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Call to Order

Regular Meeting of the Board of Directors
Tuesday, April 19, 2022

Pledge of Allegiance



Roll Call



Paul Kielhold
President



June Hayes
Vice President



**T. Milford
Harrison**
Treasurer



Gil J. Botello
Director



Susan Longville
Director

Public Comment

Any person may address the Board on matters within its jurisdiction.

- *Please use the chat feature on the Zoom toolbar or digitally raise your hand to let the moderator know you would like to make a comment.*

Approval of Minutes (Pg. 4)

2.1 Regular Board Meeting – April 5, 2022

Board Motion & Roll Call Vote

Staff Recommendation

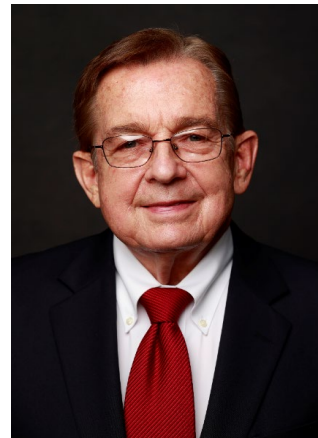
Approve the minutes of the April 5, 2022, Regular Meeting of the Board of Directors as presented



Paul Kielhold
President



June Hayes
Vice President



**T. Milford
Harrison**
Treasurer



Gil J. Botello
Director



Susan Longville
Director



Discussion Items 3.1 – 3.3

Heather Dyer, MS, MBA – Chief Executive Officer/General Manager

Discussion Item 3.1

(Pg. 12)

Consider authorizing the CEO/General Manager to execute a consulting services agreement with Geoscience, Inc. for the preparation of a Conjunctive Use Project Plan

Preparation of a Conjunctive Use Project Plan and Related Groundwater Modeling to Store Water in the San Bernardino Basin



COLLABORATIVE.

Dedicated to work inclusively.



TRUSTWORTHY.

Committed to earn respect.



INNOVATIVE.

Proactive and effective problem-solvers.



DRIVEN.

Passionate and empowered leaders.



RESILIENT.

Resilient to seismic conditions, drought, population growth and climate change.



RESTORATIVE.

Reduce carbon footprint and recover environmental health.



SCIENCE BASED.

Built from reliable regional data shared among all partners.



COST-EFFECTIVE.

Optimize operational efficiency and maximize benefits from ratepayer investments.



INTEGRATED.

Holistically optimize value to the region.

Critical next step to evaluate the feasibility and impact of Pass Agency and Yucaipa Valley Water District storing up to 40,000 acre-feet of imported water in the San Bernardino Basin (Three Party Agreement)

- Consistent with the Strategic Plan
- In the 2022 Work Plan

Scope: Prepare a Conjunctive Use Project Plan for BTAC review and Watermaster approval

- Define the Project in details
- Determine and Mitigate Impacts
- Prepare the Plan

Consultant: Geoscience (Lead), Kennedy Jenks (Project Partner)

Schedule: 6 Months

Cost: \$178,936, Valley District Cost is 33% or \$59,645

Board Motion & Roll Call Vote

Staff Recommendation

Staff recommends the award of the contract to Geoscience, Inc. for the preparation of a San Bernardino Basin Conjunctive Use Project Plan in the amount \$178,936



Paul Kielhold
President



June Hayes
Vice President



**T. Milford
Harrison**
Treasurer



Gil J. Botello
Director



Susan Longville
Director

Discussion Item 3.2

(Pg. 35)

Consider Authorizing CEO/General Manager to
Execute a Three -Year Purchase

Agreement for EarthTec Product with Earth
Science Laboratories (ESL)

Summary of Terms

- ❑ Earth Science Laboratories (ESL), manufacturer of Earthtec
- ❑ 3-yr Term:
 - Fixed pricing for Earthtec at \$18/gal
 - Plus taxes and freight charges (currently at \$1.65/gal)
- ❑ Minimum annual quantity commitment: 1 tank load at 4,500 gals
- ❑ Delivered to 2 locations, including Sweetwater Turnout and Line Valve 2 Vault for treatment of SWP water

❖ San Gorgonio Pass Water Agency (SGPWA) will share 18.33% of the total cost

Board Motion & Roll Call Vote

Staff Recommendation

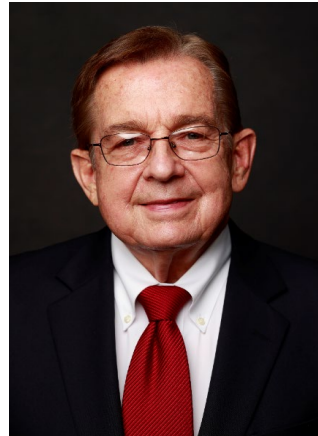
Authorize the CEO/General Manager to execute the 3-yr purchase contract with Earth Science Laboratories (ESL) at a fixed unit cost of \$18 per gallon for EarthTec, plus freight charges and tax.



Paul Kielhold
President



June Hayes
Vice President



**T. Milford
Harrison**
Treasurer



Gil J. Botello
Director



Susan Longville
Director

Discussion Item

3.3

(Pg. 52)

Consider authorizing the CEO/General Manager to execute a \$18,784 contract amendment with Geoscience, Inc. for modeling services related to the proposed Artificial Recharge Project at the Cactus Basins

Amendment Request

Modeling and Analysis supports Artificial Recharge at Cactus Basins

- Primary concern is the impact of artificial recharge on nearby perchlorate plume and cleanup efforts led by U.S. EPA

Original contract by the Board awarded on May 18, 2021 to Geoscience for \$84,142

- Original modeling scope completed on schedule and budget

Stantec is the consultant working on the California Environmental Quality Act (CEQA) analysis, and preparing the Environmental Impact Report (EIR)

\$18,784 amendment increases maximum compensation from \$84,142 to \$102,926

- Amendment covers additional modeling and documentation to address U.S. EPA and Perchlorate Task Force comments prior to Final Report that feeds into the EIR

Board Motion & Roll Call Vote

Staff Recommendation

Staff recommends the Board of Directors authorize the CEO/General Manager to execute a \$18,784 contract amendment with Geoscience for modeling services related to the proposed Artificial Recharge Project at the Cactus Basins.



Paul Kielhold
President



June Hayes
Vice President



**T. Milford
Harrison**
Treasurer



Gil J. Botello
Director

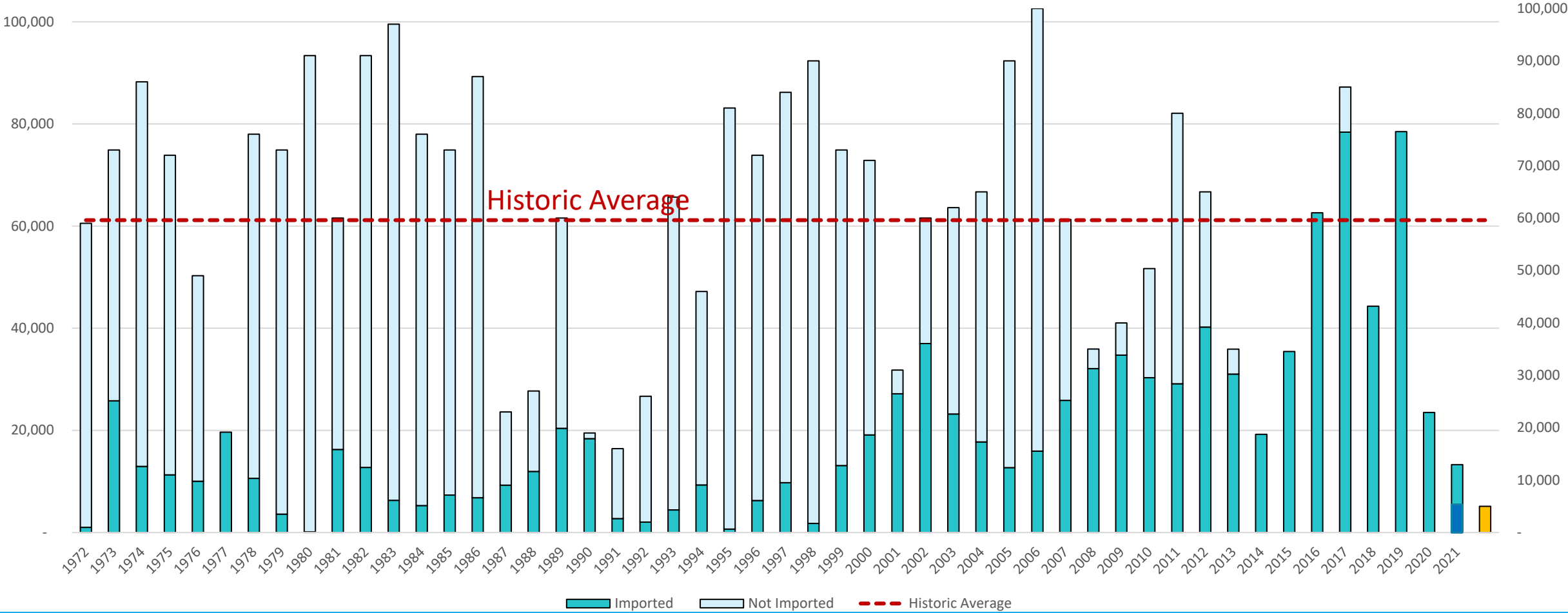


Susan Longville
Director

Reports Item 4.1 (Pg. 63)

State Water Project Report

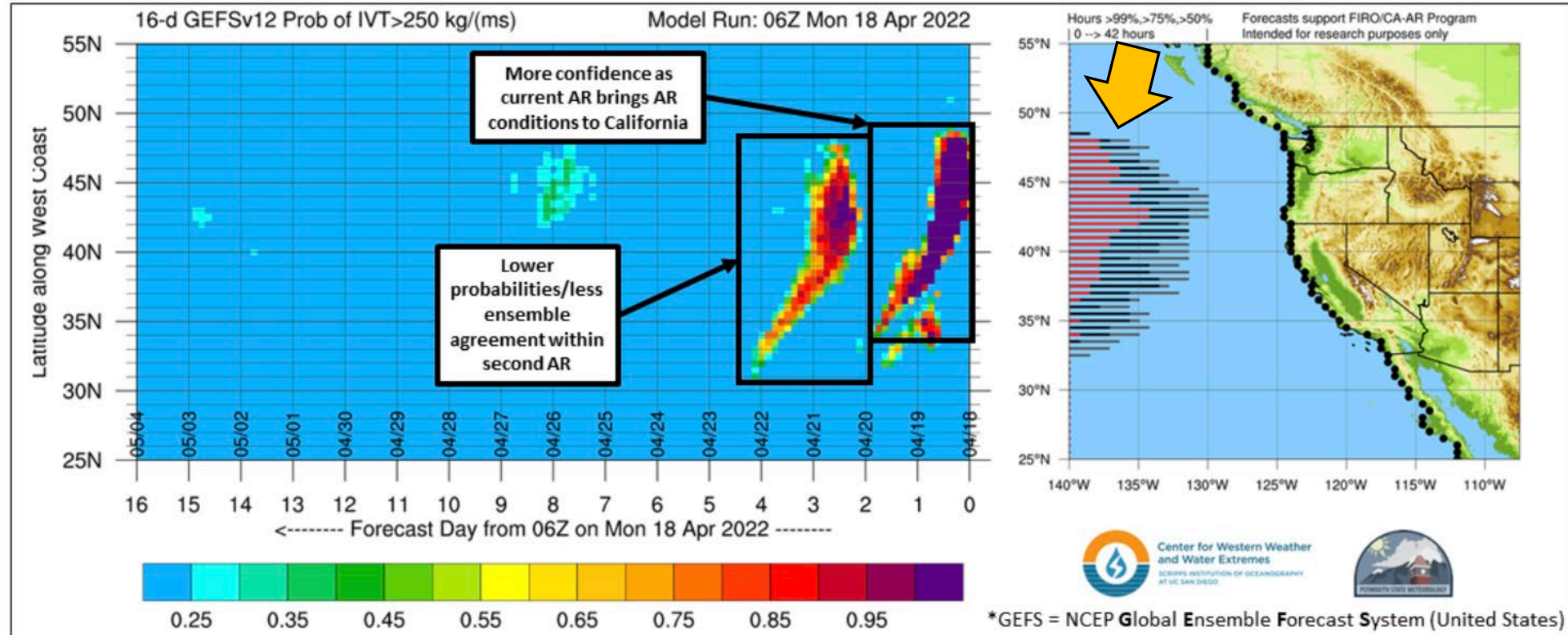
Historic Supplemental Water from SWP



Atmospheric River Outlook: 18 April 2022

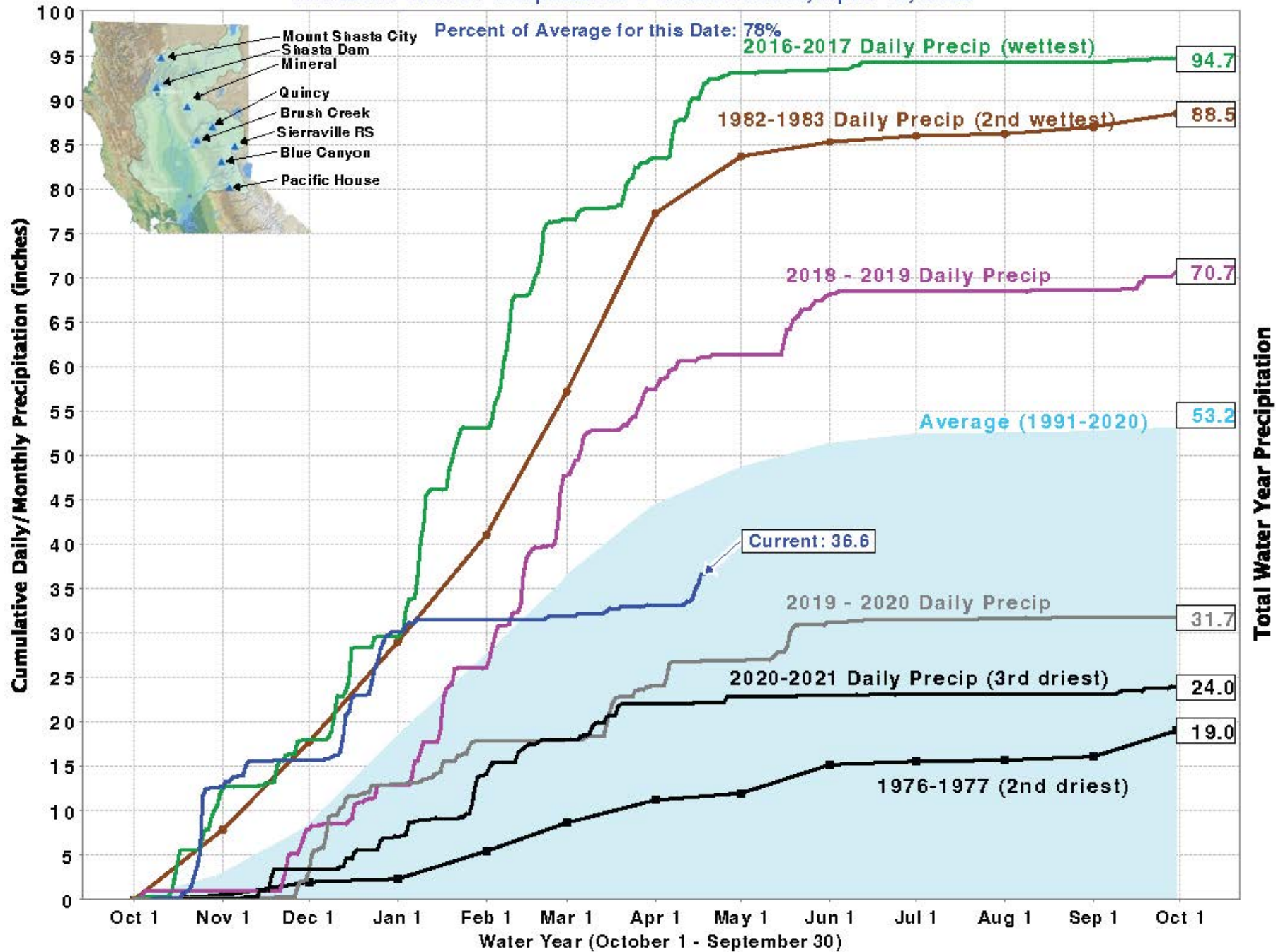
For California DWR's AR Program

Probability of AR Conditions Along Coast



- The GEFS (initialized 06Z 18 April) is showing high ensemble agreement (>95%) in AR conditions (IVT >250 kg/(ms)) within the current AR over coastal locations from southern Washington to northern California throughout today and into tomorrow.
- The GEFS is exhibiting lower ensemble agreement of AR conditions associated with the second AR, especially over California, within a 6-to-18-hour period on the 20th and 21st.

Northern Sierra Precipitation: 8-Station Index, April 18, 2022

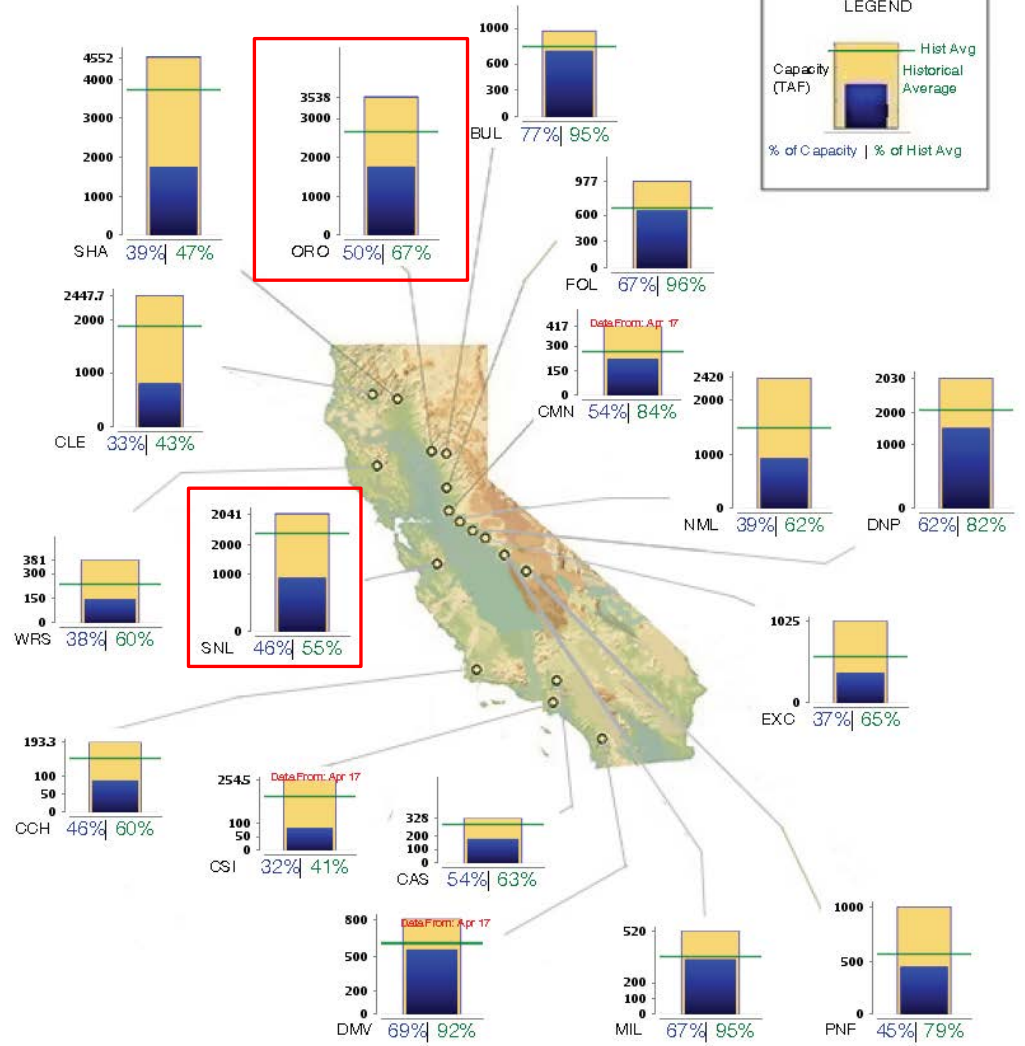




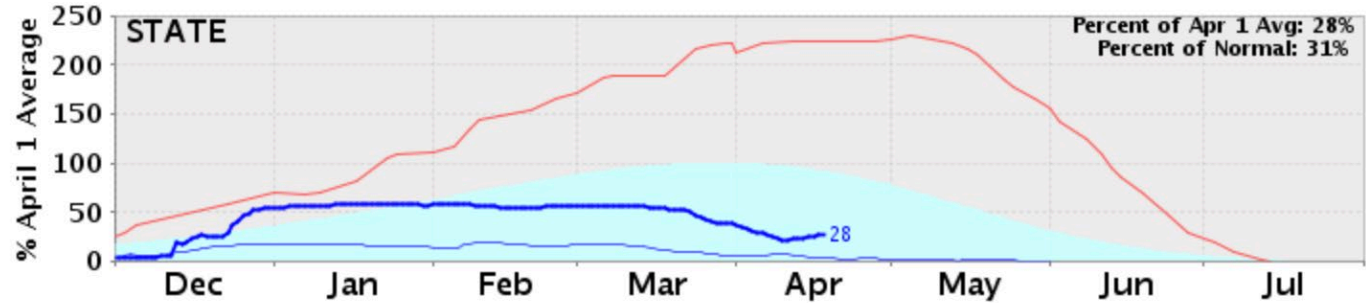
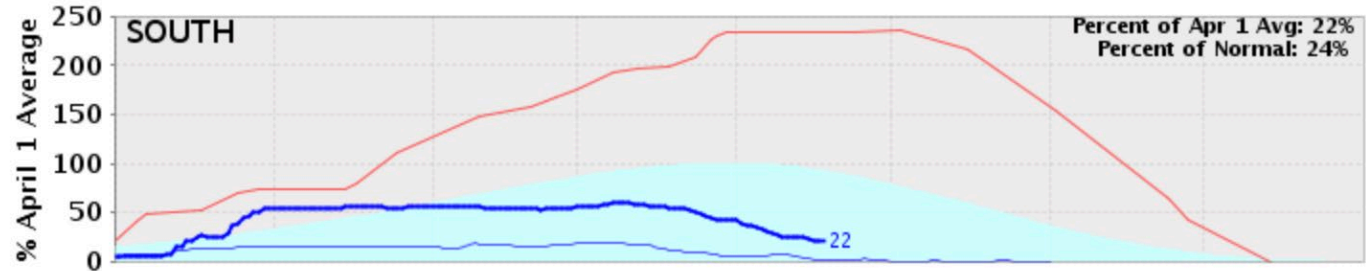
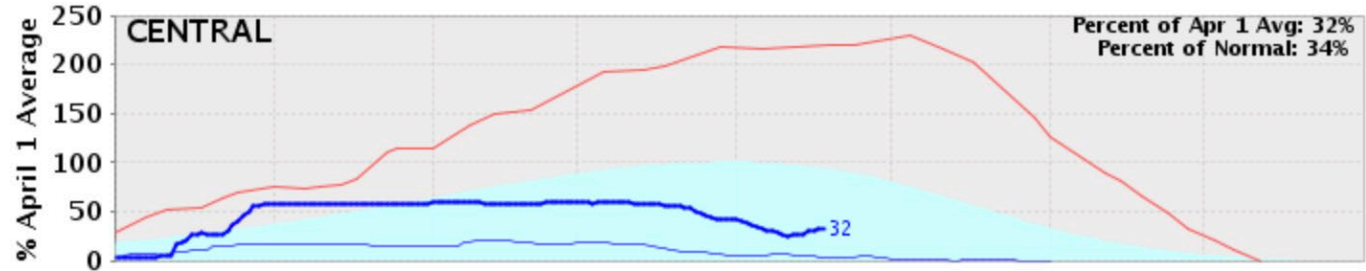
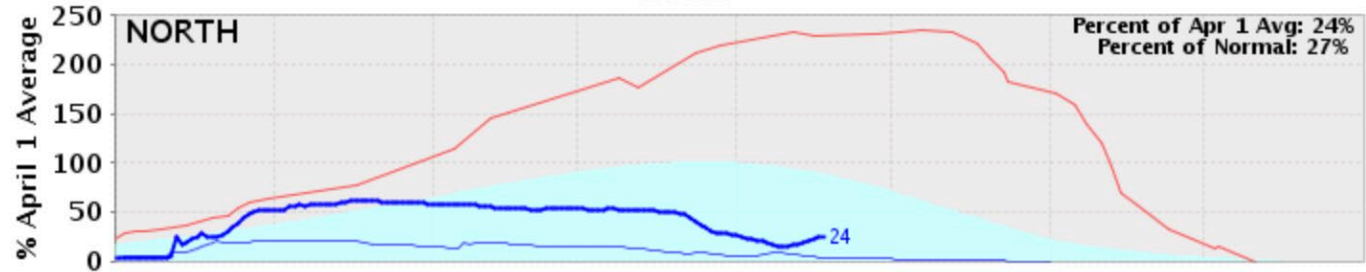
CURRENT RESERVOIR CONDITIONS

CALIFORNIA MAJOR WATER SUPPLY RESERVOIRS
CURRENT CONDITIONS

Midnight - April 18, 2022



California Snow Water Content - Percent of April 1 Average For: 18-Apr-2022



Average 1982-1983 (max) 2014-2015 (min) 2021-2022 (current)

Statewide Percent of average to date

31.0%





The Untapped
Urban Water
Water Reuse



For Immediate Release:
January 25, 2022

A Quarter Century of CEQA Litigation Agreement Comes to an End *Decision Paves the Way for Improved Water Drought Continues to Impact Mill*

Sacramento, CA – On January 5, 2022, two years of challenging the validity of the Environmental Impact Statement Agreement came to an end when the California Superior Court affirmed the decision in [Central Delta Water Agency v. Department of Water Resources](#), 83 Cal. App. 5th 170 (2021). The 1994 Monterey Agreement between the Department of Water Resources (DWR) and the State Water Project (SWP) – helps to facilitate the transfers and exchanges between public water agencies and allowed for the conversion of about 100,000 acres of agricultural water to [Water Bank](#). The original EIR was invalidated by the [Department of Water Resources](#), 83 Cal. App. 5th 170 (2021). In a recent settlement, DWR certified a new EIR in 2010 that included certain additions known as Monterey Plus. DWR has now prepared a revised EIR to analyze impacts of the Monterey Plus project, resulting in more litigation, resulting in appeals in three cases, all of which were decided in favor in the most recent decision.

“The Monterey Agreement was a substantial step toward ensuring water supplies and we are grateful to finally put an end to this litigation,” **said Jennifer Pierre, General Manager of the State Water Contractors**. “The lesson to be learned in this, it is that California must provide flexibility in SWP water management to continue to impact our water supplies.”



FOR IMMEDIATE RELEASE:
March 15, 2022

CONTACT:
Ian Anderson
IAnderson@fionahuttonassoc.com
818-268-6488

Judge Sides with DWR, Rejects Plaintiffs’ Challenge to Extension of State Water Project Contracts *Decision Highlights Negative Impact of Pursuing Costly and Unnecessary Litigation Over Collaboration*

Sacramento, CA – On March 9, 2022, Sacramento Superior Court Judge Hon. Kevin R. Culhane handed down his final decision in which he ruled in favor of the California Department of Water Resources (DWR) on every claim asserted by plaintiffs in [California Department of Water Resources Vs. All Persons Interested in the Matter \(Case No. 34-2018-00246183\)](#). This well-reasoned and strongly worded decision represents a significant milestone in the lengthy effort to extend the long-term water contracts DWR currently has with 29 public water agencies (Contractors) and to implement other changes aimed at improving the fiscal integrity and financial management of the State Water Project (SWP) moving forward.

First entered in the 1960s, these contracts have 75-year terms that end between 2035 and 2042, depending on when each was executed. Under the provisions of the contracts, the SWP Contractors are responsible for nearly all of the capital, operations and maintenance costs of SWP – the water infrastructure that two thirds of the State depend on to keep their taps flowing. To keep these costs manageable, capital expenditures typically are financed using 30-year bonds. However, in the absence of a contract extension, DWR has been limited to issuing bonds with maturity dates no later than 2035. Today, the longest financing period for bonds issued by DWR is just 13 years.

This compressed repayment period has very real impacts on water rates for SWP customers throughout the State. Implementing these contract extensions will allow DWR to again sell bonds with 30-year terms or longer, commensurate with the economic life of the capital project or expenditure being financed, thus ensuring the debt service on these bonds remains affordable to SWP Contractors and their water customers.

“This is an obvious, simple administrative step that must be taken to ensure water affordability for Californians,” **said Jennifer Pierre, General Manager of the State Water Contractors**. “The reality is that California’s public water agencies will always need to pay for the operations and rehabilitation of the SWP, and it is always in the best financial interest of the ratepayers – everyday Californians like you and me – for the SWP to get the best possible terms they can in financing the bonds.”

###

SWP Health and Safety Deliveries

- New requirements for *Health and Safety Deliveries*:
 - (1) robust conservation measures with mandatory requirements
 - (2) reimburse the SWP during a future wet year
 - (3) diverse water supply portfolio to prevent health and safety deliveries in the future

Sites Reservoir

- ✓ Water Right Application Submitted
- ✓ Final EIR complete
 - ✓ Received relatively low number of comments on DEIR
- ✓ Environmental Water Manager pilot
 - ✓ Environmental Defense Fund
 - ✓ Nature Conservancy
- ✓ New agencies interested in the project (32,200 AF)
 - ✓ "Catch up" payment for any new participants

SITES RESERVOIR MESSAGE PLATFORM
March 18, 2022 Update

TOPIC: WATER FOR DRY YEARS

Sites Reservoir is a unique multi-benefit water storage project that provides a resilient and reliable supply of water for California's environment, communities, and farms during dry periods.

- Sites Reservoir captures and stores water from the Sacramento River during dry periods after all other **water rights and regulatory requirements are met**— and is available to California's environment, communities, and farms when it's most needed during times of drought.
- If Sites Reservoir had been in place prior to 2021, **California would have had 1 million acre-feet of water available** to the environment, communities, and farms during this drought.
- Sites Reservoir provides dedicated water specifically for the environment, communities, and farms during dry periods—**flexible and reliable water supply.**

Sites Reservoir is just part of the solution – we can, are and must use all the tools in our toolbox—water recycling, conservation, desalination, groundwater replenishment and more water storage.

- Water agencies, cities, counties and farmers throughout California are working together exploring innovative ways to create a resilient water future.
- Our project participants are at the forefront of efforts such as water conservation—Sites Reservoir will augment these important programs.

Sites Reservoir is a 21st Century approach to water storage designed for California for climate change, designed to work best under a range of climate change scenarios.

- California's current water management system was simply not designed for our future climate realities— **but Sites Reservoir is.** Modeling shows that Sites Reservoir will provide a **better water supply under the most challenging climate change conditions.**



March 28, 2022

Board of Directors
344 East Laurel Street
Willows, CA 95988

Re: Funding Sites Reservoir


Dear Board of Directors,

We hope this letter finds you safe in these difficult times. On behalf of Sierra Club California and our more than 500,000 members and supporters statewide, thousands of whom reside in your service area, we write to offer the following comments on the vote to fund the next phase of planning for Sites Reservoir.

The board will be voting on whether or not to fund the next phase of planning for Sites Reservoir. This phase includes planning, an FEIR, and permitting and costs all contractors a total of \$143 million. This is an expensive project that harms the environment and does not provide a new source of water.

Impact to Communities

Sites Reservoir would be located less than a mile from the Great Valley fault system, which produced a 6.7 magnitude earthquake in 1892 and again in 1983. Damming can also cause seismic activity, and nearby small towns like Maxwell have not completely retrofitted for earthquakes.

Field studies show that there are [144](#) prehistoric Tribal sites in the area of impact, some of which meet the criteria to be placed on the National Register of Historic Places. "We have been working to restore flows to help water quality, and to bring salmon back over the dams and back to native lands for salmon survival and Tribal people," says Pit River Tribal member Morning Star Gali. "California is losing the salmon and our clean water. This is an issue of justice. We already have over a 1000 reservoirs, and more water allocated than exists in California. An environmentally destructive private reservoir being built in an area that is important to native people is a step in the wrong direction." 

Cost

Sites Project Authority

Annual Report 2021



Sites Reservoir creates flexibility.

If Sites were constructed and operational at the start of our current drought (2021), we would have approximately 1 million acre-feet of additional water stored for use.

Participating agencies own their storage accounts in the Sites Reservoir. This ownership includes storage space and a share of protective diversions from the Sacramento River.

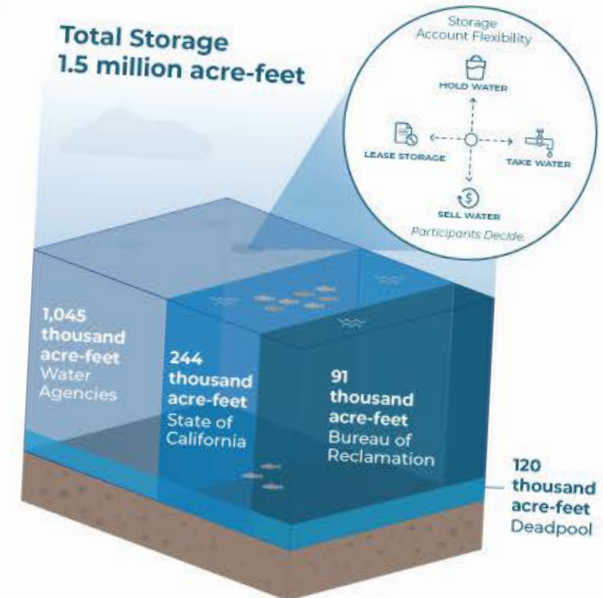
Participants receive:

- Off-stream storage that does not spill
- Storage in the largest watershed in the state
- A new, affordable water supply
- Flexibility to receive water when their agency needs it the most.

Flexibility is vital when it comes to managing water. Sites Reservoir allows Participants to:

- Decide when to fill and release water
- Lease storage or transfer water
- Sell all or a share of their storage.

Total Storage
1.5 million acre-feet



Approximate storage account sizes in 2021.

Sites Reservoir represents a commitment to California's environment, families, and farms. The commitment is for a better future for every individual, California's agricultural industry, and the environment, even during challenging periods of drought.

Table 1. Work Plan Key Deliverables				
Reporting Period:				
Deliverable	Start	Finish	Status	Notes, New Issues or Potential Impacts
Execute Loan Docs	Oct-2023	Dec-2023	●	
Formalize AB/RC Governance and Delegation of Authority for Phase 3	Jun-2022	Jun-2023	●	
Execute Benefits and Obligations Contracts with Participants	Jan-2022	Oct-2023	●	Would be completed after the water right permit is received.
Receive WSIP Final Award from CWC	Jan-2022	Nov-2023	●	
Water Right – Complete Protest Resolution Period and Resolve as Many Protests as Possible	May-2022	Dec-2022	●	
Water Right – Receive Water Right Order and Permit	Sept-20	Oct-2023	●	
Federal ESA – Receive Biological Opinions	Oct-2020	Dec-2022	●	
Section 106 – Final Programmatic Agreement	Sep-2020	Oct- 2022	●	Ongoing meetings and coordination, draft PA in process of being finalized and sent out by Reclamation to signature and consulting parties.
Section 106 – Programmatic Historic Properties Management Plan Development	Dec-2021	Dec-2022	●	
ITP – Construction ITP Issued	Sep-2020	Dec-2022	●	
ITP – Operations ITP Issued	Sep-2020	Dec-2022	●	
CWA 404/401 – Submit Final Permit Applications	Sep-2020	Oct-2022	●	Timed with release of the Final EIR/EIS
CWA 404/401 – Permits Issued	Oct-2022	June-2023	●	
Levee and Flood Permits – Section 408 and CVFPB Encroachment Permits Issued	Feb-2022	Apr-2023	●	
Streambed Alteration Agreement	Jan-2022	Jun-2023	●	Will be phased with access, likely multiple needed
Eagle Permit – Short Term and Nest Permit Issued	Oct-2020	Jun-2023	●	
Eagle Permit – Long-term Permit Issued	Oct-2020	Dec-2024	●	
Obtain Local Agency Agreements & Permits	Jul-2022	Dec-2023	●	
Develop Mitigation Acquisition Master Plan	Jan-2022	Dec-2022	●	
Final EIR/EIS – Complete	Dec-2021	Oct-2022	●	

Reports Item 4.2 (Pg. 82)

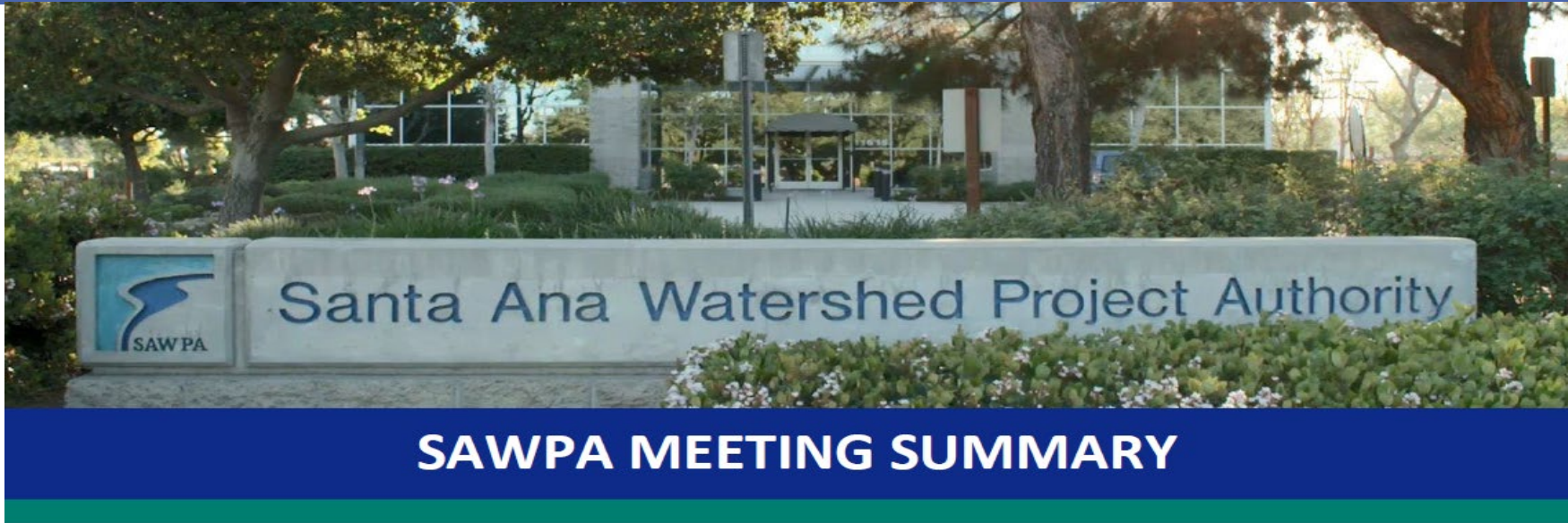
Directors' Report of Activities

Reports Item 4.3

General Counsel Report

Reports Item 4.4

SAWPA Meeting Report



April 19, 2022, Regular Meeting

SAWPA Commission

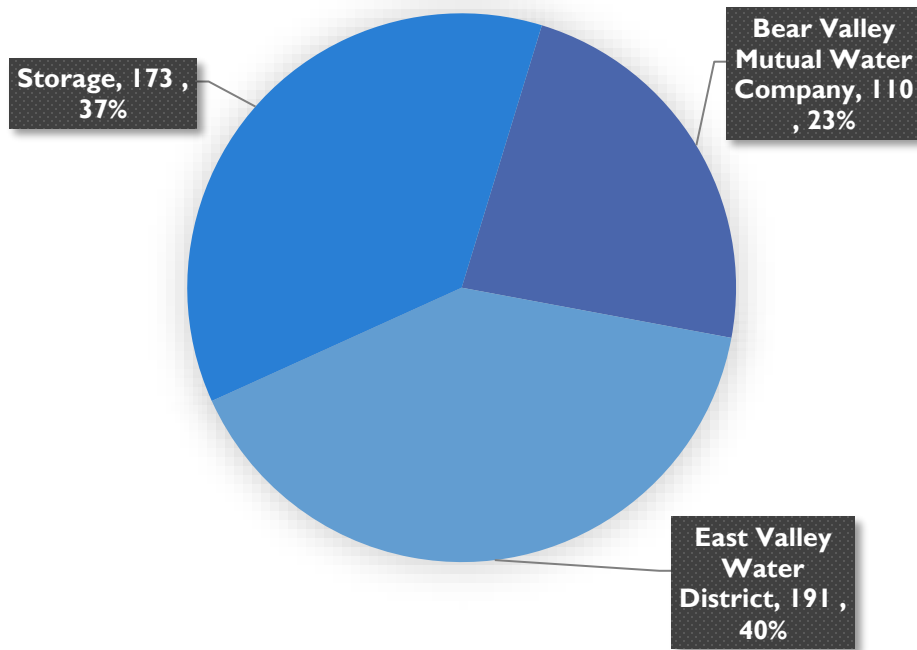
- Approved the following items:
 1. Awarded the contract for Audit Services for FYE 2022, 2023, and 2024, to Fedak & Brown, LLP.; and,
 2. Authorized staff to send the support letters advocating for the Resolution 2022-6 that supports federal PFAS legislation that protects ratepayers and water/wastewater agencies.

Reports Item 4.5 (Pg. 88)

Operations Report

Operations Report – March 2022

March 2022 Direct Deliveries



Direct Delivery Turnouts

Bear Valley Mutual Water Company	110	23%
East Valley Water District	191	40%
Storage	173	37%

	<u>Amount (in AF)</u>	<u>% of Deliveries</u>
<u>Total March 2022 Deliveries =</u>	<u>474</u>	

Reports Item 4.6 (Pg. 94)

Treasurer's Report



**SAN BERNARDINO VALLEY MUNICIPAL WATER DISTRICT
TREASURER'S REPORT
FOR THE MONTH OF MARCH 2022**

RECOMMENDATION:
APPROVE THE EXPENSES FOR THE MONTH OF MARCH 2022
FOR THE FOLLOWING FUNDS:

STATE WATER CONTRACT FUND	\$	7,594,485.00
DEVIL CANYON / CASTAIC FUND	\$	113,552.00
GENERAL FUND	\$	3,324,751.37

Future Business

Announcements Item 6.1

April 20, 2022, 8:30 a.m. – Upper SAR WIFA by Teleconference- CANCELLED

April 21, 2022, 2 p.m. – Board Workshop – Tres Lagos Property by Teleconference

April 26, 2022, 3:00 p.m. – Tres Lagos Mutual Water Company Annual Share Holder Meeting

April 27, 2022, 8:30 a.m. – Upper SAR WIFA Technical Advisory Committee by Teleconference

April 27, 2022, 11:00 a.m. – Upper SAR Water Forum- Division IV @ ESRI

April 27, 2022, 1:30 p.m. – San Bernardino Valley Water Conservation District Board Meeting

April 28, 2022, 2 p.m. – Board Workshop – Wage, Benefits, Insurance Workshop by Teleconference

May 3 – May 5 – ACWA Spring Conference

May 3, 2022, 9:30 a.m. – SAWPA Commission Meeting

May 3, 2022, 10:00 a.m. – SAWPA PA 24 Meeting

May 3, 2022, 2 p.m. – Regular Board Meeting - CANCELLED

May 4, 2022, 8:30 a.m. – Upper SAR WIFA by Teleconference

May 5, 2022, 2 p.m. - Board Workshop –Resources RESCHEDULED to May 19th

May 9, 2022, 6 p.m. – ASBCSD dinner (Courtyard Marriott in Hesperia)

Announcements Item 6.1

May 10, 2022, 2 p.m. – Board Workshop – Engineering (Teleconference and/or in-person TBD)

May 11, 2022, 8:30 a.m. – Upper SAR WIFA Technical Advisory Committee (Teleconference and/or in-person TBD)

May 11, 2022, 1:30 p.m. – San Bernardino Valley Water Conservation District Board Meeting

May 12, 2022, 2 p.m. – Board Workshop – Policy (Teleconference and/or in-person TBD)

May 17, 2022, 9:30 a.m. – SAWPA Commission Meeting

May 17, 2022, 2 p.m. – Regular Board Meeting (Teleconference and/or in-person TBD)

May 18, 2022, 8:30 a.m. – Upper SAR WIFA by Teleconference

May 19, 2022, 2 p.m. – Board Workshop – Resources (Teleconference and/or in-person TBD)- Rescheduled from May 5.

May 25, 2022, 8:30 a.m. – Upper SAR WIFA Technical Advisory Committee (Teleconference and/or in-person TBD)

May 30, 2022 – Memorial Day - District Closed

Closed Session

7.1 Conference with Real Property Negotiators

Property: Southern California Edison East End Hydroelectric Generation Plants

Agency negotiator: Heather Dyer, Wen Huang

Negotiating parties: Southern California Edison Company

Under negotiation: Price and terms of payment

7.2 Conference with Legal Counsel - Existing Litigation - (Paragraph (1) of subdivision (d) of

Section 54956.9) Name of case: In re BlueTriton Brands, Inc. (successor by name change to

Nestle Waters North America, Inc.) on draft Cease and Desist Order, pending before State

Water Resources Control Board Administrative Hearings Office

Adjournment
