.00	239,321.68	25.77%
51030	EMPLOYEE HEALTH INSURANCE	71,095.60	79,963.00	210,545.02	959,559.00	749,013.98	21.94%
51033	UNEMPLOYMENT INSURANCE	0.00	417.00	0.00	5,000.00	5,000.00	0.00%
52050	SAFETY SUPPLIES	2,237.33	2,918.00	3,168.48	31,479.00	28,310.52	10.06%
52060	COMMUNICATIONS	4,447.11	6,000.00	11,253.51	69,804.00	58,550.49	16.12%
52090	HOUSEHOLD EXPENSE	207.40	1,058.00	1,155.45	12,745.00	11,589.55	9.06%
52100	INSURANCE & BONDS	13,436.07	74,799.00	39,674.88	463,956.00	424,281.12	8.55%
52120	MAINTENANCE - EQUIPMENT	26,117.55	32,646.00	46,612.59	300,654.00	254,041.41	15.50%
52130	MAINTENANCE - STRUCTURES	56,217.36	74,269.00	63,188.12	748,075.00	684,886.88	8.44%
52140	FMP PROGRAM	0.00	8,071.00	0.00	111,848.00	111,848.00	0.00%
52150	MEMBERSHIPS	433.00	3,836.00	5,493.00	44,360.00	38,867.00	12.38%
52160	MISCELLANEOUS	239.35	1,499.00	610.63	99,002.00	98,391.37	0.61%
52170	OFFICE EXPENSE	7,252.04	21,297.50	19,486.12	181,520.00	162,033.88	10.73%
52181	LEGAL SERVICES	3,277.50	8,458.00	4,311.00	101,500.00	97,189.00	4.24%
52182	ACCOUNTING SERVICES	0.00	17,767.00	0.00	39,600.00	39,600.00	0.00%
52183	ENGINEERING SERVICES	10,739.86	61,142.00	16,785.85	433,700.00	416,914.15	3.87%
52184	WEATHER MODIFICATION	0.00	0.00	0.00	391,550.00	391,550.00	0.00%
52186	PROFESSIONAL & SPECIAL SERVICE	67,809.88	49,175.00	126,000.75	594,287.00	468,286.25	21.20%
52188	BANK SERVICE FEES	0.00	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	3,525.00	416.98	44,450.00	44,033.02	0.93%
52210	RENTS & LEASES - STRUCTURES	0.00	1,100.00	0.00	97,100.00	97,100.00	0.00%
52220	SMALL TOOLS & INSTRUMENTS	1,307.83	3,536.00	2,296.51	46,215.00	43,918.49	4.96%
52230	DISTRICT SPECIAL EXPENSE	453.00	9,800.00	752.00	107,670.00	106,918.00	0.69%
52250	TRANSPORTATION & TRAVEL	4,842.31	16,044.00	13,481.77	167,740.00	154,258.23	8.03%
52260	UTILITIES	1,887.05	29,339.00	4,681.27	253,190.00	248,508.73	1.84%
53280	PAYMENTS TO OTHER AGENCIES	0.00	369,100.00	7,000.00	1,496,900.00	1,489,900.00	0.46%
53300	FERC	23,971.58	42,100.00	294,974.58	743,856.00	448,881.42	39.65%
54000	CAPITAL OUTLAYS	0.00	0.00	0.00	204,000.00	204,000.00	0.00%
Report Difference		840,844.38	1,481,571.50	2,023,735.34	12,745,359.00	10,721,623.66	15.88%



# KINGS RIVER CONSERVATION DISTRICT BUDGET TO ACTUAL COMPARISON



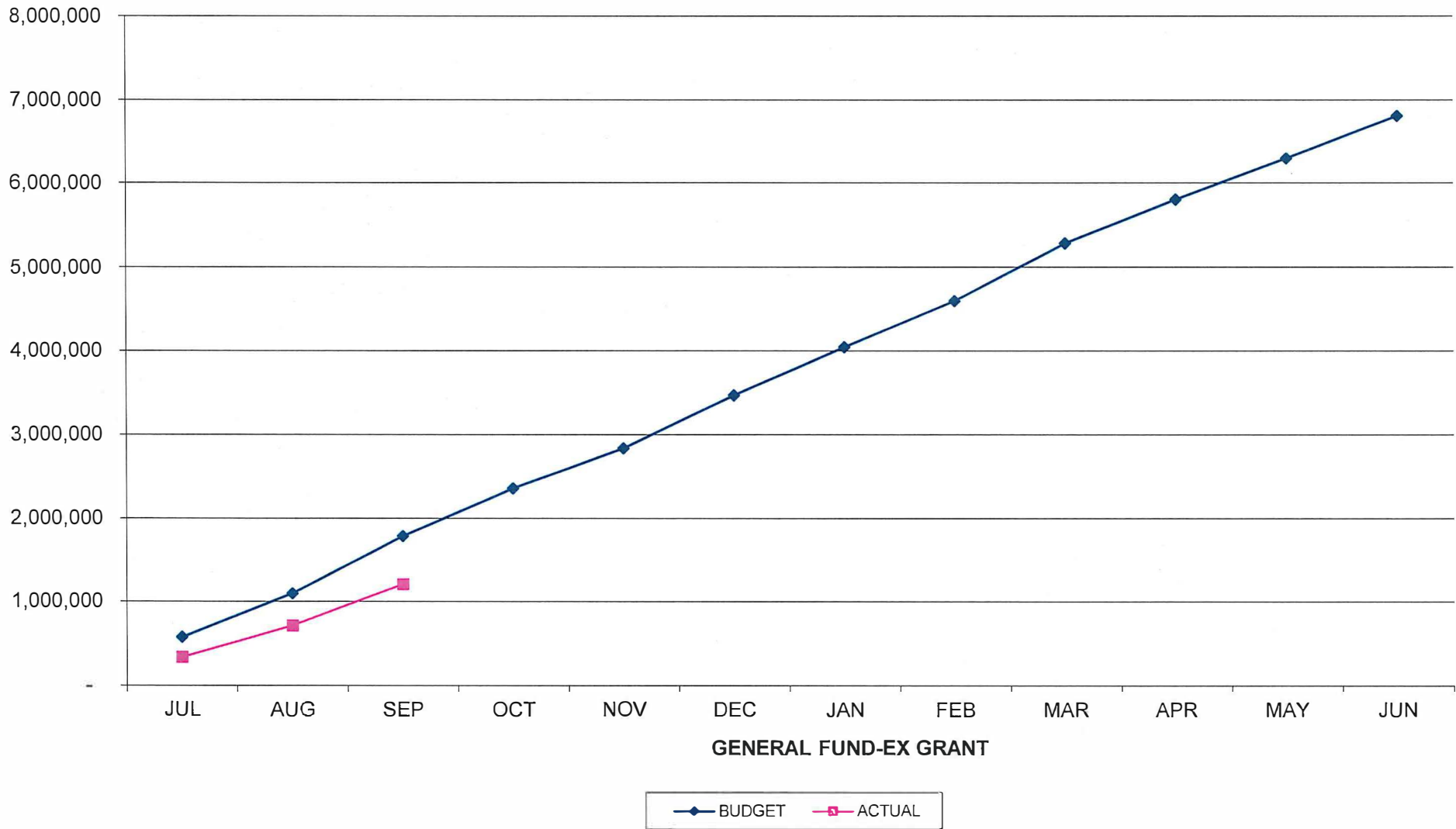
**KINGS RIVER CONSERVATION DISTRICT**  
**Summary Budget Comparison - GENERAL FUND (201.17.04)**

EXP

From 9/1/2020 Through 9/30/2020

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	279,401.68	281,758.00	576,288.42	2,538,664.00	1,962,375.58	22.70%
51011	DIRECTORS COMPENSATION	3,500.00	3,500.00	10,500.00	42,000.00	31,500.00	25.00%
51021	PENSION PLAN	31,077.12	35,527.00	73,147.27	307,903.00	234,755.73	23.75%
51022	PAYROLL TAXES	33,563.96	37,204.00	83,106.32	322,428.00	239,321.68	25.77%
51030	EMPLOYEE HEALTH INSURANCE	71,095.60	79,963.00	210,545.02	959,559.00	749,013.98	21.94%
51033	UNEMPLOYMENT INSURANCE	0.00	417.00	0.00	5,000.00	5,000.00	0.00%
52050	SAFETY SUPPLIES	1,392.61	1,718.00	2,200.09	17,079.00	14,878.91	12.88%
52060	COMMUNICATIONS	3,262.51	2,460.00	7,164.81	27,324.00	20,159.19	26.22%
52090	HOUSEHOLD EXPENSE	0.00	258.00	19.42	3,145.00	3,125.58	0.61%
52100	INSURANCE & BONDS	13,436.07	74,799.00	36,703.88	218,456.00	181,752.12	16.80%
52120	MAINTENANCE - EQUIPMENT	9,805.27	9,782.00	15,927.59	105,275.00	89,347.41	15.12%
52130	MAINTENANCE - STRUCTURES	55,917.29	71,119.00	62,581.13	710,275.00	647,693.87	8.81%
52140	FMP PROGRAM	0.00	8,071.00	0.00	111,848.00	111,848.00	0.00%
52150	MEMBERSHIPS	433.00	3,836.00	5,493.00	41,410.00	35,917.00	13.26%
52160	MISCELLANEOUS	217.35	1,349.00	588.63	15,902.00	15,313.37	3.70%
52170	OFFICE EXPENSE	6,481.28	18,352.50	18,247.31	143,280.00	125,032.69	12.73%
52181	LEGAL SERVICES	2,177.50	4,458.00	3,211.00	53,500.00	50,289.00	6.00%
52182	ACCOUNTING SERVICES	0.00	8,750.00	0.00	19,000.00	19,000.00	0.00%
52183	ENGINEERING SERVICES	4,429.50	43,142.00	4,429.50	217,700.00	213,270.50	2.03%
52184	WEATHER MODIFICATION	0.00	0.00	0.00	352,395.00	352,395.00	0.00%
52186	PROFESSIONAL & SPECIAL SERVICE	33,636.11	17,975.00	81,668.19	211,245.00	129,576.81	38.66%
52188	BANK SERVICE FEES	0.00	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	3,375.00	416.98	38,400.00	37,983.02	1.08%
52210	RENTS & LEASES - STRUCTURES	0.00	1,100.00	0.00	95,100.00	95,100.00	0.00%
52220	SMALL TOOLS & INSTRUMENTS	736.28	2,186.00	1,019.84	25,015.00	23,995.16	4.07%
52230	DISTRICT SPECIAL EXPENSE	178.00	7,800.00	477.00	78,670.00	78,193.00	0.60%
52250	TRANSPORTATION & TRAVEL	4,495.33	13,949.00	12,474.56	139,800.00	127,325.44	8.92%
52260	UTILITIES	485.80	1,039.00	938.77	10,840.00	9,901.23	8.66%
53280	PAYMENTS TO OTHER AGENCIES	0.00	369,100.00	7,000.00	1,495,700.00	1,488,700.00	0.46%
54000	CAPITAL OUTLAYS	0.00	0.00	0.00	168,000.00	168,000.00	0.00%
	Total EXP	555,930.75	1,103,287.50	1,214,688.75	8,478,513.00	7,263,824.25	14.33%
Report Difference		555,930.75	1,103,287.50	1,214,688.75	8,478,513.00	7,263,824.25	14.33%

# KINGS RIVER CONSERVATION DISTRICT BUDGET TO ACTUAL COMPARISON



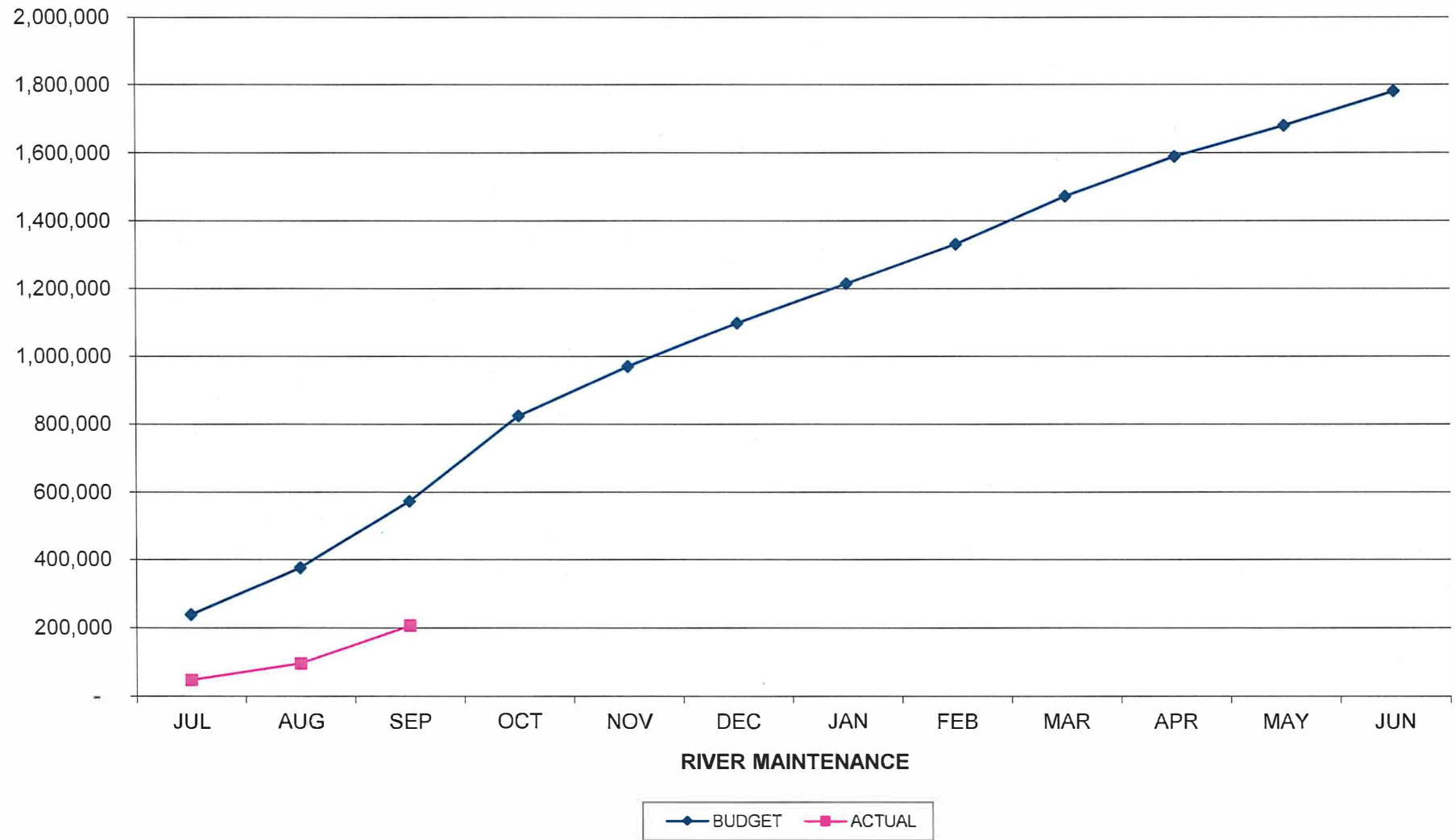
**KINGS RIVER CONSERVATION DISTRICT**  
**Summary Budget Comparison - GENERAL FUND (201.17.04) EX GRANTS**

EXP

From 9/1/2020 Through 9/30/2020

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	278,602.98	279,730.00	572,704.05	2,521,082.00	1,948,377.95	22.71%
51011	DIRECTORS COMPENSATION	3,500.00	3,500.00	10,500.00	42,000.00	31,500.00	25.00%
51021	PENSION PLAN	31,077.12	35,527.00	73,147.27	307,903.00	234,755.73	23.75%
51022	PAYROLL TAXES	33,563.96	37,204.00	83,106.32	322,428.00	239,321.68	25.77%
51030	EMPLOYEE HEALTH INSURANCE	71,095.60	79,963.00	210,545.02	959,559.00	749,013.98	21.94%
51033	UNEMPLOYMENT INSURANCE	0.00	417.00	0.00	5,000.00	5,000.00	0.00%
52050	SAFETY SUPPLIES	1,392.61	1,718.00	2,200.09	17,079.00	14,878.91	12.88%
52060	COMMUNICATIONS	3,262.51	2,460.00	7,164.81	27,324.00	20,159.19	26.22%
52090	HOUSEHOLD EXPENSE	0.00	258.00	19.42	3,145.00	3,125.58	0.61%
52100	INSURANCE & BONDS	13,436.07	74,799.00	36,703.88	218,456.00	181,752.12	16.80%
52120	MAINTENANCE - EQUIPMENT	9,805.27	9,782.00	15,927.59	105,275.00	89,347.41	15.12%
52130	MAINTENANCE - STRUCTURES	55,917.29	71,119.00	62,581.13	710,275.00	647,693.87	8.81%
52140	FMP PROGRAM	0.00	8,071.00	0.00	111,848.00	111,848.00	0.00%
52150	MEMBERSHIPS	433.00	3,836.00	5,493.00	41,410.00	35,917.00	13.26%
52160	MISCELLANEOUS	217.35	1,349.00	588.63	15,902.00	15,313.37	3.70%
52170	OFFICE EXPENSE	6,481.28	18,352.50	18,227.55	143,280.00	125,052.45	12.72%
52181	LEGAL SERVICES	2,177.50	4,458.00	3,211.00	53,500.00	50,289.00	6.00%
52182	ACCOUNTING SERVICES	0.00	8,750.00	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	33,636.11	17,975.00	81,668.19	211,245.00	129,576.81	38.66%
52188	BANK SERVICE FEES	0.00	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	3,375.00	416.98	38,400.00	37,983.02	1.08%
52210	RENTS & LEASES - STRUCTURES	0.00	1,100.00	0.00	95,100.00	95,100.00	0.00%
52220	SMALL TOOLS & INSTRUMENTS	736.28	2,186.00	1,019.84	25,015.00	23,995.16	4.07%
52230	DISTRICT SPECIAL EXPENSE	178.00	7,800.00	477.00	78,670.00	78,193.00	0.60%
52250	TRANSPORTATION & TRAVEL	4,495.33	13,949.00	12,474.56	139,800.00	127,325.44	8.92%
52260	UTILITIES	485.80	1,039.00	938.77	10,840.00	9,901.23	8.66%
53280	PAYMENTS TO OTHER AGENCIES	0.00	100.00	7,000.00	19,700.00	12,700.00	35.53%
54000	CAPITAL OUTLAYS	0.00	0.00	0.00	168,000.00	168,000.00	0.00%
	Total EXP	550,702.55	692,259.50	1,206,655.12	6,804,931.00	5,598,275.88	17.73%
Report Difference		550,702.55	692,259.50	1,206,655.12	6,804,931.00	5,598,275.88	17.73%

# KINGS RIVER CONSERVATION DISTRICT BUDGET TO ACTUAL COMPARISON



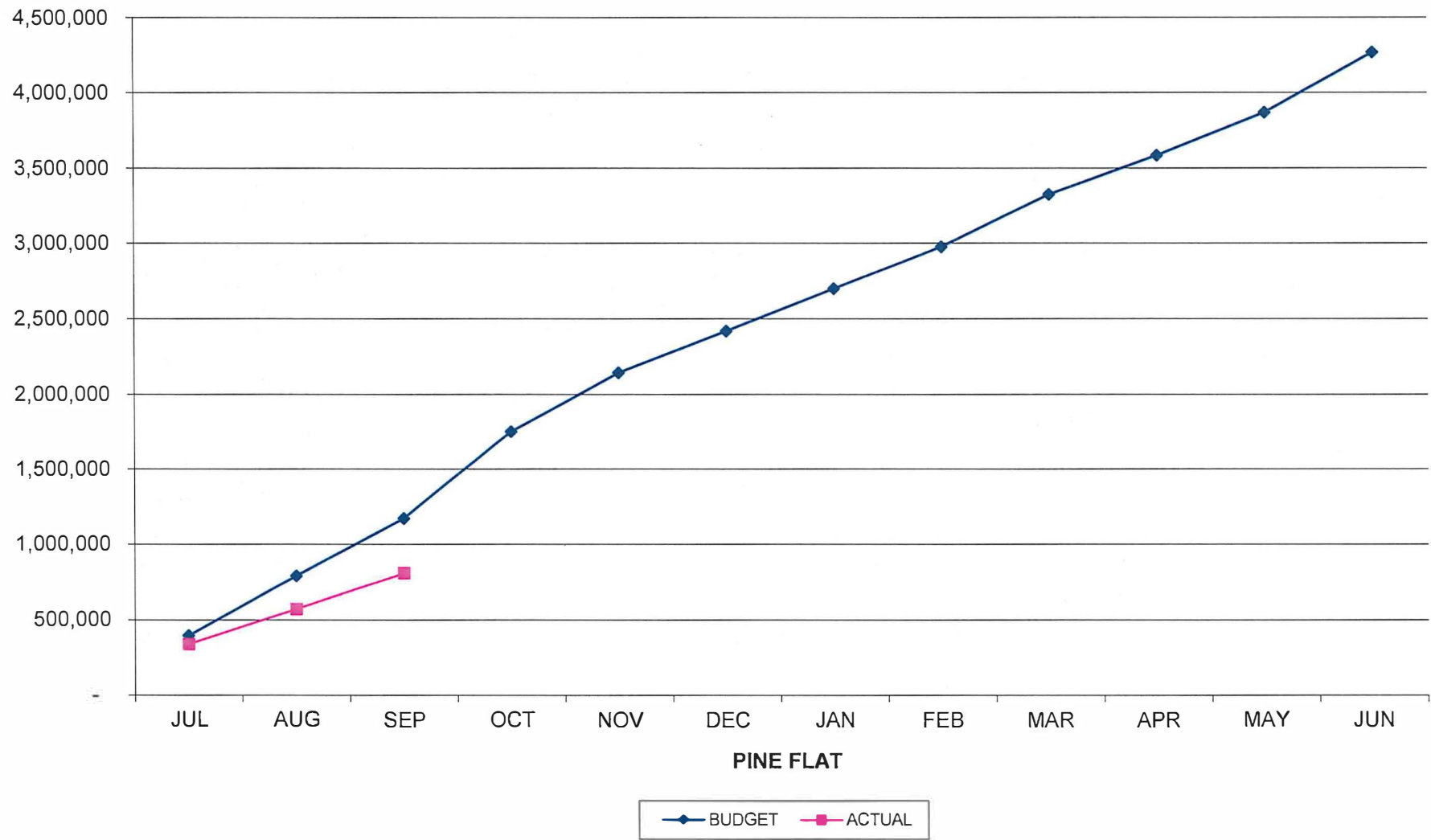
**KINGS RIVER CONSERVATION DISTRICT**  
**Summary Budget Comparison - RIVER MAINTENANCE FUND (201.17.04)**

EXP

From 9/1/2020 Through 9/30/2020

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	50,808.63	58,294.00	108,582.09	505,216.00	396,633.91	21.49%
52050	SAFETY SUPPLIES	681.98	1,204.00	1,220.46	14,450.00	13,229.54	8.44%
52060	COMMUNICATIONS	210.81	225.00	415.29	2,700.00	2,284.71	15.38%
52090	HOUSEHOLD EXPENSE	0.00	237.00	0.00	2,895.00	2,895.00	0.00%
52100	INSURANCE & BONDS	0.00	13,000.00	2,915.00	15,700.00	12,785.00	18.56%
52120	MAINTENANCE - EQUIPMENT	8,432.53	5,921.00	10,999.83	70,950.00	59,950.17	15.50%
52130	MAINTENANCE - STRUCTURES	55,917.29	70,867.00	62,581.13	692,775.00	630,193.87	9.03%
52150	MEMBERSHIPS	0.00	0.00	60.00	900.00	840.00	6.66%
52160	MISCELLANEOUS	0.00	75.00	45.28	5,350.00	5,304.72	0.84%
52170	OFFICE EXPENSE	48.03	655.00	119.34	4,065.00	3,945.66	2.93%
52181	LEGAL SERVICES	0.00	500.00	0.00	6,000.00	6,000.00	0.00%
52183	ENGINEERING SERVICES	4,429.50	32,725.00	4,429.50	182,700.00	178,270.50	2.42%
52186	PROFESSIONAL & SPECIAL SERVICE	0.00	0.00	746.86	500.00	(246.86)	149.37%
52200	RENTS & LEASES - EQUIPMENT	208.49	3,000.00	416.98	36,000.00	35,583.02	1.15%
52220	SMALL TOOLS & INSTRUMENTS	483.03	750.00	579.50	10,500.00	9,920.50	5.51%
52230	DISTRICT SPECIAL EXPENSE	0.00	450.00	0.00	7,370.00	7,370.00	0.00%
52250	TRANSPORTATION & TRAVEL	4,216.84	7,800.00	11,713.03	71,600.00	59,886.97	16.35%
52260	UTILITIES	485.80	989.00	938.77	10,240.00	9,301.23	9.16%
54000	CAPITAL OUTLAYS	0.00	0.00	0.00	140,000.00	140,000.00	0.00%
	Total EXP	125,922.93	196,692.00	205,763.06	1,779,911.00	1,574,147.94	11.56%
Report Difference		125,922.93	196,692.00	205,763.06	1,779,911.00	1,574,147.94	11.56%

# KINGS RIVER CONSERVATION DISTRICT BUDGET TO ACTUAL COMPARISON



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

EXP

From 9/1/2020 Through 9/30/2020

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	197,121.31	205,223.00	408,264.80	1,778,604.00	1,370,339.20	22.95%
52050	SAFETY SUPPLIES	844.72	1,200.00	968.39	14,400.00	13,431.61	6.72%
52060	COMMUNICATIONS	1,184.60	3,540.00	4,088.70	42,480.00	38,391.30	9.62%
52090	HOUSEHOLD EXPENSE	207.40	800.00	1,136.03	9,600.00	8,463.97	11.83%
52100	INSURANCE & BONDS	0.00	0.00	2,971.00	245,500.00	242,529.00	1.21%
52120	MAINTENANCE - EQUIPMENT	16,312.28	22,864.00	30,685.00	195,379.00	164,694.00	15.70%
52130	MAINTENANCE - STRUCTURES	300.07	3,150.00	606.99	37,800.00	37,193.01	1.60%
52150	MEMBERSHIPS	0.00	0.00	0.00	2,950.00	2,950.00	0.00%
52160	MISCELLANEOUS	22.00	150.00	22.00	83,100.00	83,078.00	0.02%
52170	OFFICE EXPENSE	770.76	2,945.00	1,238.81	38,240.00	37,001.19	3.23%
52181	LEGAL SERVICES	1,100.00	4,000.00	1,100.00	48,000.00	46,900.00	2.29%
52182	ACCOUNTING SERVICES	0.00	9,017.00	0.00	20,600.00	20,600.00	0.00%
52183	ENGINEERING SERVICES	6,310.36	18,000.00	12,356.35	216,000.00	203,643.65	5.72%
52184	WEATHER MODIFICATION	0.00	0.00	0.00	39,155.00	39,155.00	0.00%
52186	PROFESSIONAL & SPECIAL SERVICE	34,173.77	31,200.00	44,332.56	383,042.00	338,709.44	11.57%
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	571.55	1,350.00	1,276.67	21,200.00	19,923.33	6.02%
52230	DISTRICT SPECIAL EXPENSE	275.00	2,000.00	275.00	29,000.00	28,725.00	0.94%
52250	TRANSPORTATION & TRAVEL	346.98	2,095.00	1,007.21	27,940.00	26,932.79	3.60%
52260	UTILITIES	1,401.25	28,300.00	3,742.50	242,350.00	238,607.50	1.54%
53280	PAYMENTS TO OTHER AGENCIES	0.00	0.00	0.00	1,200.00	1,200.00	0.00%
53300	FERC	23,971.58	42,100.00	294,974.58	743,856.00	448,881.42	39.65%
54000	CAPITAL OUTLAYS	0.00	0.00	0.00	36,000.00	36,000.00	0.00%
	Total EXP	284,913.63	378,284.00	809,046.59	4,266,846.00	3,457,799.41	18.96%
Report Difference		284,913.63	378,284.00	809,046.59	4,266,846.00	3,457,799.41	18.96%



KINGS RIVER CONSERVATION DISTRICT  
**Monthly General Fund Investment Report**  
 September, 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
<b>General Fund Bank Accounts:</b>								
Chase Bank, N.A. Operating Accounts	\$ 772,971.35	3.4%	No Max	\$ -	0.00%	\$ -	\$ -	\$ 772,971.35
Subtotal General Fund Bank Accounts	\$ 772,971.35			\$ -		\$ -	\$ -	\$ 772,971.35
<b>General Fund Investment Pools :</b>								
Local Agency Investment Fund (LAIF)	\$ 2,814,662.01	12.4%	No Max	\$ -	0.86%	\$ 2,122.42	\$ 7,118.39	\$ 2,821,780.40
Fresno County Investment Pool	\$ 12,434,537.98	54.7%	No Max	\$ 43,014.84	1.99%	\$ 20,255.96	\$ 60,440.95	\$ 12,494,978.93
Fresno County Investment Pool - Stabilization Fund	\$ 5,456,783.55	24.0%	No Max	\$ 24,772.20	1.99%	\$ 8,882.16	\$ 27,213.02	\$ 5,483,996.57
CalTRUST Medium Term Fund	\$ 256,485.29	1.1%	No Max	\$ 229.98	1.11%			\$ 256,485.29
Subtotal General Fund Investment Pools:	\$ 20,962,468.83			\$ 68,017.02		\$ 31,260.54	\$ 94,772.36	\$ 21,057,241.19
<b>Total KRCD Operating Funds:</b>	<b>\$ 21,735,440.18</b>			<b>\$ 68,017.02</b>		<b>\$ 31,260.54</b>	<b>\$ 94,772.36</b>	<b>\$ 21,830,212.54</b>
<b>Warrants:</b>								
	\$ -	0.0%	No Max	\$ -	0.00%	\$ -	\$ -	\$ -
Subtotal Investments in Notes and Warrants:	\$ -			\$ -		\$ -	\$ -	\$ -
<b>General Fund Investment Accounts :</b>								
J.P. Morgan Securities								
Commercial Paper	\$ -	0.0%	25%	\$ -	0.00%	\$ -	\$ -	\$ -
Corporate Bonds	\$ 1,001,090.00	4.4%	30%	\$ -	2.63%	\$ 2,114.58	\$ 11,739.58	\$ 1,012,829.58
Subtotal Investment Funds:	\$ 1,001,090.00			\$ -		\$ 2,114.58	\$ 11,739.58	\$ 1,012,829.58
<b>Total General Fund Cash &amp; Investments</b>	<b>\$ 22,736,530.18</b>			<b>\$ 68,017.02</b>		<b>\$ 33,375.12</b>	<b>\$ 106,511.94</b>	<b>\$ 22,843,042.12</b>

Weighted Average Earnings (based on month-end balance)

1.80%

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

File Code: 201.24

  
CFO

# AGENDA ITEM 7a.

Kings River Conservation District  
Detail of J.P. Morgan Securities Account  
July, 2020 - June, 2021 as of September 30, 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
	<b>Short-Term Commercial Paper</b>													
		-	-			-	-	-	-	-	-			
	Sub-total	-	-			-	-	-	-	-	-	-		
	<b>Medium-Term Notes</b>													
						-	-	-	-	-	-			
06051GFT1	BANK AMERICA FUNDING CORP	1,000,000.00	999,870.00	10/19/2020	2.63%	-	11,739.58	-	-	1,220.00	1,012,829.58	26,300.00	2.630%	A-
	Sub-total	1,000,000.00	999,870.00			-	11,739.58	-	-	1,220.00	1,012,829.58	26,300.00	2.630%	
	Total	1,000,000.00	999,870.00			-	11,739.58	-	-	1,220.00	1,012,829.58	26,300.00	2.630%	

KINGS RIVER CONSERVATION DISTRICT  
Schedule of Disbursements and Current Accounts Payable  
Presented October 13, 2020  
(For Expenditures in the Month Ending September 30, 2020)

Employee Payroll	09/02/20	102,227.64	
Director's Payroll	09/08/20	2,706.40	
Employee Payroll	09/16/20	103,387.63	
Employee Payroll	09/25/20	3,227.79	
Employee Payroll	09/30/20	106,892.57	
			318,442.03
Accounts Payable (KRCD)		386,931.32	386,931.32
	Sub-Total		705,373.35
Ready-Tax Electronic Funds Transfers:			
Employee Tax Deposits	09/09/20		45,976.81
Director's Tax Deposits	09/11/20		1,137.25
Employee Tax Deposits	09/23/20		45,969.97
Employee Tax Deposits	09/30/20		1,872.11
	TOTAL		<u><u>800,329.49</u></u>

KINGS RIVER CONSERVATION DISTRICT  
Check/Voucher Register - PAYROLL CHECK REGISTER  
From 9/2/2020 Through 9/2/2020

Check Number	Check Date Payee	Check Amount
V24225	9/2/2020 MANAGER, POWER PLANT O&M	3,392.52
V24226	9/2/2020 SR. ACCOUNTANT	2,199.18
V24227	9/2/2020 PROGRAM & REGULATORY ANALYST	2,472.11
V24228	9/2/2020 SENIOR MECHANIC	2,545.40
V24229	9/2/2020 MANAGER, FLOOD OPERATIONS & MAINTENANCE	2,894.59
V24230	9/2/2020 CONTROLLER	3,211.81
V24231	9/2/2020 SR OPERATOR	4,182.65
V24232	9/2/2020 ELECTRICIAN	2,421.83
V24233	9/2/2020 MGR, WATER RESOURCES	2,486.71
V24235	9/2/2020 SENIOR ELECTRICIAN	2,194.35
V24236	9/2/2020 FLOOD MAINTENANCE WORKER I	1,223.86
V24237	9/2/2020 DIRECTOR OF WATER RESOURCES	2,783.96
V24238	9/2/2020 SUPERVISOR, FLOOD OPERATIONS & MAINTENANCE	2,083.86
V24239	9/2/2020 FLOOD MAINTENANCE WORKER II	830.78
V24240	9/2/2020 ELECTRO-MECH. TESTING TECH.	2,818.16
V24241	9/2/2020 ELECTRO-MECH. TESTING TECH.	2,673.96
V24242	9/2/2020 BUYER	2,042.33
V24243	9/2/2020 FLOOD MAINENANCE WORKER I	1,071.50
V24244	9/2/2020 MANAGER OF ENVIROMENTAL PROGRAMS	2,136.27
V24245	9/2/2020 ASSOCIATE RESOURCE ANALYST	2,053.94
V24246	9/2/2020 SENIOR MECHANIC	2,328.11
V24247	9/2/2020 SENIOR OPERATOR	2,548.85
V24248	9/2/2020 FLOOD MAINTENANCE WORKER I	928.34
V24249	9/2/2020 MAINTENANCE JOURNYWORKER	1,828.77
V24250	9/2/2020 EXECUTIVE ASSISTANT	2,160.17
V24251	9/2/2020 DEPUTY GENERAL MANAGER, COO	4,655.77
V24252	9/2/2020 SENIOR OPERATOR	3,207.48
V24253	9/2/2020 SR. ACCOUNTING ASSISTANT	1,432.97
V24254	9/2/2020 FLOOD MAINENANCE WORKER I	1,245.55
V24255	9/2/2020 GENERAL MANAGER	4,669.81
V24256	9/2/2020 PUBLIC AFFAIRS ASSOCIATE	1,720.49
V24257	9/2/2020 SR. ADMINISTRATIVE ASSISTANT	1,301.37
V24258	9/2/2020 CUSTOMER SERVICE REPRESENTATIVE	1,190.61
V24259	9/2/2020 SENIOR OPERATOR	3,144.04
V24260	9/2/2020 SR. ADMINISTRATIVE ASSISTANT	1,201.30
V24261	9/2/2020 RESOURCE ANALYST I	2,140.34
V24262	9/2/2020 STUDENT INTERN	437.24
V24263	9/2/2020 ASSOCIATE RESOURCE ANALYST	2,428.34
V24264	9/2/2020 DEPUTY GENERAL MANAGER, CFO	3,660.33
V24265	9/2/2020 MANAGER, COMMUNITY/PUBLIC RELATIONS	3,187.22
V24266	9/2/2020 RESOURCE ANALYST I	1,675.62
V24267	9/2/2020 RESOURCE ANALYST I	1,606.95
V24268	9/2/2020 MANAGER, HUMAN RESOURCES	2,131.30
V24269	9/2/2020 SENIOR OPERATOR	<u>3,676.90</u>
Report Total		<u>102,227.64</u>

KINGS RIVER CONSERVATION DISTRICT  
Check/Voucher Register - PAYROLL CHECK REGISTER  
From 9/8/2020 Through 9/8/2020

<u>Check Number</u>	<u>Check Date</u>	<u>Payee</u>	<u>Check Amount</u>
44172	9/8/2020	DAVID P. STANFIELD	489.35
V24270	9/8/2020	GREGORY H. BEBERIAN	461.75
V24272	9/8/2020	CEIL W. HOWE JR	461.75
V24273	9/8/2020	CHRIS M. KAPHEIM	321.75
V24274	9/8/2020	MARK C. MCKEAN	498.55
V24275	9/8/2020	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 9/16/2020 Through 9/16/2020

Check Number	Check Date Payee	Check Amount
V24276	9/16/2020 MANAGER, POWER PLANT O&M	3,393.75
V24277	9/16/2020 SR. ACCOUNTANT	2,199.18
V24278	9/16/2020 PROGRAM & REGULATORY ANALYST	2,566.57
V24279	9/16/2020 SENIOR MECHANIC	2,545.40
V24280	9/16/2020 MANAGER, FLOOD OPERATIONS & MAINTENANCE	2,894.83
V24281	9/16/2020 CONTROLLER	3,267.32
V24282	9/16/2020 SR OPERATOR	3,348.55
V24283	9/16/2020 ELECTRICIAN	2,421.82
V24284	9/16/2020 MGR, WATER RESOURCES	2,486.70
V24286	9/16/2020 SENIOR ELECTRICIAN	2,194.36
V24287	9/16/2020 FLOOD MAINTENANCE WORKER I	1,223.86
V24288	9/16/2020 DIRECTOR OF WATER RESOURCES	2,495.30
V24289	9/16/2020 SUPERVISOR, FLOOD OPERATIONS & MAINTENANCE	2,085.38
V24290	9/16/2020 FLOOD MAINTENANCE WORKER II	1,628.22
V24291	9/16/2020 ELECTRO-MECH. TESTING TECH.	2,818.15
V24292	9/16/2020 ELECTRO-MECH. TESTING TECH.	2,673.97
V24293	9/16/2020 BUYER	1,989.97
V24294	9/16/2020 FLOOD MAINENANCE WORKER I	1,071.49
V24295	9/16/2020 MANAGER OF ENVIROMENTAL PROGRAMS	2,136.28
V24296	9/16/2020 ASSOCIATE RESOURCE ANALYST	2,118.95
V24297	9/16/2020 SENIOR MECHANIC	2,328.11
V24298	9/16/2020 SENIOR OPERATOR	4,791.45
V24299	9/16/2020 FLOOD MAINTENANCE WORKER I	928.36
V24300	9/16/2020 MAINTENANCE JOURNYWORKER	1,828.77
V24301	9/16/2020 EXECUTIVE ASSISTANT	2,160.17
V24302	9/16/2020 DEPUTY GENERAL MANAGER,COO	4,770.31
V24303	9/16/2020 SENIOR OPERATOR	2,727.02
V24304	9/16/2020 SR. ACCOUNTING ASSISTANT	1,432.97
V24305	9/16/2020 FLOOD MAINENANCE WORKER I	1,245.56
V24306	9/16/2020 GENERAL MANAGER	4,810.10
V24307	9/16/2020 PUBLIC AFFAIRS ASSOCIATE	1,720.48
V24308	9/16/2020 SR. ADMINISTRATIVE ASSISTANT	1,301.37
V24309	9/16/2020 CUSTOMER SERVICE REPRESENTATIVE	1,190.62
V24310	9/16/2020 SENIOR OPERATOR	2,945.54
V24311	9/16/2020 SR. ADMINISTRATIVE ASSISTANT	1,201.30
V24312	9/16/2020 RESOURCE ANALYST I	2,140.33
V24313	9/16/2020 STUDENT INTERN	340.09
V24314	9/16/2020 ASSOCIATE RESOURCE ANALYST	2,480.88
V24315	9/16/2020 DEPUTY GENERAL MANAGER,CFO	3,660.32
V24316	9/16/2020 MANAGER, COMMUNITY/PUBLIC RELATIONS	3,187.22
V24317	9/16/2020 RESOURCE ANALYST I	1,740.64
V24318	9/16/2020 RESOURCE ANALYST I	1,606.96
V24319	9/16/2020 MANAGER, HUMAN RESOURCES	2,131.30
V24320	9/16/2020 SENIOR OPERATOR	<u>3,157.71</u>
Report Total		<u>103,387.63</u>

KINGS RIVER CONSERVATION DISTRICT  
Check/Voucher Register - PAYROLL CHECK REGISTER  
From 9/25/2020 Through 9/25/2020

Check Number	Check Date Payee	Check Amount
44173	9/25/2020 MGR OF ENVIROMENAL PROGRAMS	1,466.86
44174	9/25/2020 MGR OF ENVIROMENAL PROGRAMS	<u>1,760.93</u>
Report Total		<u>3,227.79</u>

KINGS RIVER CONSERVATION DISTRICT  
Check/Voucher Register - PAYROLL CHECK REGISTER  
From 9/30/2020 Through 9/30/2020

Check Number	Check Date Payee	Check Amount
V24321	9/30/2020 MANAGER, POWER PLANT O&M	3,564.69
V24322	9/30/2020 SR. ACCOUNTANT	2,221.39
V24323	9/30/2020 PROGRAM & REGULATORY ANALYST	2,719.79
V24324	9/30/2020 FLOOD MAINTENANCE WORKER II	1,097.39
V24325	9/30/2020 SENIOR MECHANIC	2,839.92
V24326	9/30/2020 MANAGER, FLOOD OPERATIONS & MAINTENANCE	3,173.48
V24327	9/30/2020 CONTROLLER	3,439.30
V24328	9/30/2020 SR OPERATOR	2,478.48
V24329	9/30/2020 ELECTRICIAN	2,716.90
V24330	9/30/2020 MGR, WATER RESOURCES	2,670.89
V24332	9/30/2020 SENIOR ELECTRICIAN	2,247.10
V24333	9/30/2020 FLOOD MAINTENANCE WORKER I	1,478.44
V24334	9/30/2020 DIRECTOR OF WATER RESOURCES	3,010.07
V24335	9/30/2020 SUPERVISOR, FLOOD OPERATIONS & MAINTENANCE	2,335.23
V24336	9/30/2020 FLOOD MAINTENANCE WORKER II	1,651.82
V24337	9/30/2020 ELECTRO-MECH. TESTING TECH.	3,079.53
V24338	9/30/2020 ELECTRO-MECH. TESTING TECH.	2,921.50
V24339	9/30/2020 BUYER	2,019.91
V24340	9/30/2020 FLOOD MAINTENANCE WORKER I	1,214.11
V24341	9/30/2020 ASSOCIATE RESOURCE ANALYST	2,110.85
V24342	9/30/2020 SENIOR MECHANIC	2,802.63
V24343	9/30/2020 SENIOR OPERATOR	2,548.86
V24344	9/30/2020 FLOOD MAINTENANCE WORKER I	1,076.20
V24345	9/30/2020 MAINTENANCE JOURNYWORKER	1,868.56
V24346	9/30/2020 EXECUTIVE ASSISTANT	2,208.93
V24347	9/30/2020 DEPUTY GENERAL MANAGER, COO	5,428.68
V24348	9/30/2020 SENIOR OPERATOR	3,364.12
V24349	9/30/2020 SR. ACCOUNTING ASSISTANT	1,680.05
V24350	9/30/2020 FLOOD MAINTENANCE WORKER I	1,317.41
V24351	9/30/2020 GENERAL MANAGER	4,924.43
V24352	9/30/2020 PUBLIC AFFAIRS ASSOCIATE	1,754.78
V24353	9/30/2020 SR. ADMINISTRATIVE ASSISTANT	1,438.86
V24354	9/30/2020 CUSTOMER SERVICE REPRESENTATIVE	1,245.45
V24355	9/30/2020 SENIOR OPERATOR	2,945.53
V24356	9/30/2020 SR. ADMINISTRATIVE ASSISTANT	1,468.11
V24357	9/30/2020 RESOURCE ANALYST I	2,430.80
V24358	9/30/2020 STUDENT INTERN	437.24
V24359	9/30/2020 ASSOCIATE RESOURCE ANALYST	2,461.57
V24360	9/30/2020 DEPUTY GENERAL MANAGER, CFO	3,798.61
V24361	9/30/2020 MANAGER, COMMUNITY/PUBLIC RELATIONS	3,456.81
V24362	9/30/2020 RESOURCE ANALYST I	1,675.63
V24363	9/30/2020 RESOURCE ANALYST I	1,606.94
V24364	9/30/2020 MANAGER, HUMAN RESOURCES	2,179.33
V24365	9/30/2020 SENIOR OPERATOR	<u>3,782.25</u>
Report Total		<u>106,892.57</u>



KRCDCheck RegisterSeptember 30, 2020

103444	9/11/2020	FRESNO OXYGEN	VOID	\$	(88.70)
103499	9/4/2020	AT & T	INTERNET SERVICE	\$	127.80
103500	9/4/2020	COFFEE BREAK SERVICE INC	COFFEE	\$	163.50
103501	9/4/2020	DIAMOND MOWERS, LLC	MISC. MATERIAL	\$	549.79
103502	9/4/2020	DST CONTROLS	PI SYSTEM SUPPORT PROJECT	\$	872.50
103503	9/4/2020	THE FERGUSON GROUP LLC	PROFESSIONAL SERVICES	\$	1,750.00
103504	9/4/2020	FRONTIER COMMUNICATIONS	SERVICE & L/D CALLS	\$	499.16
103505	9/4/2020	GRAINGER	MISC. MATERIAL	\$	208.42
103506	9/4/2020	GRAYBAR	MISC. MATERIAL	\$	220.81
103507	9/4/2020	HDR ENGINEERING, INC.	RELAY UPGRADE	\$	6,779.03
103508	9/4/2020	HERGUTH LABORATORIES, INC.	RULER ANALYSIS	\$	381.84
103509	9/4/2020	INSIGHT PUBLIC SECTOR, INC.	ADOBE PRO	\$	832.00
103510	9/4/2020	JORGENSEN COMPANY	MISC. MATERIAL	\$	793.62
103511	9/4/2020	MCMASTER-CARR	MISC. MATERIAL	\$	244.18
103512	9/4/2020	McCOY POWER CONSULTANTS, INC.	NERC-WECC CMRP	\$	4,200.00
103513	9/4/2020	NORTH AMERICAN WEATHER	2019-2020 CLOUD SEEDING	\$	27,116.67
103514	9/4/2020	PC SOLUTIONS	CABLE/LABOR/LAPTOP SETUP	\$	7,443.08
103515	9/4/2020	PACIFIC GAS & ELECTRIC DTL	RIVERDALE YARD	\$	220.59
103516	9/4/2020	PACIFIC GAS & ELECTRIC HTK	POWERHOUSE	\$	143.35
103517	9/4/2020	PACIFIC GAS & ELECTRIC RTL5-1	ZALDA SUMP #1	\$	75.55
103518	9/4/2020	PACIFIC GAS & ELECTRIC RTL2-2	ZALDA SUMP #2	\$	38.61
103519	9/4/2020	PACIFIC GAS & ELECTRIC WTL9-3	ZALDA SUMP #3	\$	44.57
103520	9/4/2020	PACIFIC GAS & ELECTRIC WTL0-4	ZALDA SUMP #4	\$	34.01
103521	9/4/2020	PACIFIC GAS & ELECTRIC WTL6-5	ZALDA SUMP #5	\$	39.21
103522	9/4/2020	PACIFIC GAS & ELECTRIC WTL0-6	ZALDA SUMP #6	\$	82.94
103523	9/4/2020	PACIFIC GAS & ELECTRIC WTL9-7	ZALDA SUMP #7	\$	77.69
103524	9/4/2020	PACIFIC GAS & ELECTRIC WTL8-8	SUMP #8	\$	24.83
103525	9/4/2020	PACIFIC GAS & ELECTRIC WTL9-9	SUMP #9	\$	76.64
103526	9/4/2020	PACIFIC GAS & ELECTRIC YTJ	O & M OFFICE & POWER PLANT	\$	1,257.90
103527	9/4/2020	PRUDENTIAL OVERALL SUPPLY	WORK UNIFORMS	\$	73.46
103528	9/4/2020	RENT-A-TOILET	SINGLE TRAILER TOILET RENTAL	\$	200.00
103529	9/4/2020	RIVERDALE PUBLIC UTILITY	RIVERDALE SHOP	\$	111.28
103530	9/4/2020	SPARKLETTS	BOTTLED WATER	\$	180.60
103531	9/4/2020	THE GAS COMPANY	GAS CHARGES	\$	22.18
103532	9/4/2020	STANTEC CONSULTING SERVICES	KRCD STORAGE APPRAISAL STUDY	\$	14,829.50
103533	9/4/2020	SUPERIOR AG CONSTRUCTION INC.	LEVEE REPAIR	\$	55,250.00
103534	9/4/2020	TELCO ENTERPRISES	IP TRUNKING COST	\$	232.44
103535	9/4/2020	TOTAL CONCEPT ENTERPRISES, INC	SALES TAX	\$	21.45
103536	9/4/2020	UNITED PARCEL SERVICE	SHIPPING CHARGES	\$	47.41
103537	9/4/2020	VERIZON WIRELESS	CELL PHONES	\$	921.82
103538	9/4/2020	VINCENT COMMUNICATIONS, INC	BATTERY FOR RADIO	\$	70.18
103539	9/11/2020	AT&T	T1 LINE	\$	82.35
103540	9/11/2020	CAR AUTO CENTER	MISC. SERVICE/REPAIR	\$	301.00
103541	9/11/2020	CN UTILITY CONSULTING, INC.	PROFESSIONAL SERVICES	\$	3,000.00
103542	9/11/2020	DOBLE ENGINEERING CO.	RTS ANNUAL MAINTENANCE	\$	4,774.05
103543	9/11/2020	DST CONTROLS	PI SYSTEM SUPPORT PROJECT	\$	4,215.00
103544	9/11/2020	FRESNO OXYGEN	TANK RENTAL	\$	91.55
103545	9/11/2020	GRAYBAR	MISC. MATERIAL	\$	1,458.09
103546	9/11/2020	THE GUALCO GROUP, INC	PROFESSIONAL SERVICES	\$	5,185.77
103547	9/11/2020	INTEGRITY NETWORKS, LLC	WIRELESS INTERNET	\$	347.97
103548	9/11/2020	JORGENSEN COMPANY	MISC. MATERIAL	\$	100.00
103549	9/11/2020	KLEIN, DENATALE, GOLDNER,	PROFESSIONAL SERVICES	\$	4,929.50

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103550	9/11/2020	LEIGHTON STONE CORP.	REPLACEMENT VALVE	\$	1,683.25
103551	9/11/2020	MIRAMONTE SANITATION	GARBAGE DISPOSAL	\$	207.40
103552	9/11/2020	PACIFIC STORAGE COMPANY	MONTHLY STORAGE	\$	147.25
103553	9/11/2020	PACIFIC GAS & ELECTRIC KTL	WEIR GATES	\$	30.28
103554	9/11/2020	QUINN COMPANY	MISC. MATERIAL	\$	78.64
103555	9/11/2020	RAY MORGAN COMPANY	MAINTENANCE AGREEMENT	\$	205.45
103556	9/11/2020	SPARKLETTES	BOTTLED WATER	\$	43.56
103557	9/11/2020	SPECTRA FRS MARKING DEVICES	NAME PLATE	\$	28.08
103558	9/11/2020	SUNNYSIDE SINCLAIR	SERVICE/REPAIR	\$	50.53
103559	9/11/2020	UNITED PARCEL SERVICE	SHIPPING CHARGES	\$	40.48
103560	9/11/2020	VALERO FLEET	VEHICLE FUEL	\$	187.36
103561	9/11/2020	VALLEY FIRE EXTINGUISHER CO.	ANNUAL INSPECT/MAINTENANCE	\$	415.24
103562	9/11/2020	FRESNO OXYGEN	TANK RENTAL	\$	88.70
103563	9/2/2020	STATIONARY ENGINEERS, LOCAL 39	UNION DUES	\$	463.76
103564	9/2/2020	UNITED WAY OF FRESNO COUNTY	CONTRIBUTIONS	\$	10.00
103565	9/16/2020	STATIONARY ENGINEERS, LOCAL 39	UNION DUES	\$	463.86
103566	9/16/2020	UNITED WAY OF FRESNO COUNTY	CONTRIBUTIONS	\$	10.00
103567	9/18/2020	ACWA JOINT POWERS	HEALTH, DENTAL, VISION & EAP	\$	90,953.13
103568	9/18/2020	AFLAC	09/02/20 - 09/16/20	\$	2,961.96
103569	9/18/2020	ADMINISTRATIVE SOLUTIONS	C/P ADMIN FEES SEPT 2020	\$	126.00
103570	9/18/2020	AT&T	PHONE SERVICE	\$	843.43
103571	9/18/2020	AT&T	PHONE SERVICE	\$	90.55
103572	9/18/2020	AT&T	PHONE SERVICE	\$	45.73
103573	9/18/2020	DELL MARKETING L.P.	DELL LATITUDE/DOCK/PEN	\$	2,290.44
103574	9/18/2020	FP FINANCE PROGRAM	MAIL MACHINE LEASE	\$	273.09
103575	9/18/2020	FRESNO EQUIPMENT COMPANY	MISC. MATERIAL	\$	1,816.42
103576	9/18/2020	GREAT AMERICA FINANCIAL SVCS	MAIL MACHINE LEASE	\$	169.56
103577	9/18/2020	GEI CONSULTANTS, INC.	PROFESSIONAL SERVICES	\$	1,856.25
103578	9/18/2020	GRAINGER	MISC. MATERIAL	\$	9.50
103579	9/18/2020	HDR ENGINEERING, INC.	RELICENSING SUPPORT	\$	6,310.36
103580	9/18/2020	INIGUEZ TIRE & WHEEL	SERVICE CALL/TIRE REPAIR	\$	2,806.16
103581	9/18/2020	JORGENSEN COMPANY	FIRE ALARM INSTALL	\$	2,031.74
103582	9/18/2020	LEASE CORPORATION OF AMERICA	COPIER LEASE	\$	523.50
103583	9/18/2020	MORGAN & SLATES INC	MISC. MATERIAL	\$	160.32
103584	9/18/2020	OFFICE DEPOT	OFFICE SUPPLIES	\$	387.24
103585	9/18/2020	PC SOLUTIONS	HP MONITOR	\$	665.69
103586	9/18/2020	PRICE, PAIGE & COMPANY	PROFESSIONAL SERVICES	\$	4,775.00
103587	9/18/2020	PRUDENTIAL OVERALL SUPPLY	SHOP TOWELS/COVERALLS	\$	70.79
103588	9/18/2020	QUINN COMPANY	MISC. MATERIAL	\$	299.36
103589	9/18/2020	RIVERDALE AUTO PARTS	MISC. MATERIAL	\$	2,427.30
103590	9/18/2020	RIVERDALE FARM AND HOME CENTER	MISC. MATERIAL	\$	226.37
103591	9/18/2020	STATIONARY ENGINEERS LOCAL 39	PENSION CONTRIB-AUG 20	\$	977.12
103592	9/18/2020	TARGET SPECIALTY PRODUCTS INC	METHYLATED SEED OIL	\$	667.29
103593	9/18/2020	UNITED PARCEL SERVICE	SHIPPING CHARGES	\$	24.67
103594	9/18/2020	VALLEY COMMUNICATIONS ENGINEER	ANNUAL CALIBRATION TEST	\$	2,064.65
103595	9/18/2020	VINCENT COMMUNICATIONS, INC	BATTERY FOR RADIO	\$	70.18
103596	9/24/2020	AMERICAN PAYROLL ASSOCIATION	MEMBERSHIP RENEWAL	\$	258.00
103597	9/24/2020	AT&T	PHONE SERVICE	\$	1,126.44
103598	9/24/2020	AT&T	LONG DISTANCE CALLS	\$	223.68
103599	9/24/2020	AT & T	CONFERENCE CALLS	\$	94.07
103600	9/24/2020	FRESNO EQUIPMENT COMPANY	MISC. MATERIAL	\$	191.17
103601	9/24/2020	GEI CONSULTANTS, INC.	PROFESSIONAL SERVICES	\$	2,130.30

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103602	9/24/2020	GRAINGER	MISC. MATERIAL	\$	304.96
103603	9/24/2020	JORGENSEN COMPANY	MISC. MATERIAL	\$	273.94
103604	9/24/2020	PRUDENTIAL OVERALL SUPPLY	WORK UNIFORMS	\$	73.46
103605	9/24/2020	SILVAS OIL COMPANY, INC	DIESEL FUEL/DELIVERY CHARGE	\$	436.60
103606	9/24/2020	TETRA TECH INC	RETENTION	\$	6,072.61
103607	9/24/2020	U.S BANK CORPORATE	MEETING EXPENSES	\$	3,381.36
103608	9/24/2020	VALLEY COMMUNICATIONS ENGINEER	ANNUAL CALIBRATION TEST	\$	300.00
103609	9/24/2020	VAN NESS FELDMAN LLP	PROFESSIONAL SERVICES	\$	1,100.00
103610	9/30/2020	HEIDI ISNER	REFUND LEGAL SHIELD DEDUCTION	\$	18.95
103611	9/30/2020	HDR ENGINEERING, INC.	RELAY UPGRADE	\$	15,920.46
103612	9/30/2020	UNITED WAY OF FRESNO COUNTY	CONTRIBUTIONS	\$	10.00
ACH090220	9/2/2020	VOYA RETIREMENT INSURANCE &	EE CONTRIBUTIONS	\$	3,858.12
ACHA090220	9/2/2020	ADMINISTRATIVE SOLUTIONS	EE CONTRIBUTIONS	\$	1,380.27
ACHH090220	9/2/2020	HEALTH EQUITY EMPLOYER SERVICE	EE CONTRIB/DEDUCTIONS	\$	941.64
ACHI090220	9/2/2020	ICMA RETIREMENT TRUST - 457	457 CONTRIBUTIONS	\$	17,923.82
ACH091620	9/16/2020	VOYA RETIREMENT INSURANCE &	EE CONTRIBUTIONS	\$	3,858.12
ACHA091620	9/16/2020	ADMINISTRATIVE SOLUTIONS	EE CONTRIBUTIONS	\$	1,885.65
ACHH091620	9/16/2020	HEALTH EQUITY EMPLOYER SERVICE	HSA CONTRIBUTIONS	\$	375.00
ACHI091620	9/16/2020	ICMA RETIREMENT TRUST - 457	457 CONTRIBUTIONS	\$	17,923.82
ACH093020	9/30/2020	VOYA RETIREMENT INSURANCE &	EE CONTRIBUTIONS	\$	3,858.12
ACHI093020	9/30/2020	ICMA RETIREMENT TRUST - 457	457 CONTRIBUTIONS	\$	17,703.54
WT-413	9/25/2020	CHEVRON AND TEXACO	VEHICLE FUEL	\$	384.21
WT-414	9/25/2020	SHELL OIL COMPANY	VEHICLE FUEL	\$	4,190.18
<b>TOTAL</b>				<b>\$</b>	<b>386,931.32</b>

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

REQUISITION NO. O & M MONTH

473	9/11/2020	KINGS RIVER CONSERVATION DISTRICT	314,348.73
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# MEDIA RELATIONS POLICY

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## 1 Summary

KRCD's media relations policy covers KRCD employees and Board members. The Director of External Affairs is responsible for coordinating KRCD's media relations and social media content. As such, all KRCD employees and Board members are required to direct media inquiries, and requests for publicity to the Director of External Affairs.

Responses to news media are given a high priority with contact initiated through the Director of External Affairs. This includes issuing press releases, media advisories, and personal contacts with reporters and editors.

### 1.1 KRCD Spokespersons

Director of External Affairs  
General Manager  
Deputy General Manager

## 2 Media Inquiries

All media inquiries are to be referred to the Director of External Affairs. Immediately notify the Director of External Affairs regarding the inquiry. It is critical that requests for information to support media responses are met within the requested deadline to ensure a timely response to media requests.

### 2.1 Initial Response to Media Inquiry

An appropriate response to an initial media inquiry is:

Our Director of External Affairs is most suited to discuss your inquiry. If you provide me your contact information, I will ensure you are contacted timely.

Obtain the reporter's name, phone number and media affiliation.

### **3 High-Profile Issue Response**

#### **3.1 Controversial Issue Response**

If a sensitive or controversial issue arises, immediately inform the Director of External Affairs. The Director of External Affairs will work with the General Manager to develop a response if media inquiries are initiated.

#### **3.2 Crisis or Emergency Response**

Crises or emergencies generally involve public safety, employee safety, or landowner property damage. If a crisis or emergency situation arises, immediately inform the Director of External Affairs. The Director of External Affairs will work with the General Manager to develop a response.

#### **3.3 Litigation and Personnel Issue Response**

Generally, the business conducted by KRCD is public, and therefore, is public information. Inquiries regarding pending litigation, matters involving significant exposure to litigation and certain personnel-related matters or information are exceptions. Inquiries regarding pending litigation or exposure to litigation are to be referred to the General Manager. Inquiries regarding personnel-related matters or information are to be referred to the Manager of Human Resources and in turn, relayed to the General Manager.

### **4 Personal Points of View**

Employees and Board members have the right to their personal points of view. However, personal points of view may conflict with KRCD's official policy. Therefore, KRCD employees and Board members who write letters to the editor, attend and participate in public meetings, participate in radio talk shows, are interviewed for a radio or television program or engage in similar formats and venues must identify themselves as either an official spokesperson for KRCD or as an individual not representing KRCD.



# EXTERNAL COMMUNICATIONS POLICY

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## 1 Summary

KRCD employees and Board members participate in KRCD related activities that result in engagement with others. These may include Board approved roles on various bodies such as boards and committees, and attendance at Board approved event. KRCD employees and Board members may autonomously elect to become engaged in similar events and roles.

KRCD employees and Board members are encouraged to participate in activities that result in engagements on behalf of the District. Engagements reach both large and small audiences, and are intended to educate, provide awareness, promote programs, and provide general outreach. During these interactions, KRCD's employees and Board members are expected, all times, to project a positive image of the District.

## 2 Approval Process

KRCD employees and Board members receive approval through Board actions for roles on various boards and committees and some events. For engagements that are not prior approved through the Board, Board members desiring reimbursement should obtain prior Board approval to participate in those events. Past practices will be taken into account to determine if Board approval is required. Board members should consult with the General Manager regarding which activities may require Board approval.

For engagements that are not prior approved, employees are required to obtain supervisory approval. Approval is dependent upon the type of request (see chart). The engagement must be directly aligned with the vision, mission, and values of the District and organizational priorities. Costs incurred, if any, must be identified and communicated in advance of the approval.

Supervisor Required	Department Director Required
Community Education and Awareness Professional meeting	Promotion of Specific Programs State or national events

When KRCD employees and Board members autonomously elect to engage in activities and events including social media, it should be clearly communicated that you are not representing KRCD and views and opinions expressed are your own and do not represent the views of KRCD. If contact information is provided for follow-up, personal contact information must be provided.

### **3 Use of Data**

KRCD staff and Board members may be requested to or desire to use data in engagements. For KRCD staff, data used in engagements must be verified by a direct supervisor or division director depending on the chart above. If the request does not allow sufficient time for data verification it will not be approved for use. As such, immediately after requesting or being requested to attend or present at an engagement, where data will be required, use of data for verification should be relayed to the appropriate level of supervision. Board members should consult with the General Manager in a similar manner.



# AB 992: Open Meeting Laws and Social Media

New California Law Addresses Prohibition on Serial Meetings on Social Media



California public officials could run afoul of the Brown Act if they communicate with legislative members of the same body on social media under the recently enacted [Assembly Bill 992](#). Now, even giving a “thumbs up” to another official’s social media post on a topic within the legislative body’s subject matter jurisdiction could violate the law. AB 992, signed by Gov. Gavin Newsom late Friday, is the first amendment to the Brown Act to address public officials’ use of social media.

The Brown Act generally requires that a legislative body’s meetings be open and public, including advance notice, posting of the agenda and accessibility by the public. The Act prohibits a majority of members of a legislative body from engaging in a “series of communications,” directly or through intermediaries, to “discuss, deliberate, or take action on an item” that is within the legislative body’s subject matter jurisdiction.

AB 992, which amends Government Code section 54952.2, clarifies what kind of communications a public official may have via social media and what kind of communications are prohibited.

First, AB 992 clarifies that a public official may communicate on social media platforms to answer questions, provide information to the public or to solicit information from the public regarding a matter within the legislative body’s subject matter jurisdiction. However, the latter types of communications are only allowed as long as a majority of the members of the legislative body do not use any social media platform to “discuss

## AGENDA ITEM 9 - Supplemental Information

among themselves” official business. According to AB 992, “discuss among themselves” includes making posts, commenting and even using digital icons that express reactions to communications (i.e., emojis) made by other members of the legislative body.

Second, a single contact between one public official and another normally would not constitute a prohibited serial meeting. However, AB 992’s social media prohibitions go further. It prohibits a member of a legislative body from responding “directly to any communication on an Internet-based social media platform regarding a matter that is within the subject matter jurisdiction of the legislative body that is made, posted, or shared by any other member of the legislative body.” Now, if one public official posted a comment in response to another public official’s social media post about an agency issue, that could be a Brown Act violation, assuming the two serve on the same legislative body.

The bill applies to Internet-based social media platforms that are open and accessible to the public. According to the bill, “open and accessible to the public” means “that members of the general public have the ability to access and participate, free of charge, in the social media platform without the approval by the social media platform or a person or entity other than the social media platform, including any forum and chatroom, and cannot be blocked from doing so, except when the Internet-based social media platform determines that an individual violated its protocols or rules.”

AB 992 encompasses activity on many types of social media platforms, including, but not limited to, Snapchat, Instagram, Facebook, Twitter, blogs, TikTok and Reddit. That means it could affect social media commenting, retweeting, liking, disliking, responding with positive or negative emojis and/or screenshotting (photographing) and reposting.

### **Unanswered Questions and Practical Considerations**

Though AB 992 relates directly to the Brown Act, it indirectly touches on other transparency laws. For example, if a public official’s social media comments could lead to Brown Act violations, does that mean that the officials’ posts and comments are now subject to the California Public Records Act and potential disclosure? Do agencies need to retain public officials’ social media posts, particularly to demonstrate whether a Brown Act violation occurred?

The bill may also indirectly affect due process concerns. AB 992 allows public officials to provide information to the public on social media. If the information that’s posted is how a public official intends to vote on a development project, for example, could an applicant raise a claim that the applicant was denied a fair hearing?

Finally, as more public officials use social media to communicate with constituents and the general public, questions have arisen whether these places have become “public forums.” AB 992, which sanctions certain uses of social media, could amplify this issue.

*Disclaimer: BB&K Legal Alerts are not intended as legal advice. Additional facts, facts specific to your situation or future developments may affect subjects contained herein. Seek the advice of an attorney before acting or relying upon any information herein.*

**VI. THE DISTRICT FACILITIES**

# **[UNRELATED TEXT REMOVED TO AVOID CONFUSION]**

**E. USE OF SOCIAL NETWORKING AND SOCIAL MEDIA**

Social media, professional networking sites, rapid-fire communications, blog sites, and personal Web sites are all useful technologies and with the ready availability of these technologies, every employee has an opportunity to express and communicate online in many ways. The District realizes these facts and has developed this policy in order to provide its employees with guidelines for expected online behavior. Social media is defined as an electronic service or account, or electronic content, including, but not limited to, videos, still photographs, blogs, video blogs, podcasts, instant and text messages, email online services or accounts, or internet website profiles or locations.

The District encourages employees to post freely and exchange opinions and ideas on interactive websites that follows all District policies and codes of conduct. Employees must remember that your online presence reflects the District and be aware that your actions captured via images, posts, or comments can reflect that of our District. Everyone needs to use good judgment on what material makes its way online.

Accordingly, the following policy is intended to set forth the terms of the District's policy on employee use of blogs and other interactive websites. This policy covers employees creating, posting, commenting, or uploading to any Internet website, as well as any non-Company external site, such as media sites, chat rooms, bulletin boards, newsgroups, discussion groups, non-Company e-mail groups, personal websites, video sharing sites, picture sharing sites, dating sites, and social networking sites (e.g. Facebook, Twitter, YouTube, LinkedIn, etc.), whether or not such sites are set to private. The absence of, or lack of, explicit reference to a specific site does not limit the extent of the application of this policy.

Where no policy or guideline exists, employees should use their professional judgment and take the most prudent action possible. Failure to follow the District's Social Networking Policy may lead to disciplinary action, up to and including termination of employment.

**1. Use of Social Networking Technology**

The District's policies regarding District access to Technological Resources and monitoring of online services, as described in the District's "Use of Technology and the Internet" Policy in this

Handbook, apply with equal force to employee access and use of non-Company social media sites. Employees may not engage in blogging or access social networking sites during working hours, with the possible exception of meal or rest breaks.

This policy will set forth guidelines that employees should follow for all online communications in reference to the District to the fullest extent allowed by state or federal law.

Even though blogs and other forms of online postings are frequently used to express personal views, the content of blogs and other online postings can directly or indirectly impact the District as well as its employees and customers. This policy emphasizes good judgment, common sense, courtesy and respect for co-workers, customers and vendors.

## **2. Relevant Technologies**

This policy includes (but is not limited to) the following specific technologies:

- Personal blogs and/or web sites
- LinkedIn
- Twitter
- Facebook
- YouTube
- Tumblr
- Reddit
- Google+
- Yelp
- Vine
- Instagram

The absence of, or lack of, explicit reference to a specific site does not limit the extent of the application of this policy. Where no policy or guideline exists, employees should use their professional judgment and take the most prudent action possible.

## **3. Responsibility**

Any material presented online in reference to the District by any employee is the responsibility of the poster. Employees blog/post at their own risk and are personally and legally responsible for their postings and online comments. The District will not assume any liability or risk for an employee's blogging or posting online. The following are illustrative of the types of relevant laws implicated by blogging, but are not intended to be comprehensive: privacy, libel, defamation, harassment, copyright, data theft, disclosure of material non-public information, and disclosure of confidential or trade secret information.

If employees publish a blog, post a comment, or share an image and it has something to do with the District, employees must state that any opinion is theirs individually and not a form of official

## From KRCD Employee Handbook

communication from the District. In no way may employees represent or suggest that their opinions or positions are endorsed by the District or any of its managers or employees.

In addition, employees should not re-publish postings or statements of other District employees without making the same type of disclaimer that the views expressed are of an employee of the District and do not reflect the positions, strategies or opinions of the District.

**Note to Managers and Executives:** This standard disclaimer does not by itself exempt the District's managers and executives from a special responsibility when blogging. Managers and executives should exercise particular care when posting online to ensure their published personal thoughts are not misunderstood to be expressions of official District positions. Managers also should safely assume their direct reports will read their postings, and fully understand that non-District social media sites are not appropriate forums for communicating District policy to District employees.

In addition, managers and executives should not issue friend requests to subordinates, since that could be awkward for employees. It is fine if employees want to initiate the friend process with their bosses.

### 4. Employee Personal Social Media Web Pages

The District recognizes that employees might have their own personal social media web pages. As such, the District respects employees' right to express personal opinions when using personal social media web pages and does not retaliate or discriminate against employees who use social media for political, organizing, or other lawful purposes. The District does protect its intellectual property, including its name and related business assets, that are discussed on social media websites at any time.

The District will not require or request an employee or applicant for employment to do any of the following regarding his or her personal social media web pages:

1. Disclose a username or password for the purpose of accessing his or her personal social media web pages;
2. Access personal social media web pages or accounts in the District's presence; or
3. Divulge any personal social media information.

The only exceptions to this policy are as follows:

1. To request an employee divulge personal social media reasonably believed to be relevant to an investigation of allegations of employee misconduct or employee violation of applicable laws and regulations provided that the social media is used solely for purposes of that investigation or a related proceeding; and
2. To require or request an employee disclose a username, password, or other method for the purpose of accessing an employer-issued electronic device.

The District will not discipline, threaten to discipline or retaliate against any employee or applicant for refusing to comply with a request or demand by the District that violates this policy.

### 5. Employee Responsibilities When Using Social Media

Employees are expected to abide by the following rules and guidelines in social networking practices:

## From KRCD Employee Handbook

- Employees are personally responsible for the content which they publish. As a result, employees who use social media should be mindful of their responsibilities to the District at all times. Once content is posted online, it is no longer under your control; online postings can remain on the internet indefinitely, and content posted to private websites does not always stay private.
- If you choose to add your place of employment to any profile, you must use common sense in all postings and comply with the District's workplace policies, ethics, and other requirements.
- Be relevant to your area of expertise.
- You must make it clear that you are speaking for yourself and not on behalf of the District.
- Do not represent that you are communicating the views of the District, or do anything that might reasonably create the impression that you are communicating on behalf of or as a representative of the District.
- Maintain professionalism, honesty, and respect.
- Use a personal e-mail address (not your District-provided e-mail address) as your primary means of identification. Just as you would not use the District stationery for a letter to the editor with your personal views, do not use the District e-mail address for personal views.
- Employees cannot advertise or sell the District products via social media websites without prior written approval from the General Manager.
- Please keep in mind that we are required to comply with HIPAA and related laws protecting patient privacy rights and medical information. Any violation of those laws when blogging or using other social media will result in discipline, up to and including termination.
- **Be mindful of the world's longest memory** – everything you say is likely to be indexed and stored forever, either via search engines or through bloggers that reference your posts.

### 6. Abiding by State and Federal Laws

Employees may not post content or conduct any activity that fails to conform to any and all applicable state and federal laws. For the District's and our employees' protection, it is critical that everyone abide by the copyright laws by ensuring that they have permission to use or reproduce any copyrighted text, photos, graphics, video or other material owned by others.

### 7. Harassing or Defamatory Content

The District strives to maintain a professional work environment and considers unlawful harassment in all forms to be a serious offense in violation of the District's harassment policy. Employees may not post any content that is illegally harassing, discriminatory, defamatory, or otherwise illegal.

Unlawful harassment includes harassment based on race, color, national origin or ancestry, gender/sex, gender identity, gender expression, age, physical or mental disability, perceived disability or perceived potential disability, pregnancy or perceived pregnancy, childbirth, breastfeeding or related medical conditions, religion (including religious dress and grooming



## From KRCD Employee Handbook

practices) or creed, marital status, registered domestic partner status, medical condition (including HIV and AIDS), citizenship, military and veteran status, sexual orientation, genetic characteristics, genetic information (including an employee, a family member of an employee, or the manifestation of a disease or disorder in a family member of an employee), the possession of a driver's license granted under Section 12801.9 of the Vehicle Code; enrollment status in a public benefit program; political affiliation, or any other characteristic protected by state, federal, or local law.

Violation of this policy may result in disciplinary action, including change of job duty, transfer, suspension, demotion, or termination of employment.

### **8. Off-Limits Material**

This policy sets forth the following items which are deemed off-limits for social networking:

Proprietary Information and Intellectual Property

Employees are prohibited from unlawfully using or unlawfully disclosing District logos, trademarks, trade secrets, customer information, District financial information, and other legally protected proprietary information and intellectual property.

### **9. Failure to Comply With the Policy**

Failure to adhere to District policies regarding blogging and online postings will be considered grounds for disciplinary action, up to and including termination of employment. Such violations can also lead to serious legal ramifications for offending individuals, as they can be held personally liable for any post that is defamatory, proprietary, discriminatory, harassing, obscene, or which violates any other law.

**[UNRELATED TEXT REMOVED  
TO AVOID CONFUSION]**

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## CONSULTANT AGREEMENT

THIS AGREEMENT is made this 31<sup>st</sup> day of August, 2020, by and between GREATER KAWEAH GROUNDWATER SUSTAINABILITY AGENCY (hereinafter "GKGSA") and KINGS RIVER WATER CONSERVATION DISTRICT (hereinafter "Consultant").

### **Article I      Term of Contract**

This Agreement will become effective upon its execution by the parties. Consultant will commence work under this Agreement upon the parties' execution of a Scope of Services. This Agreement will remain in effect until terminated by written notice from one of the parties as hereinafter provided in Articles VII or VIII.

### **Article II      Independent Contractor**

Consultant enters into this agreement, and will remain throughout the term of the agreement, an independent contractor. Consultant agrees that neither it nor any of its employees will become an employee of GKGSA while this agreement is in effect. Consultant agrees that while this agreement is in effect that neither it nor any of its employees is or shall become entitled to the rights or benefits afforded to GKGSA'S employees, if any, including disability or unemployment insurance, workers' compensation, medical insurance, sick leave, or any other employment benefit. Consultant is responsible for providing, at Consultant's own expense, disability, unemployment, any other insurance, workers' compensation, training, permits, and licenses for Consultant and for its employees and subcontractors, if any.

### **Article III      Authorized Representatives**

The General Manager of GKGSA, or his designated representative, shall be the authorized representative of GKGSA with respect to all of Consultant's dealings with GKGSA in connection with Consultant's work pursuant to this agreement. Consultant shall designate an authorized employee or representative to represent it with respect to its dealings with GKGSA in connection with Consultant's work pursuant to this agreement.

### **Article IV      Scope of Services**

Any services to be provided by Consultant to GKGSA under this Agreement must be set forth in a writing signed by the parties hereto (a "Scope of Services" agreement). Consultant will have no obligation to perform any services under a Scope of Services unless it is fully executed by both parties. Each Scope of Services shall be subject to and incorporate by reference all of the provisions of this Agreement. If there is a discrepancy between the terms of this Agreement and a Scope of Services, the provisions of this agreement will control.

### **Article V      Indemnification**

- 5.1 Consultant and GKGSA will defend, indemnify and hold harmless each other, and their respective directors, officers, employees, and authorized volunteers, from all claims and demands of all persons or entities that arise out of, pertain to, or relate to their respective negligence, recklessness, or willful misconduct in the performance (or actual or alleged non-performance) under the Scope of Services.

**Article VI Compensation**

- 6.1 Consultant shall be compensated by GKGSA as set forth in a Scope of Services.
- 6.2 Payment for those portions of the Scope of Services completed and related costs advanced by Consultant shall be made by GKGSA within thirty (30) days after receiving an invoice from Consultant for such items.
- 6.3 Compensation will be provided on a time and materials basis on work authorized in advance by GKGSA. Task orders associated with this agreement provide estimates of scope and budget that may be altered as needed and in mutual agreement by Consultant and GKGSA.

**Article VII Termination By Either Party Without Cause**

Either party may terminate this agreement, without cause, by giving the other party sixty (60) days written notice of such termination as provided in paragraph 13.4 of this agreement. In the event of termination, GKGSA agrees to pay for the value of work performed as of the date of termination as well as the cost of materials and equipment on hand, in transit, or on definite commitment, as of the date of termination, if such materials and equipment would be needed to complete a Scope of Services.

**Article VIII Termination of Agreement for Cause**

- 8.1 GKGSA may terminate the whole or any part of this agreement, including performance under a Scope of Services, if Consultant fails to timely complete any Scope of Services or if Consultant commits a material breach of this Agreement. Prior to terminating this agreement pursuant to this Paragraph 8.1, GKGSA must give the Consultant five (5) days written notice of its intent to terminate and an opportunity to cure the breach prompting such notice. Consultant may terminate the whole or any part of this agreement, including performance under a Scope of Services, if GKGSA fails to timely pay any invoice issued by Consultant or if GKGSA commits any other material breach of this Agreement. Prior to terminating this Agreement pursuant to this Paragraph 8.1, Consultant must give the GKGSA five (5) days written notice of its intent to terminate and an opportunity to cure the failure to pay or other breach prompting such notice.
- 8.2 In the event GKGSA terminates this agreement, as provided above in Article VII or paragraph 8.1 of this agreement, GKGSA may procure, upon such terms and such manner as it may determine, appropriate services similar to those terminated.
- 8.3 Should this agreement be terminated, as provided above in Article VII or paragraph 8.1 of this agreement, Consultant shall provide GKGSA with all finished and unfinished documents, data, studies, services, drawings, maps, models, photographs, reports, etc., prepared by Consultant pursuant to this agreement. Upon termination as provided above in Article VII or paragraph 8.1 of this agreement, Consultant shall be paid the value of the work performed, less payments of compensation previously made.

**Article IX      Ownership of Consultant's Work Product**

Upon termination of this agreement, ownership and title to all reports and documents produced pursuant to this agreement will automatically be vested in GKGSA and no further contract or agreement will be necessary to transfer ownership to GKGSA. GKGSA agrees that it will not modify the work product generated by Consultant pursuant to this agreement or use it for any purpose other than the originally intended purpose without the written permission of Consultant.

**Article X      Assignment**

Neither this agreement nor any duties or obligation under this agreement may be assigned by a party hereto without the prior written consent of the other party.

**Article XI      Attorney Fees**

If any legal action, including an action for declaratory relief, is brought to enforce or interpret the provisions of this agreement, the prevailing party will be entitled to reasonable attorneys' fees, costs of suit and expert witness fees, which may be set by the court in the same action or in a separate action brought for that purpose, in addition to any other relief to which that party may be entitled.

**Article XII      Miscellaneous Provisions**

- 13.1 Consultant covenants that Consultant presently has no interest, and shall not have any interest, direct or indirect, which would conflict in any manner with its performance of this agreement.
- 13.2 Any notices required to be given under this agreement by either party to the other may be effected in writing by personal delivery or by mail (registered or certified), postage prepaid with return receipt requested. Mailed notices must be addressed to the parties at their addresses as follows:

Consultant:

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

GKGSA:

General Manager  
GREATER KAWEAH GSA  
2975 North Farmersville Blvd.  
Farmersville, CA 93223

Each party may change its foregoing address by giving written notice in accordance with this paragraph. Notices delivered personally will be deemed communicated as of actual receipt. Mailed notices will be deemed communicated as of the fifth day after mailing.

- 13.3 Any modification of this agreement will be effective only if it is in writing and signed by the

party to be charged.

- 13.4 If any provision of this agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions of this agreement will continue in full force and effect without being impaired or invalidated in any way.
- 13.5 This agreement will be governed by and construed in accordance with the laws of the State of California. The venue for any legal proceeding between GKGSA and Consultant regarding this agreement shall be in Tulare County.
- 13.6 GKGSA is subject to laws relating to public agencies which are part of this agreement as though fully set forth herein. Consultant shall comply with such federal and state laws as relate to the work provided for in this agreement or the overall project.
- 13.7 Time is of the essence as to the performance of each and every action required of one or more of the parties pursuant to this agreement

IN WITNESS WHEREOF, the parties hereto have executed this agreement on the date first above written.

GKGSA:

Consultant:

GREATER KAWEAH GROUNDWATER  
SUSTAINABILITY AGENCY

KINGS RIVER CONSERVATION DISTRICT

By: 

General Manager

By: 

Title: 

## SCOPE OF SERVICES

**Kings River Conservation District**

**Statement of Work  
for  
Greater Kaweah Groundwater Sustainability Agency**

## BACKGROUND

GKGSA, a groundwater sustainability agency formed and existing pursuant to the Sustainable Groundwater Management Act of 2014, contemplates the holding of elections pursuant to Proposition 26 and Proposition 218.

GKGSA has no employees. The personnel of Kings River Conservation District (hereinafter "Consultant") possess capabilities, experience, and expertise which will assist in GKGSA's outreach for the contemplated Proposition 26 and Proposition 218 elections.

### 1 PROJECT SCOPE & SCHEDULE

Consultant will perform administrative services in order to facilitate GKGSA's outreach for Prop. 218 and Prop. 26 elections.

The services described herein will be performed pursuant to that certain Consultant Agreement between GKGSA and Consultant executed September 18, 2020. A copy of said Consultant Agreement is attached hereto as Attachment 1 and incorporated herein by reference.

### 2 PROJECT DETAILS

Consultant will perform specific tasks as directed by GKGSA and agreed to by Consultant. Specific tasks are identified in Exhibit A, attached hereto.

### 3 PRICING

Consultant will be charged on a time and materials basis at Consultant's rates and provide not to exceed cost estimates that are mutually agreed upon prior to beginning of work. Fee schedule is identified in Exhibit B, attached hereto.

GKGSA:

Consultant:

GREATER KAWEAH GROUNDWATER  
SUSTAINABILITY AGENCY

KINGS RIVER CONSERVATION DISTRICT

By: 

General Manager

By: 

Title: General Manager

EXHIBIT A

PROJECT DETAILS PROP. 218 OUTREACH SERVICES

**MESSAGING CONTENT**

Meeting with GSA lead  
Key messages development  
Admin and Project Scoping

**WEBINAR (2)**

PowerPoint preparation  
Prep/Promo/Event  
Zoom Webinar

**PRESENTATION VIDEO**

Development

**MAILER (2) (English/Spanish)**

Development, printing, distribution

**POSTCARD (English/Spanish)**

Development, printing, distribution

**218 WEBPAGE**

Development & Maintenance

**MATERIALS (English/Spanish)**

FAQ  
Fee comparison  
Ballot samples

**EXECUTIVE SUMMARY**

Review

**E-Updates (3)**

Research and writing

**Meetings & public hearing (6)**

attendance

EXHIBIT B  
FEE SCHEDULE

Outreach Service Staff	Rates
Administrative Assistant	\$50
Public Affairs Associate	\$80
GIS Associate	\$90
External Affairs Director	\$120