Friant Water Authority
Executive Committee Meeting Agenda

9:00 a.m., Monday, April 16, 2018
Conference Room
Kaweah Delta Water Conservation District
2975 Farmersville Rd., Farmersville, CA 93223

At the discretion of the Executive Committee, all items appearing on this agenda, whether or not expressly listed for action, may be deliberated upon and may be subject to action by the Committee. Order of agenda items is subject to change.

1. Call to Order.
2. Additions to and approval of the agenda. Items identified after posting of the agenda, for which there is a need to take immediate action, may be added to the agenda. Addition of an item requires a two-thirds vote of the Committee members (or if less than two-thirds of the members are present, a unanimous vote of the members present). [Government Code section 54954.2(b)]

3. Approval of the March 12, 2018 meeting minutes.

4. Public Comment. (Government Code section 54954.3) – This is the time set aside on the agenda where members of the public may comment on any matter within the jurisdiction of the Committee that is not on the agenda. Comments will be limited to 3 minutes per speaker, 15 minutes per subject and 30 minutes overall for the entire public comment period, unless otherwise approved by the chair of the meeting, to ensure that all interested parties have an opportunity to speak. The Committee cannot take action on items not on the agenda; and therefore, comments on such items may be taken under advisement, referred to the appropriate staff for response or directed to be placed on a future agenda. Public comment on items on the agenda will be allowed at the time the Board considers the item.

   A. Temperance Flat. Update on cost-share MOU and discussion regarding formation and governance structure of a project implementation entity.
   B. Airborne Snow Observatory. Update on program for 2018

   A. 2018 Water Bond – Update.
   B. Review of pending state and federal legislation – Update.
   C. Briefing on SB 623 by Gail Delihant, Western Growers Association.
Friant Water Authority
Executive Committee Meeting Agenda

7. General Counsel’s Report.

8. Chief Operating Officer’s Report.
   A. Title Transfer of Friant-Kern Canal - Update
   B. Pump-back Project – Update.
   C. Capacity Correction – Update
      a. Immediate Actions
      b. Intermediate Actions
      c. Long-term Actions
      d. Financing Efforts

9. Chief Executive Officer’s Report.

   CLOSED SESSION

10. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION [Government Code section 54956.9(d)(1)] –
   Name of matter:  NRDC v. Murillo, U.S. District Court, Eastern District of California (Sacramento Division),
   Case No. 88-cv-1658-JAM-GGH.

11. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION: Significant exposure to litigation
    pursuant to Government Code section 54956.9(d)(2): 2 potential matters.

12. CONFERENCE WITH LEGAL COUNSEL—INITIATION OF LITIGATION [Government Code section
    54956.9(d)(4)]—Initiation of Litigation:  2 potential cases.

13. Announce reportable action taken during closed session as required by Government Code Section
    54957.1.


Public Participation Notice

A person with a qualifying disability under the Americans with Disabilities Act of 1990 may request the
Authority to provide a disability-related modification or accommodation in order to participate in any public
meeting of the Authority. Such assistance includes appropriate alternative formats for the agendas and agenda
packets used for any public meetings of the Authority. Requests for such assistance and for agendas and
agenda packets shall be made in person, by telephone, facsimile, or written correspondence to Toni Marie, at
the office of Friant Water Authority, at least 48 hours before a public Authority meeting.
1. **Call to Order.** Chair Kent Stephens called the meeting to order at 9:00 a.m. Committee members present: Stephens, Borba, Camp, Loeffler, Tantau, Borges (Alt.), Erickson (Alt.); Staff present: Phillips, DeFlitch, Marie, Davis, Ottemoeller, Hickernell, Luce, Payne, Biering. Others: Muhar, Collup, Edwards, Wallace, Morrissey, Dalke, Geivet, Fukuda, Demetriff, Larsen, Greci, Sherman; Committee members absent: 0

2. **Additions to and approval of the agenda.** The agenda was approved with item 6 moved before item 5. (Borba/Loeffler); approved unanimously - Ayes – Stephens, Erickson, Camp, Borba, Loeffler, Tantau; Nays – none; Absent – none

3. **Approval of the February 12, 2018 meeting minutes.** The minutes were approved. (Loeffler/Tantau); approved unanimously - Ayes – Stephens, Erickson, Camp, Borba, Loeffler, Tantau; Nays – none; Absent – none

4. **Public Comment.** (Government Code section 54954.3) – There was no public comment.

5. **Government Affairs Manager’s Report.**
   
   A. **2018 Water Bond** – Alex Biering reported that the Water Bond had 110% of the signatures needed to be placed on the ballot and that validation of the signatures should be completed by May. She also reported that letters of endorsements for the Water Bond were beginning to come in.

   B. **Review of pending state and federal legislation** - Alex Biering gave a brief update on pending state and federal legislation.

6. **Director of Water Policy Report.**
   
   A. **Temperance Flat Reservoir Project** – Jeff Payne gave a brief update on the Temperance Flat Reservoir project.

   B. **Review and Approval of Proposed Amendments to the TFR Project Cost Sharing Memorandum of Understanding (MOU)** - Jeff Payne reported on the proposed amendment to the TFR project cost sharing MOU saying that most of parties are in agreement with the language contained in the MOU; Chowchilla W.D. and Lower Tule River I.D. did provide some additional language to the MOU. A motion to move forward with the proposed MOU, with the caveat that Chowchilla W.D.’s concerns be addressed and to consider Lower Tule River I.D.s majority vote percentages request. (Borba/Tantau); approved unanimously - Ayes – Stephens, Erickson, Camp, Borba, Loeffler, Tantau; Nays – none; Absent – none
7. General Counsel’s Report – General Counsel Davis reported that the Recapture Agreements with Banta-Carbona I.D. and Patterson I.D. have been executed.

8. Chief Operating Officer’s Report.
   A. Title Transfer of Friant-Kern Canal – Doug DeFlitch reported on Title Transfer activities saying that a letter had been distributed to FKC contractors that take water off the canal that informed them of Friant Water Authority’s desire to explore the potential for acquiring title to the canal. He said that he has not received any responses to the letter.
   B. Pump-back Project – Doug DeFlitch reported on current Pump-back project activities including the water quality element of the Pump-back project. A Water Quality Steering Committee meeting is being scheduled for the week of March 26th to address water quality concerns.
   C. Capacity Correction - Doug DeFlitch reported on current capacity correction activities including the continued canal liner sealing efforts.

9. Chief Executive Officer’s Report. Jason Phillips reminded everyone of the upcoming annual meeting being held in March. He also discussed dates for the Fall Board retreat and asked if the group was comfortable with overlapping the annual meeting with the ACWA Fall Conference schedule. The EC thought it was a good idea.

CLOSED SESSION

10. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION [Government Code section 54956.9(d)(1)] – Name of matter: NRDC v. Murillo, U.S. District Court, Eastern District of California (Sacramento Division), Case No. 88-cv-1658-JAM-GGH.

11. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION: Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2): 2 potential matters.

12. CONFERENCE WITH LEGAL COUNSEL—INITIATION OF LITIGATION [Government Code section 54956.9(d)(4)]—Initiation of Litigation: 2 potential cases.

13. Announce reportable action taken during closed session as required by Government Code Section 54957.1. – No reportable action was taken during closed session.

14. Adjournment. – The meeting adjourned at 11:30 a.m.
## Legislative Tracker

### FRIANT WATER AUTHORITY

**April 16, 2018**

#### State Bills

<table>
<thead>
<tr>
<th>Bill</th>
<th>Title (Author) &amp; Date</th>
<th>Description</th>
<th>Positions</th>
<th>FWA</th>
<th>ACWA</th>
<th>Status</th>
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<tbody>
<tr>
<td>AB 2649</td>
<td>Groundwater recharge (Arambula) – 4/5/18 version</td>
<td>Would require the State Water Resources Control Board to prioritize a temporary permit for a project that enhances the ability of a local or state agency to capture high precipitation events for local storage or recharge, consistent with water rights priorities and protections for fish and wildlife. The bill would exempt temporary permits for these projects from the California Environmental Quality Act. The bill would require the board to set a reduced application fee for an applicant for a temporary permit for these projects. This bill also deems groundwater recharge undertaken pursuant to or consistent with a groundwater sustainability plan authorized by a groundwater sustainability agency as a beneficial use.</td>
<td>NYC</td>
<td>W</td>
<td>Amended 4/5, referred to Asm. Water, Parks &amp; Wildlife. Committee hearing on 4/24.</td>
<td></td>
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<tr>
<td>AB 2975</td>
<td>Wild and scenic rivers (Friedman) – 4/2/18 version</td>
<td>Would, if the federal government takes action to remove or delist any river or segment of a river in California that is included in the national wild and scenic rivers system and not in the state wild and scenic rivers system, or if the secretary determines that the federal government has exempted a river or segment of a river in California that is not in the state wild and scenic river system from the protection of certain federal provisions governing restrictions on water resources projects, require the secretary, after holding a public hearing on the issue, to take any necessary action to add the river or segment of a river to the state wild and scenic rivers system and to classify that river or segment of a river.</td>
<td>PRO: Environmental NGOs&lt;br&gt;OPP: ACWA, commodities groups, growers groups, water districts in W&amp;S watersheds</td>
<td>W</td>
<td>O</td>
<td>Amended 4/2; heard in committee 4/9 with “tweener” testimony from FWA; passed and ref’d to Asm. Appropriations</td>
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1 Updates since the last version are included in **bold text.**
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<tr>
<td>SB 919</td>
<td>Water resources: stream gages (Dodd) – 3/15/18 version</td>
<td>DWR, SWRCB, DFW, and the California Water Quality Monitoring Council are working together to develop a Water Data Platform that will integrate local, state, and federal water data and make that information available to water managers and others throughout the state. This bill would require SWRCB to develop a plan to install a network of stream gages (or reactive existing ones). Priority would go to stream gages where there are “gaps” in the existing system. This bill does not include funding for the program.</td>
<td>PRO: Sonoma County Water Agency; Sustainable Conservation; Cal Trout; Trout Unlimited; Bay Area Council; The Nature Conservancy (Sponsor); Rural County Representatives of California OPP: None</td>
<td>NYC</td>
<td>W</td>
<td>Sen. Appropriations; hearing set for 4/16.</td>
</tr>
<tr>
<td>SB 929</td>
<td>Special districts: Internet Web sites (McGuire) – 3/6/18 version</td>
<td>The California Public Records Act requires a local agency to make public records available for inspection and allows a local agency to comply by posting the record on its Internet Web site and directing a member of the public to the Web site, as specified. This bill would, beginning on January 1, 2020, require every independent special district to maintain an Internet Web site that clearly lists contact information for the special district, except as provided. Because this bill would require local agencies to provide a new service, the bill would impose a state-mandated local program. This measure exempts special districts that, with a majority vote of its governing body, adopt a resolution declaring its determination that a hardship exists that prevents the district from establishing and maintaining a website. The resolution must include detailed findings noted in the official meeting minutes supporting the related hardship. Such hardships can include, but are not limited to, inadequate access to broadband communications, significantly limited financial resources, or insufficient staff resources.</td>
<td>PRO: ACWA, &gt;20 special districts OPP: None</td>
<td>NYC</td>
<td>S</td>
<td>Sen. Appropriations; hearing set for 4/16.</td>
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| SB 952      | Water conservation: local water supplies (Anderson) – 1/30/18 version | Existing provisions in the California Constitution declare the policy that the water resources of the state be put to beneficial use to the fullest extent of which they are capable, that the waste or unreasonable use or unreasonable method of use of waters be prevented, and that the conservation of these waters is to be exercised with a view to the reasonable and beneficial use of the waters in the interest of the people and for the public welfare.  
As introduced, this bill would state the intent of the Legislature to enact legislation that would require the State Water Resources Control Board to recognize local water agency investment in water supply and will ensure that local agencies receive sufficient credit for these investments in meeting any water conservation or efficiency mandates. |             |     |      |          |
| Budget Trailer Bill **Based on SB 623** | Safe and Affordable Drinking Water Act (Brown Administration) – 2/1/18 version | Budget trailer bills (BTBs) are introduced by the Governor’s Administration each year to accompany the Governor’s proposed State Budget. This bill would establish the Safe and Affordable Drinking Water Fund (the Fund) in the State Treasury and provide that all of the moneys in the Fund would be continuously appropriated to the State Water Board. The funding mechanisms would include: 1) agricultural fees in the context of nitrate contamination in groundwater; and 2) a State tax collected by local water agencies on drinking water provided to residential, business, industrial and governmental customers. | **SB 623 Positions:** 
PRO: Enviro NGOs, Western Growers Association, Latino coalitions, clean water groups, labor groups, some valley cities  
OPP: ACWA, municipal water districts and utilities, some ag water districts, sportfishermen, NorCal enviro NGOs | NYC       | Oppose Unless Amended |  |
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<td>HR 23</td>
<td>Gaining Responsibility on Water Act (Valadao) – 7/12/17 version</td>
<td>Would enact a number of policies related to California water law and water users. The bill includes a number of elements from other water legislation introduced in Congress in recent years, including related to increased monitoring and incidental take limit for Delta smelt, the San Joaquin River Restoration Settlement and Act, and fast-tracking feasible storage projects such as Temperance Flat.</td>
<td>S&amp;A</td>
<td></td>
<td></td>
<td>Amendments debated in the Rules Committee and subsequently passed on the House floor (230-190) on 7/12</td>
</tr>
<tr>
<td>HR 434</td>
<td>New Water Available To Every Reclamation State Act (Denham) – 1/11/17 version</td>
<td>Would authorize the Department of the Interior, for 15 years after this bill's enactment, to provide financial assistance, such as secured loans or loan guarantees, to entities that contract under federal reclamation law to carry out water projects within the 17 western states served by the Bureau of Reclamation, other states where the Bureau is authorized to provide project assistance, Alaska, and Hawaii.</td>
<td>NYC</td>
<td></td>
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<td>Ref’d to the Subcommittee on Water, Power and Oceans on 2/7</td>
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<tr>
<td>S 2563</td>
<td>Water Supply Infrastructure and Drought Resilience Act (Flake) – 3/16/18 version</td>
<td>Addresses permitting, operations, contracts, etc. Includes provisions intended to improve opportunities for Reclamation contractors to use project water for groundwater recharge (Subtitle B).</td>
<td>NYC</td>
<td></td>
<td></td>
<td>Introduced on 3/16.</td>
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<tr>
<td>S 2560</td>
<td>Reclamation Title Transfer Act (Risch) – 3/16/18 version</td>
<td>Proposes a new and efficient process for transferring title from Federal/Reclamation facilities to water user groups or agencies who have paid for and/or operate and maintain the facilities. Establishes criteria for eligibility, timelines, etc.</td>
<td>NYC</td>
<td></td>
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<td>Introduced on 3/16.</td>
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SAFE AND AFFORDABLE DRINKING WATER ACT
February 1, 2018

The people of the State of California do enact as follows:

SECTION 1. Article 10.5 (commencing with Section 595) is added to Chapter 3 of Part 1 of Division 1 of the Food and Agricultural Code, to read:

Article 10.5. Safe Drinking Water Fee/or Confined Animal Facilities Excluding Dairies

595. For purposes of this article, the following definitions apply:

(a) "Confined animal facilities excluding dairies" includes, but is not limited to, bovine operations, poultry operations, swine operations, and other livestock operations. "Confined animal facilities excluding dairies" does not mean milk cow dairies.

(b) "Fee" means the safe drinking water fee/or confined animal facilities excluding dairies.

(c) "Fund" means the Safe and Affordable Drinking Water Fund established by Section 116767 of the Health and Safety Code.

596. (a) The secretary shall convene a working group composed of representatives of confined animal facilities excluding dairies to determine the actual risk, if any, to groundwater from discharges of nitrate from confined animal facilities excluding dairies.

(b) Beginning January 1, 2021, the secretary shall establish a safe drinking water fee for confined animal facilities excluding dairies payable annually to the secretary by each confined animal facility excluding a dairy in an amount commensurate with the actual risk to groundwater from discharges of nitrate as determined by the working group. The fee shall not exceed one thousand dollars ($1,000) per facility per year. The secretary shall adopt regulations to implement and administer this section by January 1, 2021.

(c) This section shall remain in effect only until January 1, 2036, and as of that date is repealed, unless a later enacted statute that is enacted before January 1, 2036, deletes or extends that date.
597. (a) No later than January 1, 2035, the secretary shall convene a working group with representatives of confined animal facilities excluding dairies to determine the actual risk, if any, to groundwater from confined animal facilities excluding dairies.

(b) Beginning July 1, 2036, the secretary shall establish a safe drinking water fee for confined animal facilities excluding dairies payable annually to the secretary by each confined animal facility excluding a dairy in an amount commensurate with the actual risk to groundwater from discharges of nitrate determined by the working group.

(c) The secretary may adjust the fee established pursuant to subdivision (b) through emergency regulation as necessary to meet but not exceed the anticipated funding need for nitrate in the most recent assessment of funding need adopted by the State Water Resources Control Board pursuant to subdivision (b) of Section 116769 of the Health and Safety Code. An emergency regulation adopted pursuant to this subdivision shall be adopted by the secretary in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. The adoption of these regulations is an emergency and shall be considered by the Office of Administrative Law as necessary for the immediate preservation of the public peace, health, safety, and general welfare. Any emergency regulations adopted by the secretary pursuant to this subdivision shall remain in effect until revised by the secretary.

(d) The fee collected pursuant to subdivision (b) of this section, in combination with the dairy safe drinking water fee collected pursuant to Section 62215, shall total the sum of three million dollars ($3,000,000), or 30 percent of the funding need for nitrate in the most recent assessment of funding need adopted by the State Water Resources Control Board pursuant to subdivision (b) of Section 116769 of the Health and Safety Code, whichever is less.

(e) Notwithstanding subdivisions (c) and (d), the fee collected pursuant to subdivision (b) shall not exceed one thousand dollars ($1,000) per facility per year.

(f) This section shall become operative on January 1, 2034.

598. The secretary shall deposit all moneys received under this article into the fund.

599. The Legislature may not increase the fees established under section 596 and 597 except by an affirmative vote of two-thirds of the membership in each house of the Legislature.

SEC. 2. Article 6.5 (commencing with Section 14615) is added to Chapter 5 of Division 7 of the Food and Agricultural Code, to read:
Article 6.5. Fertilizer Safe Drinking Water Fee

14615. (a) It is the intent of the Legislature to require licensees of bulk fertilizing materials, and to authorize licensees of packaged fertilizing materials, to pass the fertilizer safe drinking water fee on to the end user of the fertilizer.

(b) For purposes of this article, the following definitions apply:

(1) "Bulk fertilizing material" has the same meaning as applies to "bulk material" in Section 14517.

(2) "Fertilizing material" has the same meaning as defined in Section 14533.

(3) "Fund" means the Safe and Affordable Drinking Water Fund established by Section 116767 of the Health and Safety Code.

(4) "Packaged" has the same meaning as defined in Section 14551.

14616. (a) In addition to the assessments provided in Section 14611, a licensee whose name appears on the label of bulk or packaged fertilizing materials shall pay to the secretary a fertilizer safe drinking water fee of six mills ($0.006) per dollar of sales for all sales of fertilizing materials to be deposited into the fund.

(b) This section shall remain in effect only until January 1, 2034, and as of that date is repealed, unless a later enacted statute that is enacted before January 1, 2034, deletes or extends that date.

14616. (a) In addition to the assessments provided in Section 14611, a licensee whose name appears on the label of bulk or packaged fertilizing materials shall pay to the secretary a fertilizer safe drinking water fee of two mills ($0.002) per dollar of sales for all sales of fertilizing materials to be deposited into the fund.

(b)(1) After January 1, 2036, the secretary may adjust the fertilizer safe drinking water fee through emergency regulation as necessary to meet but not exceed 70 percent of the anticipated funding need for nitrate in the most recent assessment of funding need adopted by the State Water Resources Control Board pursuant to subdivision (b) of Section 116769 of the Health and Safety Code, or the sum of seven million dollars ($7,000,000), whichever is less. By October 1 of each year, the secretary shall notify all licensees of the amount of the fertilizer safe drinking water fee to be assessed in the following calendar year.

(2) An emergency regulation adopted pursuant to this subdivision shall be adopted
by the secretary in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. The adoption of these regulations is an emergency and shall be considered by the Office of Administrative Law as necessary for the immediate preservation of the public peace, health, safety, and general welfare. Any emergency regulations adopted by the secretary pursuant to this subdivision shall remain in effect until revised by the secretary.

(c) This section shall become operative on January 1, 2034.

14617. (a)(1) A licensee whose name appears on the label who sells or distributes bulk fertilizing materials shall charge an unlicensed purchaser the fertilizer safe drinking water fee as a charge that is separate from, and not included in, any other fee, charge, or other amount paid by the purchaser. This fee shall be included on the bill of sale as a separate line item.

(2) (A) A licensee whose name appears on the label of packaged fertilizing materials may include the fertilizer safe drinking water fee as a charge that is separate from, and not included in, any other fee, charge, or other amount paid by the purchaser or may include the charge with the assessment collected pursuant to Section 14611 as a separate line item on the bill of sale and identified as the California Regulatory and Safe Drinking Water Assessment.

(B) Notwithstanding paragraph (1), a licensee whose name appears on the label who sells or distributes bulk fertilizing material may include the fertilizer safe drinking water fee with the assessment collected pursuant to Section 14611 as a separate line item on the bill of sale and identified as the California Regulatory and Safe Drinking Water Assessment.

(b) The secretary may prescribe, adopt, and enforce regulations relating to the administration and enforcement of this article.

(c) (1) Except as provided in paragraph (2), the secretary may retain up to 4 percent of the moneys collected pursuant to this article for reasonable costs associated with the implementation and enforcement of this article.

(2) Beginning July 1, 2021, the secretary may retain up to 2 percent of the moneys collected pursuant to this article for reasonable costs associated with the implementation and enforcement of this article.

14618. The Legislature may not increase the fees established under section 14616 except by an affirmative vote of two-thirds of the membership in each house of the Legislature.
SEC. 3. Article 14.5 (commencing with Section 62215) is added to Chapter 2 of Part 3 of Division 21 of the Food and Agricultural Code, to read:

Article 14.5. Dairy Safe Drinking Water Fee

62215. (a) It is the intent of the Legislature that the dairy safe drinking water fee be paid for all milk purchased in the state, regardless of grade.

(b) For purposes of this article, the following definitions apply:
(1) "Fee" means the dairy safe drinking water fee.
(2) "Manufacturing milk" has the same meaning as defined in Section 32509.
(3) "Market milk" has the same meaning as defined in Section 32510.
(4) "Milk" includes market milk and manufacturing milk.

62216. (a) Beginning January 1, 2021, each handler, including a producer-handler, subject to the provisions of a stabilization and marketing plan shall deduct the sum of $0.0135 per hundredweight of milk from payments made to producers for milk, including the handler's own production, as a dairy safe drinking water fee.

(b) The secretary shall adopt regulations necessary for the proper administration and enforcement of this section by January 1, 2021.

(c) This section shall remain in effect only until January 1, 2036, and as of that date is repealed, unless a later enacted statute that is enacted before January 1, 2036, deletes or extends that date.

62216. (a) Each handler, including a producer-handler, subject to the provisions of a stabilization and marketing plan shall deduct the sum of $0.00678 per hundredweight of milk from payments made to producers for milk, including the handler's own production, as a dairy safe drinking water fee.

(b) The secretary may adjust the fee through emergency regulation as necessary to meet but not exceed 30 percent of the anticipated funding need for nitrate in the most recent assessment of funding need adopted by the State Water Resources Control Board pursuant to subdivision (b) of Section 116769 of the Health and Safety Code, or the sum of three million dollars ($3,000,000), whichever is less. An emergency regulation adopted pursuant to this subdivision shall be adopted by the secretary in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. The adoption of these regulations is an emergency and shall be considered by the Office of Administrative Law as necessary for the immediate preservation of the public peace, health, safety, and general welfare. Any emergency regulations adopted by the secretary pursuant to this subdivision shall remain in effect until revised by the secretary.
(c) When setting the amount of the fee pursuant to subdivision (b), the secretary shall consider the amount of funding being collected by the safe drinking water fee for confined animal facilities excluding dairies pursuant to Section 597 and shall reduce the dairy safe drinking water fee by the amount collected by the safe drinking water fee for confined animal facilities excluding dairies. In no event shall the dairy safe drinking water fee and the safe drinking water fee for confined animal facilities excluding dairies exceed 30 percent of the anticipated funding need for nitrate in the most recent assessment of funding need adopted by the State Water Resources Control Board pursuant to subdivision (b) of Section 116769 of the Health and Safety Code or the sum of three million dollars ($3,000,000), whichever is less.

(d) The secretary shall adopt regulations necessary for the proper administration and enforcement of this section.

(e) This section shall become operative on January 1, 2036.

62217. (a) A handler shall pay the dairy safe drinking water fee to the secretary on or before the 45th day following the last day of the month in which the milk was received.

(b) The secretary shall remit the moneys paid to him or her pursuant to this article to the State Water Resources Control Board for deposit into the Safe and Affordable Drinking Water Fund established by Section 116767 of the Health and Safety Code.

(c)(1) Except as provided in paragraph (2), the secretary may retain up to 4 percent of the total amount that is paid to the secretary pursuant to this article for reasonable costs of the secretary associated with the implementation and enforcement of this article.

(2) Beginning July 1, 2021, the secretary may retain up to 2 percent of the moneys collected pursuant to this article for reasonable costs of the secretary associated with the implementation and enforcement of this article.

(d) The secretary may require handlers, including cooperative associations acting as handlers, to make reports at any intervals and in any detail that he or she finds necessary for the accurate collection of the fee.

(e) For the purposes of enforcing this article, the secretary, through his or her duly authorized representatives and agents, shall have access to the records of every producer and handler. The secretary shall have at all times free and unimpeded access to any building, yard, warehouse, store, manufacturing facility, or transportation facility in which any milk or milk product is produced, bought, sold, stored, bottled,
handled, or manufactured.

(f) Any books, papers, records, documents, or reports made to, acquired by, prepared by, or maintained by the secretary pursuant to this article that would disclose any information about finances, financial status, financial worth, composition, market share, or business operations of any producer or handler, excluding information that solely reflects transfers of production base and pool quota among producers, is confidential and shall not be disclosed to any person other than the person from whom the information was received, except pursuant to the final order of a court with jurisdiction, or as necessary for the proper determination of any proceeding before the secretary.

62218. The Legislature may not increase the fees established under section 62216 except by an affirmative vote of two-thirds of the membership in each house of the Legislature.

SEC. 4. Chapter 4.6 (commencing with Section 116765) is added to Part 12 of Division 104 of the Health and Safety Code, to read:

CHAPTER 4.6. SAFE AND AFFORDABLE DRINKING WATER

Article 1. Legislative Findings and Declarations 116765. The Legislature finds and declares all of the following:

(a) Section 106.3 of the Water Code declares that it is the policy of the state that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes.

(b) For all public water systems, the operation and maintenance costs to supply, treat, and distribute potable water that complies with federal and state drinking water standards on a routine and consistent basis may be significant.

(c) All community water systems are currently required to set, establish, and charge a schedule of rates and fees that are sufficient to recover the operation and maintenance costs required to supply, treat, and distribute potable water that complies with federal and state drinking water standards on a routine and consistent basis.

(d) Hundreds of community water systems in the state cannot charge rates and fees that are affordable and sufficient to recover the full operation and maintenance costs required to supply, treat, and distribute potable water that complies with federal and state drinking water standards on a routine and consistent basis due to a combination of low income levels of customers, high treatment costs for contaminated water sources, and a lack of economies of scale that result in high unit costs for water
service. Many schools that serve as their own regulated public water systems and have contaminated water sources cannot afford the full operation and maintenance costs required to provide water that meets federal and state drinking water standards.

(e) Nearly all state or federal drinking water project funding sources prohibit the use of that funding for operation and maintenance costs, and as a result, those systems that cannot afford required operation and maintenance costs are unable to access funding for capital projects to meet federal and state drinking water standards.

(f) As a result, hundreds of thousands of Californians, particularly those living in small disadvantaged communities, may be exposed to unsafe drinking water in their homes and schools, which impacts human health, household costs, and community economic development.

(g) A significant number of California residents rely on state small water systems and domestic wells to provide their drinking water.

(h) The state small water systems and individual domestic wells face a serious threat of contamination because they often draw their water from shallow groundwater sources and have fewer or no chemical monitoring requirements.

(i) To ensure that the right of every Californian to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes is protected, it is in the interest of the State of California to identify where Californians are at high risk of lacking reliable access to safe drinking water or are known to lack reliable access to safe drinking water, whether they rely on a public water system, state small water system, or domestic well for their potable water supply.

(j) Long-term sustainability of drinking water infrastructure and service provision is necessary to secure safe drinking water for all Californians and therefore it is in the interest of the state to discourage the proliferation of new, unsustainable public water systems and state small water systems, to prevent waste, and to encourage consolidation and service extension when feasible.

(k) It is in the interest of all Californians to establish a fund with a stable source of revenue to provide financial support, particularly for operation and maintenance, necessary to secure access to safe drinking water for all Californians, while also ensuring the long-term sustainability of drinking water service and infrastructure.

Article 2. Definitions

116766. For the purposes of this chapter:
(a) "Administrator" has the same meaning as defined in Section 116686.
(b) "Board" means the State Water Resources Control Board.
(c) "Community water system" has the same meaning as defined in Section 116275.
(d) "Customer" means a purchaser of water from a community water system who uses the water for municipal purposes, including residential, commercial, governmental, and industrial uses.
(e) "Disadvantaged community" has the same meaning as defined in Section 116275.
(f) "Domestic well" means a groundwater well used to supply water for the domestic needs of an individual residence or water systems that are not public water systems and that have no more than four service connections.
(g) "Eligible applicant" means a public water system, including, but not limited to, a mutual water company; a public utility; a public agency, including, but not limited to, a local educational agency that owns or operates a public water system; a nonprofit organization; a federally recognized Indian tribe; a state Indian tribe listed on the Native American Heritage Commission's California Tribal Consultation List; an administrator; or a groundwater sustainability agency.
(h) "Fund" means the Safe and Affordable Drinking Water Fund established pursuant to Section 116767.
(i) "Fund implementation plan" means the fund implementation plan adopted pursuant to Section 116769.
(j) "Groundwater sustainability agency" has the same meaning as defined in Section 10721 of the Water Code.
(k) "Low-income household" means a household with an income that is less than 80 percent of the statewide median household income.
(l) "Nontransient noncommunity water system" has the same meaning as defined in Section 116275.
(m) "Public water system" has the same meaning as defined in Section 116275.
(n) "Replacement water" includes, but is not limited to, bottled water, vended water, point-of-use, or point-of-entry treatment units.
(o) "Safe drinking water" has the same meaning as defined in Section 116681.
(p) "Service connection" has the same meaning as defined in Section 116275.

(q) "Small community water system" has the same meaning as defined in Section 116275.

(r) "State small water system" has the same meaning as defined in Section 116275.

(s) "Vended water" has the same meaning as defined in Section 111070.

Article 3. Safe and Affordable Drinking Water Fund

116767. The Safe and Affordable Drinking Water Fund is hereby established in the State Treasury. Notwithstanding Section 13340 of the Government Code, all moneys in the fund are continuously appropriated to the board without regard to fiscal years, in accordance with this chapter. Moneys in the fund at the close of the fiscal year shall remain in the fund and shall not revert to the General Fund. Moneys in the fund shall not be available for appropriation or borrowed for use for any purpose not established in this chapter unless that use of the moneys receives an affirmative vote of two-thirds of the membership in each house of the Legislature.

116768. (a) The board shall administer the fund for the purposes of this chapter to provide a source of funding to secure access to safe drinking water for all Californians, while also ensuring the long-term sustainability of drinking water service and infrastructure. The board shall prioritize the use of this funding to assist disadvantaged communities and low-income households served by a state small water system or domestic well. In order to maximize the use of other funding sources for capital construction projects when available, the board shall prioritize use of this funding for costs other than those related to capital construction costs, except for capital construction costs associated with consolidation and service extension to reduce the ongoing unit cost of service and to increase sustainability of drinking water infrastructure and service delivery. Beginning January 1, 2019, an expenditure from the fund shall be consistent with the annual fund implementation plan.

(b) In accordance with subdivision (a), the board shall expend moneys in the fund for grants, loans, contracts, or services to assist eligible applicants with any of the following:

(1) The provision of replacement water, as needed, to ensure immediate protection of health and safety as a short-term solution.

(2) The development, implementation, and sustainability of long-term solutions, including, but not limited to, technical assistance, planning, construction, and
operation and maintenance costs associated with replacing, repairing, blending, or treating contaminated or failing drinking water sources, creating and maintaining natural means of treating and improving sustainable water quality, consolidating water systems, or extending drinking water services to other public water systems, domestic wells, or state small water systems. Technical assistance and planning costs may include, but are not limited to, analyses to identify, and efforts to further, opportunities to reduce the unit cost of providing drinking water through organizational and operational efficiency improvements, system consolidation and service extension, implementation of new technology, and other options and approaches to reduce costs.

(3) Identifying and providing outreach to Californians who are eligible to receive assistance from the fund.

(4) Testing the drinking water quality of domestic wells serving low-income households, prioritizing those in high-risk areas identified pursuant to Article 4 (commencing with Section 116770).

(5) The provision of administrative and managerial services under Section 116686.

(c) The board may expend moneys from the fund for reasonable costs associated with administration of the fund. Beginning July 1, 2021, the board may expend no more than 5 percent of the annual revenues from the fund for reasonable costs associated with administration of the fund.

(d) The board may undertake any of the following actions to implement the fund:

(1) Provide for the deposit of both of the following moneys into the fund:

(A) Federal contributions.

(B) Voluntary contributions, gifts, grants, or bequests.

(2) Enter into agreements for contributions to the fund from the federal government, local or state agencies, and private corporations or nonprofit organizations.

(3) Provide for appropriate audit, accounting, and fiscal management services, plans, and reports relative to the fund.

(4) Direct portions of the fund to a subset of eligible applicants as required or appropriate based on funding source and consistent with the annual fund implementation plan.
(5) Direct moneys deposited into the fund described in subparagraph (B) of paragraph (1) towards a specific project, program, or study.

(6) Take additional action as may be appropriate for adequate administration and operation of the fund.

(e) In administering the fund, the board shall make reasonable efforts to ensure both of the following:

(1) That funds are used to secure the long-term sustainability of drinking water service and infrastructure, and natural means and green infrastructure solutions that contribute to sustainable drinking water, including, but not limited to, requiring adequate technical, managerial, and financial capacity of eligible applicants as part of funding agreement outcomes. Funding shall be prioritized to implement consolidations and service extensions when feasible, and administrative and managerial contracts or grants entered into pursuant to Section 116686 where applicable. Funds shall not be used to delay, prevent, or avoid the consolidation or extension of service to public water systems where it is feasible and the least-cost alternative. The board may set appropriate requirements as a condition of funding, including, but not limited to, a system technical, managerial, or financial capacity audit, improvements to reduce costs and increase efficiencies, an evaluation of alternative treatment technologies, and a consolidation or service extension feasibility study. As a condition of funding, the board may require a domestic well with nitrate contamination where ongoing septic system failure may be causing or contributing to contamination of a drinking water source to conduct an investigation and project to address the septic system failure if adequate funding sources are identified and accessible.

(2) That funds are not used to subsidize large-scale nonpotable use, to the extent feasible.

(f) In administering the fund, the board shall ensure that all moneys deposited into the fund from the fertilizer safe drinking water fee established by Article 6.5 (commencing with Section 14615) of Chapter 5 of Division 7 of the Food and Agricultural Code, the dairy safe drinking water fee established by Article 14.5 (commencing with Section 62215) of Chapter 2 of Part 3 of Division 21 of the Food and Agricultural Code and the safe drinking water fee for confined animal livestock facilities excluding dairies established by Article 10.5 (commencing with Section 595) of Chapter 3 of Part I of Division I of the Food and Agricultural Code shall be used to address nitrate-related contamination issues.

(g) At least once every 10 years, the board shall conduct a public review and assessment of the Safe and Affordable Drinking Water Fund to determine all of the following:
(1) The effectiveness of the fund in securing access to safe drinking water for all Californians, while also ensuring the long-term sustainability of drinking water service and infrastructure.

(2) If the fees deposited into the fund have been appropriately expended.

(3) If the safe and affordable drinking water fee imposed by Article 5 (commencing with Section 116771) may be reduced based on past and projected future changes to the fund.

(4) What other actions are necessary to carry out the purposes of this chapter.

(h) Neither the board nor any employee of the board may be held liable for any act that is necessary to carry out the purposes of this chapter. Nor shall the board nor any authorized person be deemed to have incurred or be required to incur any obligation to provide additional funding or undertake additional action solely as a result of having undertaken an action pursuant to this chapter.

116769. By July 1 of each year, the board shall do all of the following:

(a) Prepare and make available a report of expenditures from the fund.

(b) Adopt, after a public hearing, an assessment of funding need, based on available data, that includes all of the following:

   (1) Identification of systems and populations potentially in need of assistance, including all of the following:

      (A) A list of systems that consistently fail to provide an adequate supply of safe drinking water. The list shall include, but is not limited to, all of the following:

         (i) Any public water system that consistently fails to provide an adequate supply of safe drinking water.

         (ii) Any community water system that serves a disadvantaged community that must charge fees that exceed the affordability threshold established in the Safe Drinking Water State Revolving Fund Intended Use Plan in order to supply, treat, and distribute potable water that complies with federal and state drinking water standards.

         (iii) Any state small water system that consistently fails to provide an adequate supply of safe drinking water.

   (B) A list of systems that consistently fail to provide an adequate supply of safe drinking water.

   (C) A list of systems that consistently fail to provide an adequate supply of safe drinking water.
(B) A list of programs that assist, or that will assist, households supplied by a
domestic well that consistently fails to provide an adequate supply of safe drinking
water. This list shall include the number and approximate location of households
served by each program without identifying exact addresses or other personal
information.

(C) A list of public water systems and state small water systems that may be at risk
of failing to provide an adequate supply of safe drinking water.

(D) An estimate of the number of households that are served by domestic wells or
state small water systems in high risk areas identified pursuant to Article 4
(commencing with Section 116770). The estimate shall identify approximate locations
of households, without identifying exact addresses or other personal information, in
order to identify potential target areas for outreach and assistance programs.

(2) An analysis of anticipated funding, per contaminant, needed for known
projects, services, or programs by eligible applicants, consistent with the fund
implementation plan, including any funding needed for existing long-term funding
commitments from the fund. The board shall identify and consider other existing
funding sources able to support any projects, services, or programs identified,
including, but not limited to, local funding capacity, state or federal funding sources
for capital projects, funding from responsible parties, and specialized funding sources
contributing to the fund.

(3) An estimate of the funding needed for the next fiscal year based on the amount
available in the fund, anticipated funding needs, other existing funding sources, and
other relevant data and information.

(c)(1) Adopt, after a public hearing, a fund implementation plan and policy
handbook with priorities and guidelines for expenditures of the fund.

(2) The board shall work with a multi-stakeholder advisory group that shall be
open to participation by representatives of entities paying into the fund, public water
systems, technical assistance providers, local agencies, nongovernmental
organizations, residents served by community water systems in disadvantaged
communities, state small water systems, and domestic wells, and the public, to
establish priorities and guidelines for the fund implementation plan and policy
handbook.

(3) The adoption of a fund implementation plan and policy handbook and the
implementation of the fund pursuant to the policy handbook are not subject to the
Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part
1 of Division 3 of Title 2 of the Government Code).
Article 4. Information on High Risk Areas

116770. (a)(1) By January 1, 2020, the board, in consultation with local health officers and other relevant stakeholders, shall use available data to make available a map of aquifers that are at high risk of containing contaminants and that exceed primary federal and state drinking water standards that are used or likely to be used as a source of drinking water for a state small water system or a domestic well. The board shall update the map at least annually based on any newly available data.

(2) The board shall make the map of high risk areas, as well as the data used to make the map, publicly accessible on its Internet Web site in a manner that does not identify exact addresses or other personal information and that complies with the Information Practices Act of 1977 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code). The board shall notify local health officers and county planning agencies of high risk areas within their jurisdictions.

(b)(1) By January 1, 2020, a local health officer or other relevant local agency shall provide to the board all results of, and data associated with, water quality testing performed by certified laboratories for a state small water system or domestic well that was collected after January 1, 2014, and that is in the possession of the local health officer or other relevant local agency.

(2) By January 1, 2021, and by January 1 of each year thereafter, all results of, and data associated with, water quality testing performed by a certified laboratory for a state small water system or domestic well that is submitted to a local health officer or other relevant local agency shall also be submitted directly to the board in electronic format.

(c) A map of high-risk areas developed pursuant to this article is not subject to the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

Article 5. Safe and Affordable Drinking Water Fee

116771. (a)(1) Beginning July 1, 2019, and until July 1, 2021, except as provided in subdivisions (d) and (e), there is hereby imposed a safe and affordable drinking water fee for the purposes authorized in this chapter on each customer of a community water system as follows:

(A) For a customer with a water meter that is less than or equal to one inch in size, the fee shall be ninety-five cents ($0.95) per month.
(B) For a customer with a water meter that is greater than one inch and less than or equal to two inches in size, the fee shall be four dollars ($4) per month.

(C) For a customer with a water meter that is greater than two inches and less than or equal to four inches in size, the fee shall be six dollars ($6) per month.

(D) For a customer with a water meter that is greater than four inches in size, the fee shall be ten dollars ($10) per month.

(E) For a customer without a water meter, the fee shall be ninety-five cents ($0.95) per month.

(F) For a customer that has multiple meters serving a single address, the total fees shall not exceed ten dollars ($10) per month.

(2)(A) A customer that self-certifies under penalty of perjury to the community water system collecting the fee that he or she meets either of the following criteria shall be exempt from the payment of the fee:

   (i) The customer's household income is equal to or less than 200 percent of the federal poverty level.

   (ii) The customer operates a deed-restricted multifamily housing development that is required to provide housing exclusively to tenants with household incomes equal to or less than 200 percent of the federal poverty level.

   (B) A community water system shall not be held criminally or civilly liable for failing to collect fees from customers who claim a self-certified exemption or for collecting fees from customers who could claim a self-certified exemption but do not provide adequate or timely notice to the community water system that he or she meets a criterion to be exempt.

(3)(A) A customer that is already enrolled in a program offered by a community water system that is designed specifically to reduce the cost of water service incurred by customers who meet established income guidelines is exempt from the payment of the fee.

   (B) A connection or meter that is used exclusively for fire flow or uses nonpotable water, including, but not limited to, recycled water, is exempt from the fee.

   (b)(1)(A) Beginning July 1, 2021, except as provided in subdivisions (d) and (e) and Section 116772, there is hereby imposed a safe and affordable drinking
water fee on each customer according to a fee schedule established by the board for the purposes of the Safe and Affordable Drinking Water Fund.

(B) Notwithstanding any other provision of this section, the fee schedule shall not exceed the amounts established in paragraph (1) of subdivision (a).

(C) The board shall review and revise the fee schedule each fiscal year as necessary to not exceed the anticipated funding need in the most recent assessment of funding need.

(D)(i) The fee schedule shall exempt any connection or meter that is used exclusively for fire flow or utilizes nonpotable water, including, but not limited to, recycled water.

(ii) By July 1, 2021, the board, in consultation with the Public Utilities Commission, shall adopt regulations to exempt households with incomes equal to or less than 200 percent of the federal poverty level from the fee established in the fee schedule pursuant to this subdivision. The Public Utilities Commission shall provide consultation, as well as relevant data, from the California Alternate Rates for Energy or CARE program established pursuant to Section 739.1 of the Public Utilities Code and from the water utility low-income rate payer assistance programs developed pursuant to Section 739.8 of the Public Utilities Code to the board to aid in development and implementation of the regulations for exemption pursuant to this clause.

(2)(A) Beginning July 1, 2023, the fee schedule shall be set at an amount that does not result in the total uncommitted amount in the fund exceeding two times the anticipated funding need in the most recent assessment of funding need.

(B) Notwithstanding any other provision of this section, the fee schedule shall not exceed the amounts established in paragraph (1) of subdivision (a).

(C) For purposes of this paragraph, "total uncommitted amount in the fund" does not include moneys in the fund from the fertilizer safe drinking water fee established by Article 6.5 (commencing with Section 14615) of Chapter 5 of Division 7 of the Food and Agricultural Code until January 1, 2033, and, until January 1, 2035, does not include moneys in the fund from the dairy safe drinking water fee established by Article 14.5 (commencing with Section 62215) of Chapter 2 of Part 3 of Division 21 of the Food and Agricultural Code or the safe drinking water fee for confined animal livestock facilities excluding dairies established by Article 10.5 (commencing with Section 595) of Chapter 3 of Part I of Division I of the Food and Agricultural Code.
(c) A community water system shall collect the fee imposed by subdivisions (a) and (b) from each of its customers and may retain an amount, as approved by the board, as reimbursement for the reasonable costs incurred by the public water system associated with the collection of the fee. Until July 1, 2021, the amount retained by a community water system as reimbursement shall not exceed 4 percent of the amount collected and beginning July 1, 2021, the amount retained as reimbursement shall not exceed 2 percent of the amount collected. For small community water systems, reasonable community water system administrative cost reimbursement shall not exceed five hundred dollars ($500) or 4 percent of the total revenue collected, whichever is greater. The community water system shall remit the remainder to the board on an annual schedule.

(d) A community water system with fewer than 200 service connections and its customers shall be exempt from the requirements of this section. The board may approve an exemption for a community water system with 200 or more service connections and its customers from the requirements of this section if the board finds that the amount required to be remitted to the board pursuant to this section would be de minimis.

(e) Notwithstanding any other provision of this article, a fee shall not be imposed pursuant to this article on a person or entity that is itself a community water system if that community water system is purchasing water from another community water system to supply its own customers that are themselves being assessed the fee.

(f) All moneys remitted to the board under this article shall be deposited in the Safe and Affordable Drinking Water Fund.
the application, that denial shall be in writing and shall not be reviewable. If the board approves the application, the community water system may use the alternative method for an amount of time prescribed by the board, not to exceed five years.

(c) There is not a limit on the number of applications the board may approve pursuant to this section to establish or renew an alternative method of fee calculation.

116773. (a) The board, in consultation with the California Department of Tax and Fee Administration, shall administer and collect the fees imposed by this article in accordance with the Fee Collection Procedures Law (Part 30 (commencing with Section 55001) of Division 2 of the Revenue and Taxation Code).

(b) For purposes of administration of the fee imposed by this article, the following references in the Fee Collection Procedures Law shall have the following meanings:

(1) "Board" or "State Board of Equalization" means the State Water Resources Control Board.

(2) "Fee" means the safe and affordable drinking water fee imposed pursuant to this article.

(3) "Feepayer" means a customer liable to pay the fee.

(c) The board, in consultation with the California Department of Tax and Fee Administration, may prescribe, adopt, and enforce regulations relating to the administration and enforcement of this article, including, but not limited to, collections, reporting, refunds, and appeals.

(d) The initial regulations adopted by the board to implement this article shall be adopted in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, and shall not rely on the statutory declaration of emergency in subdivision (e).

(e) Except as provided in subdivision (d), the regulations adopted pursuant to this section, any amendment to those regulations, or subsequent adjustments to the annual fees or adoption of fee schedule, shall be adopted by the board as emergency regulations in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. The adoption of these regulations is an emergency and shall be considered by the Office of Administrative Law as necessary for the immediate preservation of the public peace, health, safety, and general welfare. Any emergency regulations adopted by the board, or adjustments to the annual fees made by the board pursuant to this section, shall remain in effect until revised by the board.
116774. The Legislature may not increase the fees established under section 116771 except by an affirmative vote of two-thirds of the membership in each house of the Legislature.

SEC. 5. Section 13050 of the Water Code is amended to read:

13050. As used in this division:

(a) "State board" means the State Water Resources Control Board.

(b) "Regional board" means any California regional water quality control board for a region as specified in Section 13200.

(c) "Person" includes any city, county, district, the state, and the United States, to the extent authorized by federal law.

(d) "Waste" includes sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation, including waste placed within containers of whatever nature prior to, and for purposes of, disposal.

(e) "Waters of the state means any surface water or groundwater, including saline waters, within the boundaries of the state.

(f) "Beneficial uses" of the waters of the state that may be protected against quality degradation include, but are not limited to, domestic, municipal, agricultural, and industrial supply; power generation; recreation; aesthetic enjoyment; navigation; and preservation and enhancement of fish, wildlife, and other aquatic resources or preserves.

(g) "Quality of the water" refers to chemical, physical, biological, bacteriological, radiological, and other properties and characteristics of water which affect its use.

(h) "Water quality objectives" means the limits or levels of water quality constituents or characteristics which are established for the reasonable protection of beneficial uses of water or the prevention of nuisance within a specific area.

(i) "Water quality control" means the regulation of any activity or factor which may affect the quality of the waters of the state and includes the prevention and correction of water pollution and nuisance.
(j) "Water quality control plan" consists of a designation or establishment for the waters within a specified area of all of the following:

(1) Beneficial uses to be protected.
(2) Water quality objectives.
(3) A program of implementation needed for achieving water quality objectives.

(k) “Contamination" means an impairment of the quality of the waters of the state by waste to a degree which creates a hazard to the public health through poisoning or through the spread of disease. "Contamination" includes any equivalent effect resulting from the disposal of waste, whether or not waters of the state are affected.

(l) (l) "Pollution" means an alteration of the quality of the waters of the state by waste to a degree which unreasonably affects either of the following:

(A) The waters for beneficial uses.
(B) Facilities which serve these beneficial uses.
(2) "Pollution" may include "contamination."

(m) "Nuisance" means anything which meets all of the following requirements:

(1) Is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.
(2) Affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.
(3) Occurs during, or as a result of, the treatment or disposal of wastes.

(n) "Recycled water" means water which, as a result of treatment of waste, is suitable for a direct beneficial use or a controlled use that would not otherwise occur and is therefore considered a valuable resource.

(o) "Citizen or domiciliary" of the state includes a foreign corporation having substantial business contacts in the state or which is subject to service of process in this state.

(p)(1) "Hazardous substance" means either of the following:
(A) For discharge to surface waters, any substance determined to be a hazardous substance pursuant to Section 311(b)(2) of the Federal Water Pollution Control Act (33 U.S.C. Sec. 1251 et seq.).

(B) For discharge to groundwater, any substance listed as a hazardous waste or hazardous material pursuant to Section 25140 of the Health and Safety Code, without regard to whether the substance is intended to be used, reused, or discarded, except that "hazardous substance" does not include any substance excluded from Section 311(b)(2) of the Federal Water Pollution Control Act because it is within the scope of Section 311(a)(1) of that act.

(2) "Hazardous substance" does not include any of the following:

(A) Nontoxic, nonflammable, and noncorrosive stormwater runoff drained from underground vaults, chambers, or manholes into gutters or storm sewers.

(B) Any pesticide which is applied for agricultural purposes or is applied in accordance with a cooperative agreement authorized by Section 116180 of the Health and Safety Code, and is not discharged accidentally or for purposes of disposal, the application of which is in compliance with all applicable state and federal laws and regulations.

(C) Any discharge to surface water of a quantity less than a reportable quantity as determined by regulations issued pursuant to Section 311(b)(4) of the Federal Water Pollution Control Act.

(D) Any discharge to land which results, or probably will result, in a discharge to groundwater if the amount of the discharge to land is less than a reportable quantity, as determined by regulations adopted pursuant Section 13271, for substances listed as hazardous pursuant to Section 25140 of the Health and Safety Code. No discharge shall be deemed a discharge of a reportable quantity until regulations set a reportable quantity for the substance discharged.

(q)(1) "Mining waste" means all solid, semisolid, and liquid waste materials from the extraction, beneficiation, and processing of ores and minerals. Mining waste includes, but is not limited to, soil, waste rock, and overburden, as defined in Section 2732 of the Public Resources Code, and tailings, slag, and other processed waste materials, including cementitious materials that are managed at the cement manufacturing facility where the materials were generated.

(2) For the purposes of this subdivision, "cementitious material" means cement, cement kiln dust, clinker, and clinker dust.
(r) "Master recycling permit" means a permit issued to a supplier or a distributor, or both, of recycled water, that includes waste discharge requirements prescribed pursuant to Section 13263 and water recycling requirements prescribed pursuant to Section 13523.1.

(s)(1) "Agricultural operation" means either of the following:

(A) A discharger that satisfies both of the following conditions:

(i) The discharger is an owner, operator, or both, of land that is irrigated to produce crops or pasture for commercial purposes or a nursery.

(ii) The discharger is enrolled or named in an irrigated lands regulatory program order adopted by the state board or a regional board pursuant to Section 13263 or 13269.

(B) A discharger that satisfies both of the following conditions:

(i) The discharger is an owner, operator, or both of a facility that is used for the raising or harvesting of livestock.

(ii) The discharger is enrolled or named in an order adopted by the state board or a regional board pursuant to Section 13263 or 13269 that regulates the discharges of waste from a facility identified in clause (i) to protect ground and surface water.

(2) “Agricultural operation" does not include any of the following:

(A) An off-farm facility that processes crops or livestock.

(B) An off-farm facility that manufacturers, synthesizes, stores, or processes fertilizer.

(C) Any portions of land or activities occurring on those portions of land that are not covered by an order adopted by the state board or a regional board identified in clause (ii) of subparagraph (A) or clause (ii) of subparagraph (B) of paragraph (1).

SEC. 6.

Article 4.5 (commencing with Section 13278) is added to Chapter 4 of Division 7 of the Water Code, to read:

Article 4.5. Discharges of Nitrate to Groundwater from Agricultural Operations

13278. (a) For the purposes of this article, the Legislature finds all of the following:
Implementation of currently known best management practices for some crops under some circumstances can reduce but not always completely prevent nitrogen in organic and synthetic fertilizers that transform to nitrate from reaching groundwater at concentrations above the water quality objectives established pursuant to this division.

It is acknowledged that discharges of nitrate from agricultural operations could reach groundwater and could cause or contribute to exceedances of drinking water standards for nitrate, and could cause conditions of pollution of or nuisance in those waters as defined and applied in accordance with this division, or both.

Nitrate pollution of groundwater impacts drinking water sources for hundreds of thousands of Californians and it is necessary to protect current and future drinking water users from the impacts of nitrate pollution.

Despite progress in controlling discharges of nitrogen that lead to nitrate formation, some groundwater sources of drinking water will continue to be adversely impacted by nitrate and it is important to have in place a program for mitigating these impacts.

The regional boards will continue to regulate discharges to reduce nitrogen loading and protect beneficial uses of water and groundwater basins; the state board, regional boards, and courts will ensure compliance with those orders; and dischargers will pay for mitigation of nitrate pollution by funding projects that provide both immediate and long-term drinking water solutions for affected communities and affected domestic wells.

The Legislature declares its intent in establishing this article to limit certain enforcement actions that a regional board or the state board could otherwise initiate during a 15-year period against an agricultural operation that meets specified requirements, while maintaining the overall framework of this division to protect beneficial uses, implement water quality objectives in waters of the state, and regulate activities and factors that affect water quality to attain the highest water quality that is reasonable.

An agricultural operation shall not be subject to enforcement undertaken or initiated by the state board or a regional board, under Chapter 5 (commencing with Section 13300), for causing or contributing to an exceedance of a water quality objective for nitrate in groundwater or for causing or contributing to a condition of pollution or nuisance for nitrate in groundwater if an agricultural operation that discharges or threatens to discharge, or has discharged or previously threatened to discharge, nitrate to groundwater meets all of the following requirements:

(1) The agricultural operation is in compliance with all applicable provisions prescribed by a regional board or the state board in an order adopted pursuant to
Section 13263 or 13269, including, but not limited to, the following:

(A) Requirements to implement best practicable treatment or control.

(B) Requirements to implement best efforts.

(C) Monitoring and reporting requirements.

(D) Applicable timelines.

(2) The agricultural operation is in compliance with an applicable program of implementation for achieving groundwater quality objectives for nitrate that is part of an applicable water quality control plan adopted by the state board or a regional board pursuant to Article 3 (commencing with Section 13240).

(3) The requirement contained in paragraph (1) excludes any provision contained in an order adopted under Section 13263 or 13269 that prohibits in general terms a discharge from causing or contributing, or threatening to cause or contribute, to an exceedance of a water quality objective for nitrate in groundwater or a condition of pollution or nuisance for nitrate in groundwater.

(b)(1) An agricultural operation is not in compliance with the requirement in paragraph (1) of subdivision (a) if the agricultural operation has been subject to an enforcement order under Chapter 5 (commencing with Section 13300) within the preceding 12 months for violation of an order adopted under Section 13263 or 13269 authorizing discharges from agricultural operations.

(2) Paragraph (1) does not apply to an enforcement order issued after January 1, 2016, and before January 1, 2019, inclusive, alleging that a discharge from an agricultural operation caused or contributed, or threatened to cause or contribute, to an exceedance of a water quality objective for nitrate in groundwater, conditions of pollution or nuisance for nitrate in groundwater, or both.

(c) Except as otherwise provided in subdivision (d), both of the following apply to a discharge of nitrogen to groundwater by an agricultural operation that occurs when the discharger is in compliance with the requirements of paragraph (1) of subdivision (a):

(1) The discharge of nitrogen to groundwater shall not be admissible in a future enforcement action against the agricultural operation by the state board or a regional board, pursuant to Chapter 5 (commencing with Section 13300), to support a claim that the agricultural operation is causing or contributing, or threatening to cause or contribute, to an exceedance of a water quality objective for nitrate in groundwater or
a condition of pollution or nuisance for nitrate in groundwater.

(2) The discharge of nitrogen to groundwater shall not be considered by the state board or a regional board to apportion responsibility and shall not be used by any person to diminish responsibility in any enforcement action initiated pursuant to Chapter 5 (commencing with Section 13300) with respect to discharges of nitrogen, regardless of source, that did not occur in compliance with the mitigation requirements of paragraph (1) of subdivision (a).

(d) Nothing in this section alters the state board's or a regional board's authority to do both of the following:

(1) To require or conduct investigations, to require reports on or to establish other requirements for best practicable treatment or control or best efforts, or to require monitoring and reporting requirements to protect water quality.

(2) To take or initiate enforcement action pursuant to Chapter 5.5 (commencing with Section 13370), without regard to whether the agricultural operation met the requirements of paragraph (1) of subdivision (a) at any time.

(c) This section shall not be deemed to change or alter a water quality objective that is part of a water quality control plan adopted by the state board or a regional board pursuant to Article 3 (commencing with Section 13240).

(f) This section shall remain in effect only until January 1, 2029, and as of that date is repealed.

13278.2. (a) An agricultural operation shall not be subject to enforcement undertaken or initiated by the state board or a regional board, under Section 13304, for creating or threatening to create a condition of pollution or nuisance for nitrate in groundwater if an agricultural operation that discharges or threatens to discharge, or has discharged or previously threatened to discharge, nitrate to groundwater meets all of the following requirements:

(1) The agricultural operation is in compliance with all applicable provisions prescribed by a regional board or the state board in an order adopted pursuant to Section 13263 or 13269, including, but not limited to, the following:

(A) Requirements to implement best practicable treatment or control.

(B) Requirements to implement best efforts.

(C) Monitoring and reporting requirements.

(D) Applicable timelines.
(2) The agricultural operation is in compliance with an applicable program of implementation for achieving groundwater quality objectives for nitrate that is part of an applicable water quality control plan adopted by the state board or a regional board pursuant to Article 3 (commencing with Section 13240).

(3) The requirement contained in paragraph (1) excludes any provision contained in an order adopted under Section 13263 or 13269 that prohibits in general terms a discharge from causing or contributing, or threatening to cause or contribute, to an exceedance of a water quality objective for nitrate in groundwater or a condition of pollution or nuisance for nitrate in groundwater.

(b) An agricultural operation is not in compliance with the mitigation requirement in paragraph (1) of subdivision (a) if the agricultural operation has been subject to an enforcement order under Chapter 5 (commencing with Section 13330) within the preceding 12 months for violation of an order adopted under Section 13263 or 13269 authorizing discharges from agricultural operations.

(c) Except as otherwise provided in subdivision (d), both of the following apply to a discharge of nitrogen to groundwater by an agricultural operation that occurs when the discharger is in compliance with the requirements of paragraph (1) of subdivision (a):

(1) The discharge of nitrogen to groundwater shall not be admissible in a future enforcement action against the agricultural operation by the state board or a regional board, pursuant to Section 13304 to support a claim that the agricultural operation is causing or contributing, or threatening to cause or contribute, to an exceedance of a water quality objective for nitrate in groundwater or a condition of pollution or nuisance for nitrate in groundwater.

(2) The discharge of nitrogen to groundwater shall not be considered by the state board or a regional board to apportion responsibility and shall not be used by any person to diminish responsibility in any enforcement action initiated pursuant to) Section 13304 with respect to discharges of nitrogen to groundwater, regardless of source, that did not occur in compliance with the requirements of paragraph (1) of subdivision (a).

(d) Nothing in this section alters the state board's or a regional board's authority to do both of the following:

(1) To require or conduct investigations, to require reports on or to establish other requirements for best practicable treatment or control or best efforts, or to require monitoring and reporting requirements to protect water quality.
(2) To take or initiate enforcement action pursuant to Chapter 5.5 (commencing with Section 13370), without regard to whether the agricultural operation met the requirements of paragraph (1) of subdivision (a) at any time.

(e) This section shall not be deemed to change or alter a water quality objective that is part of a water quality control plan adopted by the state board or a regional board pursuant to Article 3 (commencing with Section 13240).

(f)(1) This section shall become operative on January 1, 2029.

(2) This section shall remain in effect only until January 1, 2034, and as of that date is repealed, unless a later enacted statute that is enacted before January 1, 2034, deletes or extends that date.

13278.3. By January 1, 2028, the state board shall conduct a public review of regulatory and basin plan amendment implementation programs to evaluate progress toward achieving water quality objectives with respect to nitrate in groundwater and assess compliance with adopted timelines, monitoring requirements, and implementation of best practicable treatment or control.

13278.4. Nothing in this article limits the liability of a discharger under any other law, including, but not limited to, Part 3 (commencing with Section 3479) of Division 4 of the Civil Code.

13278.5. As long as the safe drinking water fee for confined animal facilities excluding dairies pursuant to Article 10.5 (commencing with Section 595) of Chapter 3 of Part 1 of Division 1 of the Food and Agricultural Code, the fertilizer safe drinking water fee pursuant to Article 6.5 (commencing with Section 14615) of Chapter 5 of Division 7 of the Food and Agricultural Code, and the dairy safe drinking water fee pursuant to Article 14.5 (commencing with Section 62215) of Chapter 2 of Part 3 of Division 21 of the Food and Agricultural Code are in effect, the Legislature may not amend the provisions in this article except by an affirmative vote of two-thirds of the membership in each house of the Legislature.

SEC. 7. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.
However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
April 4, 2018

Senator Bob Wieckowski  
Chair, Senate Budget Committee No. 2  
State Capitol, Room 4085

Assemblyman Richard Bloom  
Chair, Assembly Budget Subcommittee No. 3  
State Capitol, Room 2003

Re: Item# 3940-3566 – Safe Drinking Water

Dear Senator Wieckowski and Assemblyman Bloom:

The above listed agricultural organizations support the State Water Resources Control Board’s Budget Trailer Bill (BTB) which creates the Safe and Affordable Drinking Water Act and establishes a fund within the State Water Resources Control Board. The language proposes a modest fee structure that will be assessed on agriculture, urban and commercial water users to ensure necessary upgrades to infrastructure and provide critical financial assistance for operation and maintenance of drinking water systems in disadvantaged communities statewide.

The act of farming necessarily requires nutrients in the soil to be replenished to allow for the continued production of crops. The use of organic and commercial fertilizers are necessary to replenish soil nutrients to allow for crop production. We believe it is in the best interests of the people of the State of California to have a safe and secure food supply grown in California for the
benefit of people everywhere. To accomplish this, agriculture must be able to continue to use nitrogen-based fertilizers to replenish soil nutrients to ensure healthy crop production.

The United States government and the land grant universities encouraged and guided farmers on application of nitrogen fertilizer for over half a century to increase food production and efficiency, and farmers have relied on and used that advice and guidance, which represented the best management practices of the time.

While agricultural practices of the past may have resulted in nitrate reaching groundwater that have caused exceedances of nitrate drinking water standards, the agricultural practices of today significantly reduce or eliminate the potential for nitrates to reach the groundwater. Nevertheless, farmers and researchers continue to seek opportunities to improve management practices and should not be subject to an enforcement action by the state water board or regional water boards, subject to certain conditions within the timeframe provided by this BTB.

Due to the challenges of reconciling nitrogen use by agriculture with human health and water resource protection, we have been working with the environmental justice community as well as other stakeholders for over a year in an effort to address the critical needs in disadvantaged communities relating to safe drinking water. Since these challenges are numerous, both from naturally occurring contaminants and human sources, we believe the solution should be shouldered by a broad array of sources and stakeholders.

The BTB strikes the needed balance between providing necessary resources for addressing critical drinking water needs, while protecting agriculture from certain nitrate related enforcement actions in the short-term.

Again, we are pleased to support the BTB and ask that you pass this item when it comes before you for a vote.

Respectfully submitted,

Agricultural Council of California
Almond Alliance of California
California Citrus Mutual
California Fresh Fruit Association
California Strawberries
California Rice
Dairy Institute of California Kings County Farm Bureau
Greater Bakersfield Chamber of Commerce
Kern County Farm Bureau
Milk Producers Council
Western Growers Association
Western United Dairymen

CC: Senate and Assembly Budget Committee Members
WHY AG SUPPORTS THE SAFE AND AFFORDABLE DRINKING WATER BUDGET TRAILER BILL/SB 623

The State Water Board’s Office of Enforcement is actively engaged in threatening formal enforcement actions against growers for contributing to nitrate contamination of drinking water wells. Their primary stated purpose for these actions is to make agriculture pay for replacement water for those that rely on groundwater, and where the groundwater exceeds nitrate drinking water standards. The threatened enforcement actions are based on authority given to State and Regional Water Boards that allows them to enforce against dischargers (in this case growers) if the discharge causes or threatens to cause groundwater to exceed the nitrate drinking water standard.

Current settlements have been focused on interim replacement water efforts. Unless a long-term remedy is developed and paid for by someone other than the well user/customers, the Office of Enforcement has stated that they will come back to the growers and again threaten enforcement action. To date, such actions have been focused in Salinas, Santa Maria, Gilroy and Tulare. However, the Office of Enforcement has indicated that they will expand on this approach if there is no source of funding to address broader statewide issues related to nitrates in groundwater that is arguably caused by past and current agricultural practices.

To avoid further Office of Enforcement Actions, and to prevent future such actions, SB 623/BTB will protect growers from such enforcement actions. Further, the enforcement protections provided in SB 623/BTB will protect growers from other enforcement actions that might otherwise be brought for causing a violation of the nitrate drinking water standard below the root zone and makes its way to groundwater. Other such enforcement actions could include Cease and Desist Orders, Administrative Civil Liability Fines, time schedule orders and others. In short, SB 623/BTB changes the California Water Code in a manner that keeps the State Board and Regional Board from bringing such nitrate enforcement actions for 10 years, and from bringing clean up and abatement actions for an additional 5 years as long as they are in compliance with their irrigated lands regulations/orders.

For agriculture to receive protection from such actions, agriculture must be willing to pay into a Safe and Affordable Drinking Water Fund. The increased cost of this protection is $6 on every $1000 purchase of any fertilizer product. Dairies and non-dairy livestock facilities will also be paying into the fund. We anticipate these fees will generate about $30 million per year.

Further, a small, modest charge of $.95 on drinking water customers will raise funds needed to address other drinking water issues like arsenic, Hexavalent Chromium, and other naturally occurring contaminants. We anticipate these fees will generate about $110 million per year.

Money from this fund can then be used to address emergency, interim and long-term nitrate drinking water issues which includes operations and maintenance.
Eligible recipients are: Public water systems, local governments, nonprofit organizations, public utilities, Indian tribes, groundwater sustainability agencies, private and mutual water companies.

**Your support is critical to our success in getting 623/BTB across the finish line.**

**Support so far:**

Agricultural Council of CA  
Almond Alliance  
Arvin-Edison WSD  
Belridge WSD (Kern County)  
Berrenda Mesa WD (Kern County)  
CA Citrus Mutual  
CA Fresh Fruit Assoc  
CA Rice Commission  
CA Strawberry Commission  
Church Brothers Farms  
Dairy Institute of CA  
Costa Farms  
D’Arrigo Brothers of CA  
Driscoll’s  
Fetzer Vineyards  
Foxy Produce  
Fresh Farms, Inc.  
Fresh Foods, Inc.  
Grower-Shipper Assoc. of Central CA  
Grower-Shipper Assoc of SLO & Santa Barbara  
Kaweah Basin Water Quality Assoc  
Kaweah Delta Water Conservation District  
Kern Delta WD  
Kern County FB  
Kings County FB  
Lost Hills WD  
Merrill Farms  
Milk Producers Council  
Monterey County FB  
Naturipe  
Rava Ranches  
Rio Farms  
Roots for Change  
Salinas Basin Agricultural Stewardship Group  
Santa Cruz County FB  
Sultana Community Services Dist.  
Sunflower Alliance  
the Wonderful company  
Western Growers  
Western United Dairymen  
Wheeler-Ridge Maricopa WSD
Project Management Plan

Friant Kern Canal Capacity Correction Project

PHASE I

Submitted By:
Alan W. Stroppini, PE
Date: April 2, 2018 – DRAFT STATUS
Project Sponsor: Doug Deflitch
Chief Operating Office
Friant Water Authority (FWA)

Project Problem Statement:

Investigate and resolve FKC subsidence impacts to restore historic design capacity capabilities.

Project Goals:

FWA established three project goals for resolution of the FKC capacity problems through the subsidence area, approximately Milepost (MP) 95 (Tulare River) to Milepost MP 112 (White River). This area is also referred to as the “Pinch Point.” These goals are restated as follows:

1. Immediate - Maintain and/or Increase 2017 FKC Conveyance Capability (1750-1950 cfs)
2. Intermediate - Restore Normal Conveyance Capacity to FKC (2,500 cfs)
3. Long Term - Restore Maximum Conveyance Capacity to FKC (3,500 cfs)

Objective - General:

This document establishes the procedures and processes for systematically implementing decisions regarding communication, coordination, direction, documentation, execution, and overall monitoring and control of the Project.

This PMP is a living document, designed as a tool for the entire project team to actively use throughout the duration of the project. Any suggestions for changes or corrections need to be supplied to the Project Manager (PM) so the team can get timely updates.

The scope of the PMP includes all activities required to complete all aspects of the project and the management processes to be used during the various phases of the project. Pages will be added, modified, or deleted as the project details are developed and elaborated upon through time. Details of the PMP shall be aligned with the project schedule, scope, and cost.

Objective - Background:

The FKC capacity correction problems can be divided into two forms: original design procedures inadequacies and subsidence along the canal alignment. The first capacity problem became apparent shortly after the FKC went into operations. Operators became aware that the canal was not able to convey the original design flows. This problem also plagued many other large canals that Reclamation had designed before 1950. Reclamation investigated this problem throughout
the 1950s and early 1960s. These investigations revealed that the canal design procedures utilized before 1950 generally employed friction factors that were not sufficient for larger canal sections used to convey large design flows. Reclamation documented these studies in several reports and formalized new design standards in 1967. Two of these relevant design standards present Reclamation recommended design criteria for sizing canal sections. One offers a design standard for selecting a Manning’s n-factor for concrete lined canals, presenting a graph of canal hydraulic radius vs n-value. The other presents recommended freeboard criteria offering a graph of canal design flow vs recommended freeboard height. Both these criteria indicate that the Manning’s n-factor and freeboard used in the original design of FKC were understated.

Calculation using these current design standards and the canal sections that were originally designed and constructed for the FKC, indicate that the FKC is currently 75-80-percent undersized for the design flows and freeboard criteria originally used.

In the 1970’s and early 1980s, Reclamation constructed several modifications to the canal attempting to correct some of these antiquated design problems. Reclamation increased the original maximum design flow for the first 28 miles of the canal from 5,000 cfs to 5,300 cfs and sized the section based upon a Manning’s n-factor of 0.019. Several earth lined sections were lime treated to increase sidewall and invert stability. Generally, these sections were restored to the designed section, but additional freeboard was included. The section from St John’s River to Keweah River was redesigned to raise the invert above a high ground water table. The new section offered improved freeboard criteria an n-factor of 0.015. Last the section from MP99 to MP116 had experienced a significant subsidence problem (Similar to the problem currently experienced). Lining was raised to resolve the subsidence problem using the new freeboard and n-factor criteria. [NOTE – THIS DATA NEEDS FURTHER CONFIRMATION]

Between 2010 to the present, Reclamation has studied the canal to evaluate what needs to be done to restore original design flow capability to the FKC using current design standards. This work was done as a part of San Joaquin River Restoration Program (SJRRP). Reclamation, with the assistance of Stantec, built a theoretical hydraulic math model of the canal utilizing USCOE HEC-RAS modeling program. This modeling work further documented the extent of the capacity problems created by Reclamation’s pre-1950 antiquated design methods. Additionally, Reclamation evaluated the requirements to raise the canal lining between MP28 to MP88. A draft EA/IS and preliminary designs and cost estimates for this lining raise were prepared. The total cost to raise the canal lining in this area was approximately $150 to $200 Million.

The antiquated design procedures used to design the FKC have resulted in a problem that permeates the entire length of the canal. To correct this conveyance problem will be at significant expense. Cost estimates to correct this entire problem have not been prepared as of this writing.

The second capacity correction issue that the FKC encountered, occurs between approximate Mile Post (MP) 88 to MP 119. This problem is caused by over-pumping of the local groundwater basin, resulting in subsidence throughout a rather large area. This subsidence problem has affected about 15 to 20 miles of the FKC sinking up to four to five feet in some areas. Operational procedures recommend that canal water surface levels do not overtop the Top-of-Lining (TOL) of concrete lined canals. Operational efforts to maintain water levels below the
TOL throughout the length of subsided canal have resulted in reduced delivery capabilities below the subsided section.

Additionally, in 2017 it was observed in the deepest subsidence area on the FKC, approximately MP103 to MP108, that five bridges were impacted by operational water level rising onto the support beams of these bridges. To minimize these impacts, canal operators reduced flows through the subsidence area to approximately 1,750 cfs.

In an effort to improve deliveries downstream of the subsidence area, FWA retained Stantec Engineering (Stantec) to evaluate the structural stability and potential hydraulic impacts of raising FKC water surface level onto these bridge support beams. Stantec utilized the HEC-RAS model of the FKC that was developed by Reclamation and Stantec between 2010 to 2014. Stantec’s investigations revealed that FKC flows of approximately 1,750 cfs start to infringe on these bridge support beams. Further water surface profile (WSP) analysis by Stantec indicated that the canal could not flow more than 1,950 cfs without exceed TOL at approximately MP 108. At this flow rate, the water level on the bridge at MP103.5 (Avenue 88) was 1.95 feet above the bottom of the bridge beam. Stantec analyzed the structural integrity of the bridges to withstand this amount of water level loading. Stantec concluded that the bridge are structurally safe from sliding and overturning and would maintain a quality connection to its pier supports and abutments. Additional WSP work by Stantec revealed that Flows of 2,200 cfs not only overtopped the canal at MP 108 but also overtopped the canal at approximate MP135. Studies performed by Reclamation and FWA in the mid-1980 also indicated that the lower sections of the canal could not deliver flows greater than 2,200 cfs.

**Sectionalizing and Refining the Project Scope:** These WSP work described above has quantified the magnitude of the FKC capacity correction problems that face FWA. To further guide the effort to direct the work of this Project and future projects dealing with capacity correction matters, the FKC is been divided into three (3) work areas. Each work area is represented by a Phase. The three phases of capacity correction work are as follows:

**Phase 1.** -- MP88 (Fifth Avenue Check) to MP119 (Lake Wollems Check)
**Phase 2.** -- MP28 (King River Check) to MP88 (Fifth Avenue Check)
**Phase 3.** -- MP119 (Lake Wollems Check) to MP152 (Kern River Check)

This project will only address capacity correction work in Phase I

**Project Scope:**

The scope of this project is to restore maximum design flow capability to the Phase I reach of the FKC as defined above. Construction of facilities to restore FKC flow capability may be offered in incremental capabilities or may be structured to provide maximum design flow capabilities during initial construction. This variability is allowed to address possible alternative variations that are currently being considered. Some alternatives may be more restrictive in their ability to adopt to additional future subsidence than others. As such, design may be based on maximum design flow. Other alternatives, may be easily adoptable to future modification at minimum
initial cost. Such alternatives may utilize normal design flow rather than maximum design flow for their solution. Additionally, this Phase of work is positioned such that restoration of the maximum design flow capability within the Phase 1 limits of work, does not resolve the capacity issues in either Phase 2 or 3 (i.e. upstream and downstream) canal sections. Hence, this project may resolve flow restrictions in the subsidence area, but the flows downstream remain impaired by a lack of sufficient canal lining height. Currently, this limitation restricts flow in the lower FKC sections (i.e. the Phase 3 work limits) to what is currently estimated at 2,200 cfs.

**Project Cost and Financing:**

The Total Project Cost (TPC) for this project is structured in two segments. The first represents all costs to finance the project up to submittal of bid packages for construction of the recommended project fix. At this time the Total cost for this segment of work is estimated at $5 Million. A breakdown of these cost is present on Table 1. The second segment of work is the cost to construct a recommended and feasible project solution. At this time two project solutions are under consideration, as described further below. The potential cost range for these alternatives is currently estimated between $25- to $100-Million.

Funding for the first segment of work is supported by a Financial Assistance Grant from Reclamation. This funding authority is provided through the SJRRP. The amount requested is approximately $5 M. These funds are non-reimbursable and do not have a cost sharing requirement. FWA is currently seeking approval from Reclamation to initiate utilization of this funding source. These funds support Project activities up to the development of a bid package for construction. If necessary, these funds may also be used for construction activities. Until expenditures against this Grant finance package are approved by Reclamation, all project financing is provided by FWA.

FWA has also acquired approximately $2.2-Million worth of financing from the Water Infrastructure Improvement for the Nation (WIIN) program. This money requires a 50/50 cost share between FWA and the Federal government. Additionally, these funds may only be used for pre-construction activities. FWA is currently working with Reclamation to determine how these funds may be integrated with the Grant funds to accomplish project goals.

The TPC for the second segment of this project work is currently estimated to be in the range of $25- to $100-Million. This is the cost to construct one of the currently recognized project alternative. Two primary alternatives currently exist. The first is the alternative to raise the Top-of-Lining (TOL) of the FKC for approximately 15 to 20-mile reach. The most prominent area of subsidence is located between approximate MP 99 to MP116. The estimated cost range to construct this alternative is between $25- to $50-Million. These lining raise limits and the cost estimates for this work will be further defined during the Feasibility investigation stage.

The second alternative is to construct a pumping plant at approximately MP109 where Reclamation owns a small parcel of land adjacent to the west side of the canal. The plant design flow is estimated to range from 2,500 to 3,500 cfs and have a design head of approximately 10-
feet. The estimated cost range to construct this alternative is between $80- to $100-Million. As with the previous alternative these design criteria and the cost estimates for this work will be further refined during the Feasibility investigation stage.

Currently the means to finance either of these project alternatives is incomplete. Several methods are available to accomplish project financing including: SJRRP funding in the amount of approximately $12 million; possible State Bond Financing in the amount of $750-Million through a bond measure being developed for the November 2018 ballot; Public bond financing under FWA authority; and development of further funding authority under SJRRP (this would require additional legislation). Currently FWA is pursuing all of these financing measures.

**Project Schedule:**

The current project schedule is presented in a Microsoft Excel worksheet and attached to this PMP. This Excel schedule is abbreviated and will be further refined as an Gant Chart with linked tasks allowing the creation of a critical path. These changes will occur as this PMP moves from DRAFT status to Final Acceptance.

**Task Descriptions:**

**Task No. 1  Project Management:**

Project management and administration activities in support of the project shall include the following subtasks:

**Project Management Plan:** Develop and maintain a Project Management Plan (PMP) that outlines the following: Definition of the project scope; breakdown of project activities into task and subtask; defining project deliverables as they relate to project task and sub-tasks; defining the project schedule using the identified tasks and sub-tasks as building block; establishing and identifying deliverable due dates and significant project milestone dates; defining the project budget based upon the project tasks and sub-tasks; identification of key staff and contact information. The PMP shall be updated on an annual basis or when significant project changes warrant.

**Project Schedule:** The project schedule shall be in a Gantt chart format and use the Critical Path Method. The schedule shall have contained necessary predecessor/successor logic, clearly show the project’s critical path and show planned and actual durations. Updated schedules shall show actual progress and be presented in an MS Project format no less than once a Quarter or as may be required by project changes.

**Team Meetings and Coordination Activities:** Throughout the development of the environmental documentation, permitting and design work, the Project Manager will attend meetings as required to discuss project status, coordinate, and plan for upcoming activities. Coordination with Reclamation Project Manager and other Reclamation staff as appropriate. It is
understood that weekly coordination meetings with Reclamation will occur primarily by phone or at FWA facilities.

The Project Manager and/or other Project staff shall attend periodic meetings at Reclamation’s Mid-Pacific Regional Office or other agreed upon location on an as needed basis, to review progress and plan for upcoming activities with the Reclamation Project Manager and other Reclamation staff or other parties as appropriate. An average of one (1) additional meeting every two (2) months or up to six (6) meetings per year shall be assumed.

For each meeting, meeting notes will be prepared that summarize action items and decision points. Draft meeting notes shall be delivered within three (3) days of the meeting. Final notes, incorporating comments and suggested changes, shall be provided within two (2) days of receipt of all comments.

**Deliverable Summary:**

1. Initial Project Management Plan
2. Monthly Progress Reports
3. Annual Project Management Plan Update
4. Quarterly Project Schedule Updates – More frequent if required
5. Meetings notes for each meeting attended (Draft and Final)
6. Presentation materials, visual aids, and handouts, as needed.

**Task No. 2  Environmental Analysis:**

The purpose of this task will be to provide an initial assessment of the environmental requirements necessary to address the environmental compliance needs of this project. The finding of this work will be summarized in the Preliminary Environmental Evaluation Memorandum. Follow on work will include studies and investigations necessary to complete environmental compliance documents, such as an EA/IS and all necessary permitting activities.

**Preliminary Environmental Evaluation:** Field investigations and literature searches will be conducted, as necessary, to become familiar with the resources within the project study area and to assist with the formulation and evaluation of project alternatives. A Preliminary Environmental Evaluation Memorandum will be prepared that will evaluate several Project Alternatives. Such preliminary investigations and surveys that may be performed include, but are not limited to, the following biological field surveys and evaluations; and cultural resources research and field survey, to comply with Section 106 of the National Historic Preservation Act. The Cultural resource activity may require consultation with Reclamation to coordinate with them regarding their work activities to comply with Section 106.

The Preliminary Environmental Evaluation Technical Memorandum will present a summary of findings. In the event significant effects to the environment or potential unavoidable environmental impacts are identified at this level of evaluation, they will be documented and future studies/investigation necessary to fully document these issues will be described. The report will present a course of action to complete the necessary environmental documentation required for each alternative under investigation. Recommendation regarding the types of
studies, further documentation, and permitting activities necessary to advance these alternatives forward will be presented.

**Environmental Compliance:** Based upon the findings of the Preliminary Environmental Evaluation Report, environmental compliance studies, permitting activities, and documentation efforts will be pursued to allow construction of the studied alternatives. Preliminary indications are that an Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) would be sufficient to meet NEPA requirements. Similarly, an Initial Study (IS) and a Mitigated Negative Declaration (MND) will be evaluated for sufficiency to meet CEQA requirements. It is further assumed that a joint document covering both NEPA and CEQA can be prepared. Biological and cultural survey information obtained in Objective 2 will be incorporated in the EA/IS, if appropriate. If a higher level of environmental compliance is deemed appropriate (an EIS/EIR), this task and its associated scope of work, budget and schedule will need to be amended.

**Deliverable Summary:**

1. Preliminary Environmental Evaluation Technical Memorandum
2. Administrative Draft EA-FONSI/IS-MND
3. Public Draft EA-FONSI/IS-MND
4. Administrative Final EA-FONSI/IS-MND
5. Final EA-FONSI/IS-MND

**Task No. 3 Feasibility Investigation**

This work will consist of several tasks to culminate with a Feasibility study and Report. Task include formulation and evaluation of alternatives, investigation and evaluation of the economic effects of lost FKC water supply delivery capability caused by localized FKC subsidence, development of cost estimates to support two or more alternatives for comparison, and evaluation and determination of a feasible project solution.

**Formulate and Evaluate Alternatives:** Develop at least two project alternatives and the No-Action Alternative. A brief discussion of alternatives considered and rejected will be analyzed and included as appropriate in the environmental documentation. Field investigations and reconnaissance surveys to become familiar with the resources within the project study area and to assist with the formulation and evaluation of project alternatives. These investigations will include, but are not limited to, the evaluation of capacity correction actions and potential locations of construction and facilities; the evaluation of operational constraints that may impact alternative selection, such as water rights, institutional agreements, water quality, and drought mitigation alternatives; and the identification of potential project proponents/beneficiaries and potential project benefits that would be received. Use of project scoping methods and value engineering methods may be utilized as necessary. Appropriate cost estimates will be prepared for each alternative to assist with preliminary evaluations and ranking procedures. Results of this work will be presented in an Project Alternatives Descriptions Technical Memorandum.
**Economic Analysis:** An economic analysis will be performed to evaluate the net economic impacts of the reduced delivery of supplies if capacity is not corrected and the resulting local, regional and statewide benefit of correcting the capacity limitations. Additionally, the economic value of water will be evaluated to replace the supply that can’t be delivered. The results of this work will be presented in an Economic Analysis which will be a key element in determination of a feasibility project solution.

**Feasibility Investigation:** The capacity correction work that was performed by Reclamation between 2010 to 2014 did not address the capacity constraints that resulted from increased subsidence in the southern portion of the FKC. This task will perform a feasibility evaluation of project alternatives and necessary work requirements to overcome the FKC capacity limitations caused by subsidence effects. Potential corrective actions and locations of facilities in the project area will be identified. The work will also include studies to evaluate operational constraints and water supply availability, potential project proponents/beneficiaries, and potential benefits received from project implementation. These efforts will be present in a Feasibility Evaluation Report that will present an evaluation of identified alternatives. Appraisal and feasibility cost estimates will be prepared and utilized to select the preferred alternative. These cost estimate and the results of the economic analysis will be used to determine a feasible project solution.

**Deliverable Summary:**

1. Project Alternatives Descriptions Technical Memorandum
2. Economic Analysis Technical Memorandum
3. Feasibility Evaluation Report

**Task No. 4 Water Surface Profiles (WSPs) and Bridge Investigation**

This task began before development of this PMP. This task was assigned to Stantec Engineering. They have already submitted a DRAFT report presenting the results of their preliminary work, including WSPs covering 1,600, 1,900 and 2,200 cfs and the results of their structural evaluation of the five bridges between MP103.0 and MP107.5. Additional WSPs should be evaluated to determine the overall impact of raising the FKC to levels that restore 2,500 and 3,500 cfs capacity in the subsidence area. Other WSPs work should be performed to prove out the concept of the Pinch Point Pump Plant (P4). This additional WSP work can be performed as a separate task or incorporated as part of the Feasibility task depending on how this task work is contracted. In the event this work is performed as separate contract from the Feasibility Investigation, a Technical Memorandum to summarize results will be prepared.

**Task No. 5 Electrical Clearance Requirements**

This task will evaluate the feasibility and requirements to connect the Pinch Point Pumping Plant to the electrical grid. Southern California Edison has a switchyard located on the east side of the canal, about 0.5 miles north of the MP108.9. Additionally, power lines exist on the west side of the canal connected to a ground water pump located in the general vicinity of P4. The requirements to connect P4 to the grid need to identify the requirements to utilize or replace the
existing power lines on the west side of the canal, identify required step down transformer needs, determine pump start-up requirements (Soft start systems and/or VFDs), and permitting requirements. This work may be performed as a separate task or incorporated as part of the Feasibility Investigation task, depending on how work is contracted. In the event this work is performed as separate contract from the Feasibility Investigation, a Technical Memorandum to summarize results will be prepared.

**Deliverable Summary:**

1. Electrical Clearance Requirements Technical Memorandum

**Task No. 6 Field Surveys**

These surveys will be prepared to provide an end product that can be used to assist with various engineering analysis work and development of quantity take-offs for cost estimating. Additionally, they will provide a means to display the project in a number of methods.

Types of surveys to be performed include control surveys, flight surveys that may include either Lidar or aerial survey for the development of Digital terrain models and/or topographic maps. Field surveys may also be done to acquire specific data to fill in survey gaps that may have occurred in one form or another.

**Deliverable Summary:**

1. Control Survey
2. Topographic maps
3. Digital Terrain Models (DTMs)
Task No. 7  Rights-of-Way (ROW)

This information is needed to determine if the project will extend beyond the existing ROW owned by Reclamation or FWA. Preliminary project layouts will be used to compare to existing ROW boundaries. It is anticipated that ROW boundaries can be acquired from Reclamation GIS system. It is assumed that these boundaries will easily overlay onto DTM models that were developed and used for quantity take-offs and design sections. This work will determine if additional ROW takings are required to move the project forward. Cost estimates for ROW takings will need to be developed and incorporated into the overall project costs. Where final project layouts dictate that ROW will need to be acquired by the Project, acquisition efforts will be initiated to acquire these lands.

Deliverable Summary:

1. Digital GIS ROW representation that can be overlaid onto DTM survey models
2. Digital Terrain Models (DTMs)
3. Survey data of specific boundary elements, If necessary
4. ROW Appraisal Cost estimate if ROW purchase is required

Task No. 8.  Geology and Geotechnical Investigation

The purpose of this task is to perform geology investigations in the Pinch Point area. These investigations will include a field survey to classify the general geologic characteristics of the proposed work sites; Collection of local sample to classify soil condition in the proposed work sites; a search for locale borrow area; the possibility of using the outside ROW for borrow; development of a soils investigation and testing program that fits with the proposed alternatives under investigation; acquiring necessary permit and environmental clearances of proposed soils investigation sites; initiating the proposed soil investigation and testing; Acquiring testing and analytical results from soils samples that were collected during the investigation program; and writing a report presenting results of the Geologic and geotechnical investigation.

Geology and Geotechnical Plan of Work: A Geology and Geotechnical Technical Memoandum will be prepared that summaries the proposed plan of investigation, presents a preliminary schedule to accomplish the work, and offers a proposed budget for completing the work. The TM will be presented in ddraft form for review and comment. Project team comments will be incorporated into the final document. Initiation of this work will begin as soon as the plan is approved.

Final Geology and Geotechnical Report: A final report shall be prepared presenting all field observations; a summary of the surface geology finding; logs of all drill holes and test pits; analytical test results of all soil samples submitted for laboratory analysis; Locations of possible borrow and spoil areas; Estimated yield of borrow from each site; necessary geological maps to coordinate with the physical descriptions, and any other data that would aide in presenting a complete description of the project area.
Deliverable Summary:

1. Initial Geology and Geotechnical Technical Memorandum
2. Preliminary soil sample testing results
3. Geology and Geotechnical Report

Task No. 9 Canal Bridge Sealant Work

The draft Technical Memorandum from Stantec indicated that the bridge beams that they investigated between MP103 to MP108 had minor cracking. To seal these cracks they indicated that if FWA was going to operate the canal at higher water level in the subsidence area they should seal these beams. This task is to acquire the necessary services to accomplish this recommendation.

Deliverable Summary:

1. Complete the work requirement to seal the bridge beams.

Task No. 10 Construction Contracting Method

This task will investigate various design-construct contracting techniques. The traditional method of design-bid-build has been utilized by numerous governmental agencies. Although this method has proved itself on many occasion, it is not known for providing expeditious outcomes. It is traditionally employed with low bid contract award concepts, the rational for its popularity in Government practice. To expedite work and possibly adopt a more appropriate model for sharing the construction risk on any given project, Design-Build and Alternative Delivery Methods procedures have evolved. On a project where it is desired to expedite the design-construct process, FWA could award a contract to a contractor that can do both design and construction aspects of the project. This would allow FWA to only go through one bid process. Design efforts can be coordinated as usual, but construction efforts could begin early depending on risk tolerances, design status, and the type of project feature under construction. A potential problem with these methods is that the government entities pursuing these types of contracts are limited by legal requirements to low bid procedures. As part of this task, a Technical Memorandum will be prepared describing various Design-Build or Alternative Delivery Methods and the legal ramification affiliated with using any of these methods will be investigated to determine if these contracting processes can be utilized.

Deliverable Summary:

1. Alternative Delivery Methods Technical Memorandum
Task No. 11  Development of Engineering Design and Specifications

Engineering and Design:  This effort includes all activities necessary to acquire all project design data, develop necessary project design criteria, and develop and finalize project designs and specifications.  Work will be staged in such a manner that project deliverables will be required at the 30 percent, 60 percent, 90 percent and final design phases.  These deliverables may be modified at the beginning of this task or during the task depending on project alternative selected, utilization of Alternative Delivery Methods, and funding source.

Regular meetings will be conducted with representatives from the Design Contractor, FWA, and Reclamation in attendance.  These meeting will generally be conducted by teleconference methods with the primary objective being to discuss design status, challenges, coordination with other team members, and projected work efforts in the future.  Meetings with all participants will be conducted at facilities determined by FWA for each percent design complete stage.  The Design Contractor will provide 30%, 60%, and 90% designs, plans, drawings, specifications and cost estimates.  FWA and Reclamation will provide written comments and/or marked up documents to the Design Contractor at the Percent Design Meeting date.  The Design Contractor will incorporate all comments into plans, specifications and cost estimates.  Reclamation approval must be obtained before moving to the next level of design.

The design team must include a registered Professional Engineer in the State of California that stamps all final plans and specifications.

Cost estimates shall be developed in accordance with Reclamation estimating directives and standards or AAII industry standards maybe used with prior Reclamation approval.

Conceptual Level Design (30%): The Conceptual Design will incorporate the findings of the Feasibility Evaluation Technical Memorandum.  A Basis of Design Report will be developed, containing the design criteria, operating water levels, flow conditions, data requirements, applicable codes requirements (Structural and others), loading conditions, any design constraints that may apply, and other information related to development of the conceptual design.  A preliminary schedule shall be developed that will initiate line items and approximate the time to construct the project.  A Conceptual level design will be developed based upon the conditions detailed in the Basis of Design report.  A conceptual level opinion of probable construction cost will be developed based on a combination of experience with similar facility work and available construction cost resources.  The quality of the conceptual level cost estimate will be at equivalent to AACE level 3 or better.

60% Design Level: All comments received for the 30% design review will be incorporated into the project designs.  Drawings will be advanced to the 60% design level.  Specifications will be fully outlined and approximately 25% complete.  At this level, design concept and intent will be clearly indicated on the drawings, however, some details for construction of the project may be lacking.  Required design calculations will be completed.  Generally, the structures will be sized, earthwork quantities calculated, and materials determined.  The quantities for the major work items will be known.  The cost estimate will be updated to reflect any refinements in quantities and other items of work.  The Basis of Design Report will be updated as may be required to reflect any revisions that may have been made since the 30% Design Review Meeting.  All materials will be made available to the Review Team at least 10 days before the 60% Design
Review Meeting. The 60% Design Review will be scheduled by FWA at a location of their choice.

**90% Design Level:** Draft technical specifications and contract documents will be developed and submitted to for final review. The draft documents will comply with the California Public Contract Code requirements for procuring construction bids as applicable to a water district or if utilized the Alternative Delivery Method selected for utilization for this contract. The project schedule will be reviewed and revised as needed to reflect the planned schedule of activities from this milestone through project completion. All materials will be made available to the Review Team at least 10 days before the 90% Design Review Meeting. The 90% Design Review will be scheduled by FWA at a location of their choice.

**Final Designs and Specifications:** All products that have been worked upon will be signed and stamped as required. A set of calculations supporting all design work, cost estimates, and schedule development will be submitted. The construction schedule will depict realistic means and methods to construct the project, interlinking all tasks such that a critical path can be established for completing the work and an estimated time to construct the project developed.

**Deliverable Summary:**

1. Conceptual Design Level (30%) deliverables include: Initial Basis of Design Report; Conceptual Level Designs; Conceptual Level Opinion Cost Estimate; Initial Construction schedule.
2. 60 Percent Design Level deliverable items include: Updated Basis of Design Report; 60% design level drawings; updated conceptual level opinion cost estimate; Updated construction schedule; Specification fully outlined and approximately 25% complete.
3. 90 Percent Design level deliverable items include: Final Basis of Design Report; Design Drawings at 90% to 95% complete; Specification at 90% to 95% complete: updated conceptual level opinion cost estimate shall be at the AACE Level 2 stage; and an updated construction schedule.
4. Final Design and Specifications: Design Drawing will be completed, ready for publication, and fully stamped and signed. Specification will be completed, ready for publication, and fully stamped and signed. The opinion cost estimate will be at the AACE Level 1 cost estimate stage and will support all financial actions to fully fund the construction of this project; and the final construction schedule.
**Change Management:**

The Change Management process to modify this schedule will take the following parameters into consideration:

1. Changes that impact project cost:
   
   Where cost changes are $>$ $50,000 
   
   Where cost changes are $>$ $30,000. But $\leq$ $50,000 
   
   Where cost changes are $\leq$ $30,000

2. Changes that impact project schedule:
   
   Where schedule change exceeds 2 weeks
   
   Where schedule change exceeds 3 days

**DRAFT NOTE:** These limits are guesstimated. Do not know if FWA has set limits or not. Also does FWA have a Standard Change Management form.

**Communications Plan**

**DRAFT NOTE:** Not sure what goes here

**Project Team:**

FWA

Reclamation

Stantec

Provost & Pritchard

GSE

PMP Contractor
**Roles and Responsibilities:**

The following people have definitive responsibilities regarding the execution of this project.

<table>
<thead>
<tr>
<th>Name</th>
<th>Organization</th>
<th>Role</th>
</tr>
</thead>
<tbody>
<tr>
<td>Doug Deflitch</td>
<td>FWA Chief Operating Office</td>
<td>Project Sponsor</td>
</tr>
<tr>
<td>Alan Stroppini</td>
<td>Independent Contractor</td>
<td>Project Manager</td>
</tr>
<tr>
<td>Janet Atkinson</td>
<td>Stantec Engineering</td>
<td>Consultants Project Manager</td>
</tr>
<tr>
<td>Ian Buck-Macleod</td>
<td>Stantec Engineering</td>
<td>Consultants Project Manager</td>
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<tr>
<td>Kelley Kennedy</td>
<td>US Bureau of Reclamation</td>
<td>Proj Mngr, SJRRP Program</td>
</tr>
<tr>
<td>Adam Nicholes</td>
<td>US Bureau of Reclamation</td>
<td>Proj Mngr, SJRRP Program</td>
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</tbody>
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# Phase I - Schedule

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<tr>
<th>Task No</th>
<th>Task Description</th>
<th>Deliverable</th>
<th>Start Date</th>
<th>End Date</th>
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<td>Project Management Plan</td>
<td>PMP</td>
<td>Ongoing</td>
<td>4/16/18</td>
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<td>Initial Schedule</td>
<td>Ongoing</td>
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<td>Revised Schedule - 3rd Qtr-18</td>
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<td>Revised Schedule - 4th Qtr-18</td>
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<td>Jan 05, 2019</td>
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<td>Revised PMP quarterly</td>
<td>Begin Quarter</td>
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<td>End of Quarter</td>
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<td>Monthly Progress Reports</td>
<td>Begin Month</td>
<td>Dec 15, 2018</td>
<td>Jan 20, 2019</td>
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<td>Annual PMP Update</td>
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<td>Meeting Notes - As meeting Occur</td>
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<td>Presentation Mats, etc - As they Occur</td>
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<td>2</td>
<td>Environmental</td>
<td>Prelim Environmental Tech Memo</td>
<td>Apr 15, 2018</td>
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<td>Admin Draft EA / IS</td>
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<td>Feasibility Study</td>
<td>Project Alternatives Tech Memo</td>
<td>Apr 15, 2018</td>
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<td>Economic Analysis Tech Memo</td>
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<td>Feasibility Evaluation Report</td>
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<td>4</td>
<td>Water Surface Profiles/Bridges</td>
<td>WSP / Bridges Report</td>
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<td>Electrical Clearance</td>
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<td>Surveys</td>
<td>Control Survey</td>
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<td>Aerial Flight (Drone / Plane)</td>
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<td>Digital Terrain Model</td>
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<td>Topographic Maps</td>
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<td>Right-of-way Acquisition</td>
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<td>Jul 15, 2018</td>
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<td>DTM Models w/ integrated ROW</td>
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<td>Field Survey of Fill in Areas</td>
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<td>ROW Appraisal Costs for Purchase</td>
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<td>Geology / Geotechnical</td>
<td>Initial Geology / Geotech Tech Memo</td>
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<td>Preliminary Soils Sample Testing Results</td>
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<td>Canal Bridge Sealant Work</td>
<td>Construction work to seal Bridge Beams</td>
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<td>Construction Method Contracting</td>
<td>Alternative Delivery Methods Tech Memo</td>
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<td>90% Design Submittal / Meeting</td>
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<td>Final Design Submittal</td>
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<td>May 01, 2019</td>
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Submitted: Apr 2, 2018
| Budget/Contract Task Discriptors | PMP | Budget Proposal Line Item Task No. | Total Amt from Budgt Modified | Sum of Oct Amts | 3rd Qtr | 4th Qtr | 1st Qtr | 2nd Qtr | 3rd Qtr | 4th Qtr | 1st Qtr | 2nd Qtr |
|---------------------------------|-----|----------------------------------|-----------------------------|---------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| Environmental                   | 2   | NNEA                             | 250                         | 250           | 100    | 150    | 150    | 100    | 90     |        |        |        |        |
|                                 |     | CEQA                             | 250                         |               |        |        |        |        |        |        |        |        |        |
|                                 |     | SHPO Compliance                  | 30                          |               |        |        |        |        |        |        |        |        |        |
|                                 |     | Stormwater/Dust Permits          | 30                          |               |        |        |        |        |        |        |        |        |        |
|                                 |     | 401 CWA Certification            | 30                          |               |        |        |        |        |        |        |        |        |        |
| Feasibility Study               | 3   |                                  | 300                         | 300           | 100    | 100    | 100    |        |        |        |        |        |        |
| Econ Study                      | 3   | Supply/Demand Analysis           | N/A                         |               |        |        |        |        |        |        |        |        |        |
| Coordinated/Public Admin        | 2 / 3|                                | 350                         | 200           |        |        |        |        |        |        |        |        |        |
| Hyd/Bridge Study                | Existing/3/4|                      | 75                          | 150           |        |        |        |        |        |        |        |        |        |
| Engr. Hyd Analysis (WSPs)       | Existing|                          | 150                         |               |        |        |        |        |        |        |        |        |        |
| Bridge Enger. Evaluation       | Existing|                          | 75                          |               |        |        |        |        |        |        |        |        |        |
| Write Rept                      |     | Additional WSPs                  |                             |               |        |        |        |        |        |        |        |        |        |
| Electrical Clearance            | 3 / 5|                                | 100                         | 100           | 100    |        |        |        |        |        |        |        |        |
| ROW Limits/Acquire Land         | 3 / 7 / 11|                        | 100                         | 100           | 50     | 50     |        |        |        |        |        |        |        |
| Surveys and Topo                | 6   | Control Survey                   |                             |               | 75     | 25     |        |        |        |        |        |        |        |
| Aerial                         |     | Topo                             |                             |               |        |        |        |        |        |        |        |        |        |
| DTM                             |     |                                  |                             |               |        |        |        |        |        |        |        |        |        |
| Geology/Geotech                 | 8   | Site Drill Holes/ Test Pits      | 250                         | 250           | 75     | 125    | 50     |        |        |        |        |        |        |
| Env Clear for Field Invest.     |     | Field Invest Survey              |                             |               |        |        |        |        |        |        |        |        |        |
| Drill holes/test Pits           |     | Soil Analysis                    |                             |               |        |        |        |        |        |        |        |        |        |
| Write Report                    |     |                                  |                             |               |        |        |        |        |        |        |        |        |        |
| Canal Bridge Sealant            | 9   |                                  | 100                         | 100           | 100    |        |        |        |        |        |        |        |        |
| Construct Contracting Method    | 10  |                                  | 30                          | 100           | 15     | 15     |        |        |        |        |        |        |        |
| Engineering Design              | 11  | Engineering Design               | 1,300                       | 1,400         | 100    | 400    | 400    | 400    | 100    |        |        |        |        |
| Engineering Height Model        |     |                                  | 100                         |               |        |        |        |        |        |        |        |        |        |
| FWS Salaries/Wages              | 189 |                                  | 189                         | 189           |        |        |        |        |        |        |        |        |        |
| FWS Fringe Benefits             | 94  |                                  | 94                          | 94            |        |        |        |        |        |        |        |        |        |
| Contingencies (20%)             | 750 |                                  | 520                         |               |        |        |        |        |        |        |        |        |        |
| Default Indirect Costs          | 450 |                                  | 450                         |               |        |        |        |        |        |        |        |        |        |
| Total                           | 4948 |                                  | 4948                        | 3670          | 25     | 565    | 805    | 1030   | 615    | 555    | 100    | 0      | 0      |