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Brown Act noticing requirements.
The agenda is subject to change.



**Legislative Advocacy
Committee Members:**

*Karen Paull, Chair
Alvin Edwards
Safwat Malek*

Alternate:

Mary L. Adams

Staff Contact

*Dave Stoldt,
General Manager*

*Joel G. Pablo,
Board Clerk*

*After staff reports have
been distributed, if
additional documents are
produced by the District
and provided to the
Committee regarding any
item on the agenda they
will be made available on
the District's website
prior to the meeting.
Documents distributed at
the meeting will be made
available upon request
and posted to the
District's website within
five days following the
meeting.*

Agenda

**Legislative Advocacy Committee
of the Monterey Peninsula Water Management District**

Thursday, June 16, 2022 at 11:00 a.m.

*As a precaution to protect public health and safety, and pursuant to provisions of
AB 361, this meeting will be conducted via Zoom Video/Teleconference only.*

Join the meeting at this link:

<https://us06web.zoom.us/j/87199760629?pwd=TW1ubDRIR3BjZXQ2ZWR2SIYwdVVMUT09>

Or paste the link into your browser, or join at zoom.us

Webinar ID: 871 9976 0629

Meeting password: 06162022

Participate by phone: (669) 900-9128

**For detailed instructions on connecting to the Zoom meeting
see page 2 of this agenda.**

Call to Order / Roll Call

Comments from Public – *The public may comment on any item within the District's
jurisdiction. Please limit your comments to three minutes in length.*

Action Items – *Public comment will be received on all Action Items*

1. Consider Adoption of the March 29, 2022 Committee Meeting Minutes

Discussion Items – *Public comment will be received on all Discussion Items*

2. Discuss Federal Lobbyist Consultant Contract
3. Discuss State Lobbyist Consultant Contract
4. Update on Recent Legislative and Regulatory Activities

Other Items

5. Suggest Items to Place on a Future Committee Agenda

Adjournment

Upon request, MPWMD will make a reasonable effort to provide written agenda materials in appropriate alternative formats, or disability-related modification or accommodation, including auxiliary aids or services, to enable individuals with disabilities to participate in public meetings. MPWMD will also make a reasonable effort to provide translation services upon request. Please send a description of the requested materials and preferred alternative format or auxiliary aid or service by 5:00 p.m. on Monday, June 13, 2022. Requests should be forwarded to joel@mpwmd.net. Alternatively, you may reach Sara Reyes, Sr. Office Specialist at sara@mpwmd.net or (831) 658-5610.

Instructions for Connecting to the Zoom Meeting

Note: If you have not used Zoom previously, when you begin connecting to the meeting you may be asked to download the app. If you do not have a computer, you can participate by phone.

Begin: Within 10 minutes of the meeting start time from your computer click on this link:

<https://us06web.zoom.us/j/87199760629?pwd=TW1ubDRlR3BjZXQ2ZWZWR2SIYwdVVMUT09>

or paste the link into your browser.

DETERMINE WHICH DEVICE YOU WILL BE USING (PROCEED WITH ONE OF THE FOLLOWING INSTRUCTIONS)

USING A DESKTOP COMPUTER OR LAPTOP

1. In a web browser, type: <https://www.zoom.us>
2. Hit the enter key
3. At the top right-hand corner, click on "Join a Meeting"
4. Where it says "Meeting ID", type in the Meeting ID# above and click "Join Meeting"
5. Your computer will begin downloading the Zoom application. Once downloaded, click "Run" and the application should automatically pop up on your computer. (If you are having trouble downloading, alternatively you can connect through a web browser – the same steps below will apply).
6. You will then be asked to input your name. It is imperative that you put in your first and last name, as participants and attendees should be able to easily identify who is communicating during the meeting.
7. From there, you will be asked to choose either ONE of two audio options: Phone Call or Computer Audio:

COMPUTER AUDIO

1. If you have built in computer audio settings or external video settings – please click "Test Speaker and Microphone".
2. The client will first ask "Do you hear a ringtone?" • If no, please select "Join Audio by Phone".
- If yes, proceed with the next question:
3. The client will then ask "Speak and pause, do you hear a replay?" • If no, please select "Join Audio by Phone"
- If yes, please proceed by clicking "Join with Computer Audio"

PHONE CALL

1. If you do not have built in computer audio settings or external video settings – please click "Phone Call"
2. Dial one of the numbers listed below using a phone. Select a phone number based on your current location for better overall call quality.

+1 669-900-9128 (San Jose, CA)

+1 253-215-8782 (Houston, TX)

+1 346-248-7799 (Chicago, IL)

+1 301-715-8592 (New York, NY)

+1 312-626-6799 (Seattle, WA)

+1 646-558-8656 (Maryland)

3. Once connected, it will ask you to enter the Webinar ID No. and press the pound key
4. It will then ask you to enter your participant ID number and press the pound key.
5. You are now connected to the meeting.

USING AN APPLE/ANDROID MOBILE DEVICE OR SMART PHONE

1. Download the Zoom application through the Apple Store or Google Play Store (the application is free).
2. Once download is complete, open the Zoom app.
3. Tap "Join a Meeting"
4. Enter the Meeting ID number
5. Enter your name. It is imperative that you put in your first and last name, as participants and attendees should be able to easily identify who is communicating during the meeting.
6. Tap "Join Meeting"
7. Tap "Join Audio" on the bottom left hand corner of your device
8. You may select either ONE of two options: "Call via Device Audio" or "Dial in"

DIAL IN

1. If you select "Dial in", you will be prompted to select a toll-free number to call into.
2. You may select any of the numbers listed below:

+1 669-900-9128 (San Jose, CA)	+1 253-215-8782 (Houston, TX)
+1 346-248-7799 (Chicago, IL)	+1 301-715-8592 (New York, NY)
+1 312-626-6799 (Seattle, WA)	+1 646-558-8656 (Maryland)

3. The phone will automatically dial the number, and input the Webinar Meeting ID No. and your Password.
4. Do not hang up the call, and return to the Zoom app
5. You are now connected to the meeting.

Present Public Comment

Receipt of Public Comment – the Chair will ask for comments from the public on all items. Limit your comment to 3 minutes.

- (a) Computer Audio Connection: Select the "raised hand" icon. When you are called on to speak, please identify yourself.
- (b) Phone audio connection **with** computer to view meeting: Select the "raised hand" icon. When you are called on to speak, please identify yourself.
- (c) Phone audio connection only: Press *9. Wait for the clerk to unmute your phone and then identify yourself and provide your comment. Press *9 to end the call.

Submit Written Comments

If you are unable to participate via telephone or computer to present oral comments, you may also submit your comments by e-mailing them to comments@mpwmd.net with one of the following subject lines "PUBLIC COMMENT ITEM #" (insert the item number relevant to your comment) or "PUBLIC COMMENT – ORAL COMMUNICATIONS". Comments must be received by 8:00 a.m. on Thursday, June 16, 2022. Comments submitted by 8:00 a.m. will be provided to the committee members and compiled as part of the record of the meeting.

LEGISLATIVE ADVOCACY COMMITTEE

ITEM: ACTION ITEM

1. CONSIDER ADOPTION OF MARCH 29, 2022 COMMITTEE MEETING MINUTES

Meeting Date: June 16, 2022

From: David J. Stoldt,
General Manager

Prepared By: Joel G. Pablo

SUMMARY: Attached as **Exhibit 1-A** are draft minutes of the March 29, 2022 Legislative Advocacy committee meeting.

RECOMMENDATION: The Committee should review the draft minutes and approve them by motion.

EXHIBIT

1-A Draft Minutes of the March 29, 2022 Committee Meeting



EXHIBIT 1-A

DRAFT MINUTES Legislative Advocacy Committee of the Monterey Peninsula Water Management District Tuesday, March 29, 2022

Pursuant to AB 361, the meeting was conducted with virtual participation via Zoom.

Call to Order

The meeting was called to order at 2:02 p.m. by Chair Karen Paull.

Committee members present: Karen Paull, Chair
Alvin Edwards
Safwat Malek

Committee members absent: None

Staff members present: David J. Stoldt, General Manager
Joel G. Pablo, Board Clerk

District Counsel present: None

Legislative Consultant: John Arriaga, JEA & Associates
Laurie Johnson, JEA & Associates
Roger Gwinn, The Ferguson Group
Chris Kearney, The Ferguson Group

Comments from the Public: No comments

Action Items

1. Consider Adoption of August 24, 2021 Committee Meeting Minutes

Opened Public Comment; no comment received.

A motion was offered by Malek with a second from Edwards to approve the August 24, 2021 Committee meeting minutes. The motion passed on a roll-call vote of 3-Ayes (Paull, Edwards and Malek), 0-Noes and 0-Absent.

Discussion Items

2. Report from The Ferguson Group on Federal Legislative and Regulatory Activities

David J. Stoldt, General Manager and Roger Gwinn with the Ferguson Group provided introductory remarks.

Chris Kearney provided a brief federal legislative overview of pending and recently signed legislation. Kearney stated the President's proposed budget was released on Monday, March 28,

2022 and serves as and is viewed as a political roadmap of the President’s priorities. Kearney covered recently signed legislation to include: H.R. 2471- the “Consolidated Appropriations Bill;” the Infrastructure Bill and Build Back Better Bill. Kearney noted that 2022 is an election year; and bills that come to the forefront with bipartisan support are bills like the Enhanced American Competitiveness Against China. On the Infrastructure Bill, approximately \$8.3 billion in guaranteed funding have been directed to the Bureau of Reclamation to be spent over a period of five years. The Bureau will be able to allocate approximately \$1.8 billion per year to existing programs and accounts in an orderly fashion while prioritizing projects/accounts throughout various regions and hone-in on ready to go projects.

Dave Stoldt, General Manager stated Monterey One Water (M1W) with the assistance of the District; submitted an application to the Bureau of Reclamation for funding on Pure Water Monterey Expansion a number of weeks prior to the committee meeting and answered questions.

Roger Gwinn provided an overview of the Fiscal Year 2022 Appropriations Bill signed into law on March 15, 2022 noting that the Bureau of Reclamation received \$1.9 billion in funding or an increase of \$231 million over Fiscal Year 2021. In the package, Gwinn informed the committee that there is funding for various water priorities and needs to include water efficiency and water reuse programs just to name a few. Furthermore, Gwinn stated that proposed Fiscal Year 2023 budget released on March 28, 2022 is moving right along in the process; and allows for a 2nd year of earmarks to be requested through a member of the House of Representatives. Both the District and Gwinn are working together on requesting an earmark through Congressman Panetta’s office on the Fish Passage Program and will solicit letters of support on the proposed earmark. Gwinn covered the Water Resources Development Act; and Stoldt directed attention to Exhibit 2-A, 4-A and 4-B and answered committee questions. Stoldt requested and received consensus from the committee to send a letter of support on the STREAM Act.

Opened Public Comment; No comments were directed to the Committee.

3. Report from JEA & Associates on Legislative Status and Bill Tracking

John Arriaga with JEA & Associates provided introductory remarks and focused in on the State’s legislative activities to include carry over matters from the previous year and hot button issues including climate change, COVID-19, housing, and water/drought concerns. The State will provide more funding for education/awareness of the drought conditions and will be considering moving from Stage 1 to Stage 2 of conservation efforts.

Johnson provided an overview of Exhibit 3-A (Memo from JEA & Associates) and 3-B (MPWMD Legislative Track). Stoldt and Johnson with JEA and Associates provided their recommended positions on the following legislative bills and answered committee questions:

Support	AB 2387 (E. Garcia); AB 2811 (Bennett); SB 1188 (Laird) and SB 1197 (Support)
Oppose	SB 1124 (Archuleta)
Possible Oppose	SB 1157 (Hertzberg)

By committee consensus, the Committee recommended to:

Support	AB 2387 (E. Garcia); AB 2811 (Bennett); SB 1188 (Laird) and SB 1197 (Support)
Oppose	SB 1124 (Archuleta)
Possible Oppose	SB 1157 (Hertzberg)

Furthermore, the committee expressed a desire to be informed of significant changes to any of the legislative bills formally/informally; and for AB 1157 (Hertzberg) to be discussed further at the next MPWMD Water Demand Committee.

Johnson covered and answered committee questions on (1) SWRCB Drinking Water Needs Assessment Proposal and Overview of Proposed Changes; and (2) Drought Emergency Orders Condition II/Housing as summarized in her memorandum. Stoldt and Johnson touched upon a letter dated March 17, 2022 authored by Mr. Uslar, City Manager for the City of Monterey to the State Water Resources Control Board, re: *City of Monterey Regional Housing Needs Allocation*.

Stoldt directed attention to the MPWMD Legislative Tracker and Johnson noted the tracker is a more thorough look of bills they are following with their recommended positions.

Opened Public Comment; The following comments were directed to the committee:

- (a) John Tilley: Addressed the committee on a variety of issues from rationing, the Water Supply Project and water supplies/demand as it relates to housing and needs of the hospitality industry.

4. Report from General Manager on Recent or Upcoming Legislative Actions

David J. Stoldt, General Manager directed attention and provided an overview of Exhibits 4-A, 4-B and 4-C and answered committee questions.

Stoldt sought committee input and position on Exhibit 4-C (AB 2639). By committee consensus, the committee did not take a position on Assembly Bill 2639 (Quirk, D-Hayward).

Opened Public Comment; No comments were directed to the Committee.

5. Discuss and Recommend a Legislative Outreach Plan for 2022

David J. Stoldt, General Manager directed attention to Exhibit 5-A: 2022 Draft Legislative Outreach Plan, answered committee questions and sought committee direction.

By committee consensus, the committee recommended the 2022 Draft Legislative Outreach Plan to be considered for approval under *Action Items* at the Monday, April 18, 2022 regularly scheduled meeting.

Opened Public Comment; No comments were directed to the Committee.

Other Items

6. Suggest Items to Place on a Future Committee Agenda

None

Adjournment:

There being no further business, Chair Paull adjourned the meeting at 3:57 p.m.

/s/ Joel G. Pablo

Board Clerk for the MPWMD Legislative Advocacy Committee

Approved by the MPWMD Legislative Advocacy Committee on June XX, 2022

Received by the MPWMD Board of Director's on June XX, 2022

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LEGISLATIVE ADVOCACY COMMITTEE

ITEM: DISCUSSION ITEM

2. DISCUSS FEDERAL LOBBYIST CONSULTANT CONTRACT

Meeting Date: June 16, 2022 **Budgeted:** N/A

From: David J. Stoldt,
General Manager **Program/
Line Item No.:** N/A

Prepared By: David J. Stoldt **Cost Estimate:** N/A

SUMMARY: TFG has worked with Monterey Peninsula Water Management District (District) since 2015 and directly represented the District since January of 2017. During this time, TFG has worked with the District and Monterey One Water to build support for the Pure Water Monterey project as a multi-benefit, regional solution deserving of federal support that will serve as a model for other parts of California and the nation. TFG also worked with the District to advance the District's interests on a wide variety of other projects and issues. The General Manager believes the opportunities for federal assistance to advance the District's priorities remain great, and believes TFG is best positioned to continue to help the District address its policy priorities and maximize access to federal resources

DISCUSSION: Areas of experience provided by TFG in the past include:

- Successfully secured an authorization for \$20 million in water, wastewater, and water supply infrastructure assistance on the Monterey Peninsula in HR 7776, the House version of the Water Resources Development Act for 2022 (Sec. 337(a)(290)). See also Agenda Item 4.
- Assisted in advocating for an EPA WIFIA loan for the Pure Water Monterey project (approximately \$50 million in low-cost, long-term financing).
- Assisted the District and Monterey One Water in securing grant assistance through Reclamation's Title XVI water reuse program. TFG organized and participated in meetings in DC and California to advocate for Reclamation support for the project. Approximately \$19.6 million in grant funds have been secured to date which will reduce the cost of Pure Water Monterey water, and \$1.5 million will benefit the District directly in FY 2022-23.
- In 2018, arranged multiple meetings with Department of Interior, OMB, and legislative staff to discuss the Reclamation Title XVI project qualification criteria. Efforts resulted in Pure Water Monterey improved chance of success and eventual award of funds.
- Successfully advocated for an increase in the ceiling on Title XVI water reuse assistance. Reclamation announced on January 14, 2022, that it would increase the amount of grant assistance under the Title XVI water reuse and recycling program from \$20 million to \$30

million. Over the last several years, the District has advocated for Congress to statutorily increase the ceiling on Title XVI assistance.

- Worked directly with General Manager to attempt to secure earmarks for FY 2022-23 appropriation. See also Agenda Item 4.
- Successfully advocated for increased funding for Reclamation's water reuse and desalination programs. Increasing the level of funding for these two programs has been a long-standing priority for the District. Most recently, the Infrastructure Investment and Jobs Act (IIJA), signed into law on November 15th of 2021, included an extra \$550 million for the Title XVI water reuse program and \$250 million for Reclamation's Desalination and Water Purification Program.
- Successfully advocated for expanded federal assistance for ecosystem restoration to create additional funding opportunities for steelhead recovery efforts on the Carmel River. The IIJA included \$250 million for a new watershed restoration initiative through Reclamation, for example. The bill also includes \$100 million for multi-benefit projects that provide water supply projects that also include nature-based ecosystem restoration benefits and additional funding was provided in the measure for NMFS that may create future funding opportunities for steelhead recovery efforts.
- Successfully advocated for more funding for WaterSMART and to increase the ceiling on WaterSMART grants to \$5 million for any single project.
- In 2020, TFG timely notified the District of a California Fish Passage Forum grant opportunity for which the District applied for the Finch Creek barrier removal, but subsequently did not get awarded.
- On water conservation, the District has consistently advocated for passage of the Water Conservation Rebate Tax Parity Act (HR 4647 in this Congress) that would amend federal tax law to clarify that homeowners do not need to pay income tax on rebates received from water utilities for water conservation and water runoff management improvements they have made. The measure could be added to the end of the year tax package currently under development.
- Relationship Building and Leadership – TFG has worked with the District since 2015 to enhance the District's relationships and presence in Washington. Maintaining strong relationships with Congress and federal agencies will support District efforts to influence legislation, regulations, and policy changes of interest to the District. TFG has organized Washington meetings, both in-person and virtually, over the years, again, since 2015. TFG believes that it is important to continue these DC meetings and return to in-person meetings at least once a year going forward.
- Ongoing Tracking and Monitoring -- TFG provides the District with weekly updates on legislation, executive branch actions, and federal regulatory matters; federal water and natural resources policy developments; implementation of the infrastructure package; and

grants. TFG also provides special reports on funding opportunities and policy developments of interest to the District and provides the District with a monthly report on federal legislation specifically of interest to the District. We have a standing monthly call.

- TFG provides the District with competitive grant support and, as a TFG retainer client, TFG is available to provide the District with grant writing services on a discounted basis.

COST: TFG has proposed a reduction in the monthly retainer from \$8,000 to \$6,000 a month for the upcoming fiscal year 2022-23. A copy of the proposed agreement is included as **Exhibit 2-A**.

EXHIBIT

2-A Proposed Agreement for FY 2022-23

The Ferguson Group

Advocacy. Consulting. Grants.



July 1, 2022

Mr. David J. Stoldt
General Manager
Monterey Peninsula Water Management District
5 Harris Court, Building G
Monterey, CA 93940

RE: Letter of Agreement – July 1, 2022 – June 30, 2023

Dear Mr. Stoldt:

The Ferguson Group, LLC (TFG) is pleased to submit this letter of agreement to continue to provide Washington representation and consulting services to Monterey Peninsula Water Management District (MPWMD), as outlined in the TFG "Response to RFQ for Federal Legislative and Agency Lobbyist" services dated December 1, 2016, for the twelve-month period of July 1, 2022 through June 30, 2023. As described in the RFQ response, TFG will provide Washington representation services to MPWMD and perform such work as directed by MPWMD on a fixed fee basis, at the rate of \$6,000 per month. Among other things, TFG will continue to assist MPWMD in securing federal financial assistance, raising the visibility of the MPWMD projects, and securing congressional support for the activities of the MPWMD. TFG will also assist MPWMD with scheduling and preparing for advocacy meetings with the MPWMD congressional delegation, key House and Senate Committee offices and administration officials, and, perform such other tasks as directed by MPWMD.

In addition to the monthly fixed fee, MPWMD will be responsible for reimbursable expenses associated with carrying out the requested work, including long distance telephone calls, faxes, document production, overnight delivery, in-Town courier services, meals and out-of-Town travel (both pre-approved by MPWMD), and in-Town travel (taxicabs). Reimbursable expenses for the twelve-month contract period shall not exceed \$3,500, as indicated in the aforementioned RFQ response.

Either party may terminate this agreement at any time by giving the other party at least thirty (30) days prior notice, in writing, of such termination.

We greatly appreciate the opportunity to continue our work with MPWMD and look forward to a very productive year. If the terms of this letter of agreement are acceptable, please sign both originals, and return one to us at your earliest convenience.

Sincerely,

W. Roger Gwinn
CEO

ACKNOWLEDGED AND AGREED TO BY:

THE FERGUSON GROUP, LLC

MONTEREY PENINSULA WATER
MANAGEMENT DISTRICT



W. Roger Gwinn
CEO

David J. Stoldt
General Manager

06/30/2022

Date

07/1/2022

Date

LEGISLATIVE ADVOCACY COMMITTEE

ITEM: DISCUSSION ITEM

3. DISCUSS STATE LOBBYIST CONSULTANT CONTRACT

Meeting Date:	June 16, 2022	Budgeted:	N/A
From:	David J. Stoldt, General Manager	Program/ Line Item No.:	N/A
Prepared By:	David J. Stoldt	Cost Estimate:	N/A

SUMMARY: JEA and Associates (JEA) has worked with Monterey Peninsula Water Management District (District) since 2009 to advance the District's interests in Sacramento on a wide variety of projects and issues.

DISCUSSION: Areas of experience provided by JEA in the past include:

- We have worked closely and developed strong relationships with our delegation, including expected incoming Speaker, Assemblymember Rivas, and Senators Laird and Caballero. Not only does JEA have good personal relationships with these legislators, but also with their Capitol and District staff. JEA has consistently utilized these relationships, and previously Mark Stone and Bill Monning, on behalf of MPWMD over the many years.
- JEA has represented MPWMD in every weekly ACWA advocacy meeting, got appointed to ACWA's Bond Working Group, which resulted in shaping some of ACWA's requests for the recent water bond proposals, including increased funding for water recycling (big increase in last year's SB 129 \$2 billion water package), multi-benefit projects and groundwater storage.
- JEA maintains a productive and supportive relationship with ACWA and works closely on coalition efforts on various pieces of legislation and budget items. This helps raise the District's and the General Manager's stature with ACWA.
- JEA has been instrumental in facilitating discussions in regards to MPWMD's Cease and Desist Order Condition 2 issue, including but not limited to meetings with SWRCB staff, SB 330's staff consultant, Senate Housing Committee, Senator Laird, and the Department of Housing and Community Development deputies. This also includes numerous meetings with our delegation and SWRCB over the last 3-4 years.
- JEA helped with the Pure Water Monterey state loan funding issue in March 2019 attending meetings with SWRCB member Sean Maguire and Asm Robert Rivas staff to allow physical checks to be issued during the State's conversion to an automated process.
- JEA has been working closely with MPWMD on possible special legislation elated to its LAFCO situation. This includes numerous meetings and conversations with Senator Laird's

senior consultants, internal strategy discussions, and coordinating with Legislative Counsel on legislative language. We are still currently working on possibilities to execute a legislative effort this year.

- JEA has communicated regularly with MPWMD's legislative delegation on MPWMD issues and bill positions – coordinating calls with Laird and Rivas, in addition to communicating with their senior staff. Also, monitor and report out regional water legislation.
- Regularly forwards and discusses potential funding opportunities, including drafting extensive memos on available grants/funding.
- Monitors and tracks over 60 bills a year and draft appropriate correspondence/letters and provide testimony on behalf of MPWMD.
- Coordinate regularly in scheduling meetings in Sacramento with the General Manager and Board Members with state agencies (Chair Esquivel and other SWRCB members, Wade Crowfoot, etc.) and MPWMD's legislation on various issues, including Cal-Am, local measures (Measure J), etc.
- Monitor and advise on new programmatic state guideline, i.e., Prop 68, Park Bonds and CDF&W grants like their fisheries restoration grants and work with department staff on clarification.
- Introduced and passed SB 936 (Monning) which allowed Cal-Am and MPWMD to use water rate relief bonds to finance the acquisition and construction of infrastructure, including desal facilities, to develop new water sources. Large effort required many meetings with committee consultants and testimony at several committee hearings.
- Advocated with other stakeholders on the Water Quality, Supply, and Infrastructure Improvement Act of 2014 (Prop 1) to include the Central Coastal region; This has resulted in million of dollars going to MPWMD and the region through the IRWM process as well as successful grants for Pure Water Monterey funding.
- Over the years JEA has arranged numerous educational forums and tours focused on various water projects in the Monterey region. These forum/tours have included regional state legislators, Congressional Members, representatives from the PUC, DWR, SWRCB and their regional representatives, the Governor's Office, and members of statewide water associations like the Latino Water Coalition and ACWA.

COST: JEA has proposed a retainer from \$3,400 a month for the upcoming fiscal year 2022-23. A copy of the proposed agreement is included as **Exhibit 3-A**.

EXHIBIT

3-A Proposed Agreement for FY 2022-23

EXHIBIT 3-A

AGREEMENT

This AGREEMENT is entered into as of the date hereinafter specified by and between JEA & Associates and Monterey Peninsula Water Management District (MPWMD). WHEREAS MPWMD wishes to engage JEA & Associates to provide legislative and administrative services to MPWMD as outlined in the scope of services below. NOW THEREFORE, the parties hereto do mutually agree to the following terms and conditions:

Scope of Services

1. JEA & Associates would propose to undertake legislative and administrative activities as directed and/or requested by the MPWMD, using our political and general experience to accomplish established goals. Specifically, working with the MPWMD on the State Water Resources Regional Control Board's (SWRCB's) Cease and Desist Order (CDO) for the California American Water (CAW) unauthorized diversions from the Carmel River and also working with the California Public Utilities Commission (CPUC) and other entities on this issue.
2. JEA & Associates would schedule, coordinate and participate in meetings with the Governor's Administration, the California Legislature, the CPUC, the SWRCB and others in addressing key issues and concerns regarding the CDO and attend public hearings of the CPUC, the SWRCB and of other agencies as requested and directed by the MPWMD.
3. Monitor Dept. of Water Resources (DWR) and SWRCB meetings/workshops and report to the MPWMD's staff on Commission policy and funding initiatives. Closely monitor the development of program criteria for Bond funds and assist the MPWMD staff with any project applications submitted for funding.
4. Recommend to MPWMD Board/staff program and project funding strategies and assist in the execution of the strategies with the DWR and SWRCB. Work with the MPWMD Board and appropriate staff in coordinating DWR and SWRCB tours of MPWMD projects and programs. Assist MPWMD in gaining legislative support for grant and funding applications before the DWR and SWRCB.
5. Monitor Legislature's policy and budget committee hearings on water, lobby/testify on behalf of the MPWMD on program allocation and budget earmarks as directed. Organize advocacy efforts with legislative leadership and political friends of the MPWMD to insure coordination of efforts on behalf of funding requests. Monitor and report on budget conference committee actions and advocate for budget "trailer" and/or "caboose" bill language for the MPWMD as may be required.
6. Recommend policy positions on specific pieces of legislation/budget items of importance/relevance to the MPWMD and advocate/lobby/testify on positions of the MPWMD before the Legislature, Governor's Office and any relevant state agency, board

and commission. Provide copies of introduced or amended bills, committee analysis or reports and any relevant committee testimony on identified legislation/budget items. Obtain behind-the-scenes intelligence and vital information on legislative discussions/actions being contemplated by the Legislature, the Governor's Office or other interest groups.

7. Prepare and present written reports for the MPWMD as directed.
8. To enable JEA & Associates to carry out the prescribed scope of work, it is requested that the MPWMD provide our firm with technical assistance, expertise and information as may be necessary or required.
9. John Arriaga of JEA & Associates will be the principal contact from our firm and the responsible person in dealing with the MPWMD, its Board of Directors and staff as may be necessary. He will be assisted by Laurie Johnson and Erica Arriaga of the firm as may be required.

Fee Structure

JEA & Associates is prepared to provide the services as outlined in this proposal for a monthly retainer of \$3,400 a month, due & payable on the first day of each month plus chargeable expenses. This amount/retainer is based on our anticipation of the workload. We would like an understanding that should its level of activity exceed 25 hours per month on a regular basis, our firm and the MPWMD will mutually discuss any adjustments to this fee schedule as it determines the actual scope of activity and volume of work found to be required to carry out the goals of the MPWMD. Chargeable expenses include travel and work-related entertainment expenses, which shall be expressly authorized by the MPWMD prior to such expenses being incurred.

This contract will be in effect July 1, 2022. Either party may terminate this Agreement, for any reason, upon not less than 30 days of prior written notice to the other party.

Signature:

John E. Arriaga
President
JEA & Associates

Date

David Stoldt
General Manager
Monterey Peninsula Water Management District

Date

LEGISLATIVE ADVOCACY COMMITTEE

ITEM: DISCUSSION ITEM

4. UPDATE ON RECENT LEGISLATIVE AND REGULATORY ACTIVITIES

Meeting Date:	June 16, 2022	Budgeted:	N/A
From:	David J. Stoldt, General Manager	Program/ Line Item No.:	N/A
Prepared By:	David J. Stoldt	Cost Estimate:	N/A

SUMMARY: Since the March 30, 2022 Legislative Committee meeting the District has undertaken the following activities:

Water Resources Development Act: Secured an authorization for \$20 million in water, wastewater, and water supply infrastructure assistance on the Monterey Peninsula in HR 7776, the House version of the Water Resources Development Act (WRDA) for 2022 (Sec. 337(a)(290)). The House and Senate are expected to work out their differences in their respective versions in committee after the mid-term elections. If the request makes it out of committee, the General Manager will meet with the Army Corps of Engineers with The Ferguson Group before authorization. Access to the funds would be through earmarks in Fiscal 2024 appropriations requests.

Fiscal Year 2023 Earmarks: We attempted to secure an earmark through Rep. Panetta's office for \$900,000 as a Community Project Funding request in the Fiscal Year 2023 Commerce, Justice, Science, and Related Agencies Appropriations bill. The funds are urgently needed to accelerate a solution to the fish passage problems at Los Padres Dam (LPD) on the Carmel River and promote the recovery of the federally listed South-Central California Coast steelhead population. Ultimately, the request was not included due to a limit of 15 such requests and the Congressman's priorities.

Following SB 1469 (Bradford): We are closely following this bill put together by the California investor-owned water utilities. This bill would, upon application by a water corporation, authorize the Public Utilities Commission to authorize the implementation of a mechanism that separates the water corporation's revenues and its water sales, as provided. It is intended to legislatively restore the ability of the utilities to collect a water revenue adjustment mechanism (WRAM) after the practice was altered in a decision by the CPUC a year ago.

Other Bills: We joined coalitions issuing a letter of opposition to SB 1157 (Hertzberg) - the bill that changes the standards for indoor residential water use beginning 2025 to 47 gallons per capita daily (gpcd) and beginning 2030 to 42 gpcd, and a letter of support for AB 2387 (E.Garcia) – another water bond.

EXHIBITS

4-A Proposed WRDA Language

4-B FY 2023 Earmark Request

U:\staff\Board_Committees\Legislative\2022\20220616\04\Item-4.docx

EXHIBIT 4-A

Dave Stoldt

From: Roger Gwinn <rgwinn@tfgnet.com>
Sent: Monday, May 16, 2022 3:24 PM
To: Dave Stoldt
Cc: Rebecca Bliss; Stephanie Missert; Christopher B. Kearney; Mark Limbaugh
Subject: House WRDA Bill

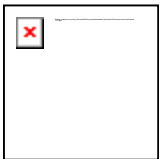
Follow Up Flag: Follow up
Flag Status: Flagged

Dave – We just wanted to report that the just-released House version of the Water Resources Development Act (WRDA), which goes to mark up in the full House Committee on Transportation and Infrastructure on Wednesday, includes an authorization for the Corps of Engineers to spend up to \$20,000,000 (75% federal, 25% non-federal cost-share) on water-related infrastructure on the Monterey Peninsula.

19 “(290) MONTEREY PENINSULA, CALIFORNIA.—
20 \$20,000,000 for water and wastewater infrastruc-
21 ture and water supply, on the Monterey Peninsula,
22 California.

We will draft a thank you letter for the District to send to Rep. Panetta, who requested the authorization at the District’s request, following the Wednesday mark-up. If you have any questions or need additional information, just let us know. Thanks!

Roger



Roger Gwinn

202.261.6006 **OFFICE**

202.255.5759 **MOBILE**

1901 Pennsylvania Ave. NW, Suite 700, Washington, DC 20006

TheFergusonGroup.com



February 22, 2022

The Honorable Jimmy Panetta
U.S. House of Representatives
406 Cannon House Office Building
Washington, DC 20515

RE: Request Monterey Peninsula Environmental Infrastructure Authority

Dear Congressman Panetta:

As Congress begins to develop its 2022 Water Resources Development Act, the Monterey Peninsula Water Management District would like to express its strong support for the U.S. Army Corps of Engineers (Corps) Environmental Infrastructure (EI) program. The EI program has the potential to significantly benefit our region, and we respectfully request your support for legislative language that would allow our region to maximize potential benefits from this important program.

As you know, Congress provided an additional \$200 million for EI in the *Infrastructure Investment and Jobs Act*. The pending House and Senate Fiscal Year 2022 appropriations bills also include additional funding for EI. The authority we request increases our chances of competing successfully for any funds Congress makes available for EI projects annually. As a result, we request your support for the attached legislative language in WRDA 2022 that would specifically authorize the Corps to provide EI assistance to our region, creating a unique opportunity to compete for much-needed water resource-related assistance through a well-established and successful Corps program.

The Monterey Peninsula is entering an active transition from traditional surface water supplies to advanced water purification, increased treatment and storage, as well as environmental and flood-plain restoration. Supply chain issues and the increasing cost of construction materials make it critically important that our region take advantage of funds being approved by Congress for Corps EI projects.

We thank you for your continued leadership on behalf of our region as you work on WRDA 2022. We stand ready to work with you and your staff on this important matter.

Thank you for your consideration of our request.

Sincerely,


David Stoldt, General Manager

Attachment

EXHIBIT 4-B



April 12, 2021

The Honorable Rep. Jimmy Panetta
United States House of Representatives
406 Cannon House Office Building
Washington, DC 20515

Re: Carmel River Fish Passage – Community Project Funding – Letter of Support

Dear Congressman Panetta,

On behalf of the Monterey Peninsula Water Management District (District) I am writing to express our strong support for the District's request that you seek \$900,000 as a Community Project Funding request in the Fiscal Year 2023 Commerce, Justice, Science, and Related Agencies Appropriations bill. The funds are urgently needed to accelerate a solution to the fish passage problems at Los Padres Dam (LPD) on the Carmel River and promote the recovery of the federally listed South-Central California Coast steelhead population.

While much progress has been made to restore and improve steelhead habitat with a new water supply known as Pure Water Monterey allowing a reduction in withdrawals from the river and the removal of the San Clemente Dam in 2015, there remains a significant barrier to fish passage at LPD, 25 miles up the Carmel River. The requested funds will cover 30 percent of the expected \$2,960,000 cost of the engineering and design work needed to ready the project for implementation. The District, which is working to address the LPD fish passage problems in partnership with non-governmental organizations, California American Water, and state and federal agencies, including the National Marine Fisheries Service, will cover the balance of the engineering and design costs.

In August 2021, the District completed a draft Los Padres Dam Fish Passage feasibility report. The District has now hired experts to undertake a study to identify the most effective combination of volitional and other fish passage improvements to address the long-term management of LPD and determine whether to introduce improvements that would allow upstream volitional passage or improve the existing trap and truck program. A preferred alternative is expected to be chosen this calendar year and design and engineering started in FY 2023.

Our District is a local elected government entity, comprised of 5 elected Directors, an appointed County Supervisor, and an appointed local mayor. The District was established by the California Legislature in 1977 with broad powers for development and management of water resources in the region. We look forward to bringing a fish passage solution forward to enhance the productivity and recovery of the *Oncorhynchus mykiss* – South-Central California Coast Steelhead.

We greatly appreciate your support of this important initiative to address fish passage issues at LPD and accelerate the restoration and conservation of the federally threatened steelhead fishery on the Carmel River.

Sincerely,

A handwritten signature in blue ink that reads "David Stoldt".

David Stoldt
General Manager

on behalf of the Board of the Monterey Peninsula Water Management District

Community Project Funding Request 20th Congressional District

Project Title

Carmel River Fish Passage Design & Permitting

Project Sponsor

Monterey Peninsula Water Management District (District)

Funding Requested



This Community Project Funding proposal requests \$900,000 for the purpose of developing a solution to the fish passage problems created by the Los Padres Dam (LPD) on the Carmel River. The District expects it will provide matching funds for 70% of the total engineering and design costs from its revenues sources, as reflected in the discussion below.

Project Purpose

Los Padres Dam forms a 148-foot high barrier along the Carmel River, which is considered a high head dam for fish passage. The dam has been a known fish passage impediment for both upstream and downstream migrating S-CCC [South-Central California Coast] steelhead (*Oncorhynchus mykiss* – a Threatened Species under the Endangered Species Act). As a first step towards protecting S-CCC steelhead, the National Marine Fisheries Service has strongly encouraged California American Water (Cal-Am), the dam owner, to resolve the fish passage and other potential take issues at LPD by completing a thorough feasibility study on the merits of either: 1) entirely removing the dam and restoring the reservoir area to its original environs; or 2) improving the dam with appropriate permanent fish passage modifications that allow for unimpeded, safe and effective, upstream and downstream migration of all life stages of S-CCC steelhead. The District has hired experts to undertake a study of volitional and other fish passage improvements that will help inform the long-term management of LPD and the decision of whether to introduce improvements that would allow upstream volitional passage or improve the existing trap and truck program. The requested funds will accelerate the selection and design of a preferred alternative solution to this important fish passage problem.

Project Background Description



Los Padres Dam is an earthen dam built in 1948 located at River Mile (RM, measured from the ocean) 24.8 on the Carmel River, which flows into the Monterey Bay National Marine Sanctuary about 5 miles south of Monterey, California. The dam forms a 148-foot-high barrier along the river, and includes a 600-foot-long concrete spillway (photo to right) with an apron that spills water over a drop into the Carmel River. San Clemente Dam, constructed from 1920 to 1921, and Old Carmel River Dam (approximately 1,700 feet downstream of San Clemente Dam), constructed in 1883,

were removed in 2015. Their removal has improved steelhead passage, leaving LPD as the single largest fish passage barrier remaining.

In 2017, the District initiated a study that investigates the technical, biological, and economic feasibility of a broad suite of alternatives for Los Padres Dam and Reservoir (LP) that includes dam removal, retention of the existing reservoir with the addition of fish passage and sediment management, and reservoir expansion. The study is partially funded by California American Water (Cal-Am), and has been conducted in close coordination with a Technical Review Committee of technical experts and representatives from the District, Cal-Am, the National Marine Fisheries Service (NMFS), and the California Department of Fish and Wildlife (CDFW).

Los Padres reservoir continues to provide almost 2,000 AF of storage that can be slowly released to prevent the lower river from drying up in the summer for the benefit of the Steelhead. The LP Alternatives Study will provide critical information to answer key questions related to Los Padres Dam, including:

- Are Carmel River Steelhead better off with or without Los Padres Dam and Reservoir?
- Is Los Padres Reservoir critical for water supply on the Monterey Peninsula? Is it feasible to expand reservoir capacity, and what effects would this have on water supply and the environment?
- Are there feasible alternatives to manage existing sediment deposition and future sediment inflow to the reservoir?
- What would be the geomorphic response of the Carmel River to management actions considered, and will there be an increased erosion and/or flood risk?

Simultaneous with the LP Alternatives Study is an evaluation of volitional fish passage for the threatened Steelhead. LPD is a fish passage impediment for both upstream- and downstream-migrating steelhead in the Carmel River watershed. Under existing conditions, a fish ladder is operated downstream of LPD, allowing adult upstream-migrating steelhead to ascend the ladder into a trap. Trapped steelhead are then transferred from the fish trap to a truck, transported upstream of LPD, and released into the reservoir. Current fish passage facilities for downstream-migrating steelhead consist of a behavioral guidance system (BGS)/floating weir collector (FWC) upstream of the LPD spillway (see photo), which guides downstream-migrating steelhead into a smolt bypass pipe that releases them downstream of LPD. However, data show nearly all downstream-migrating adults use the spillway to navigate LPD; juvenile fish use both the spillway and smolt bypass system.



The team identified two upstream passage alternatives at LPD for further consideration: Alternative U1 (technical fish ladder) and Alternative U8 (trap and transport – replace). The report also identified two downstream passage alternatives at LPD for further consideration: Alternative D1 (floating surface collector [FSC] – new) and Alternative D8 (spillway modification and FWC with 30 cfs attraction flow). These fish passage alternatives will be selected and adapted based on the selection of one of, or a combination of, the dam and reservoir alternatives and sediment management options evaluated in the LP Alternatives report.

Summary of Steelhead Passage Alternatives for Consideration

Passage Type	Fish Passage Alternative	Total Capital Cost (\$M)	Engineering & Design Cost (\$M)
Upstream Passage	U1: Technical Fish Ladder - Adult	\$49.1 M	\$5.9 M
	U8: Trap and Transport – Replace	\$12.0 M	\$1.44 M
Downstream Passage	D1: Floating Surface Collector – New	\$33.0 M	\$3.96 M
	D8: Spillway Modification and FWC with 30 cfs Attraction Flow	\$12.7 M	\$1.52 M

Assuming the two least-cost alternatives are selected, the combined total cost of engineering and design is \$2.96 million, so assuming CPF of \$900,000 the proposed District-CPF cost sharing is 70%-30%. If the other alternatives are selected, the District will provide a greater proportion of the match or other funding sources will be obtained.

Local Support

Preservation and recovery of the S-CCC [South-Central California Coast] steelhead (*Oncorhynchus mykiss* – a Threatened Species under the Endangered Species Act) is a federal priority. Direct supporters of Steelhead protection and participants in the study of alternatives include:

- Monterey Peninsula Water Management District
- California American Water Co.
- National Marine Fisheries Service
- California Department of Fish and Wildlife
- California State Coastal Conservancy
- Carmel River Steelhead Association
- Carmel River Watershed Conservancy
- University of California Santa Cruz
- California State University Monterey Bay

Additional letters of support will be obtained and delivered in support of this request.



April 12, 2022

The Honorable Rep. Jimmy Panetta
United States House of Representatives
406 Cannon House Office Building
Washington, DC 20515

Re: Carmel River Fish Passage – Community Project Funding – Letter of Support

Dear Congressman Panetta,

On behalf of California American Water, I am writing to express our strong support for Monterey Peninsula Water Management District's (District) request that you seek \$900,000 as a Community Project Funding request in the Fiscal Year 2023 Commerce, Justice, Science, and Related Agencies Appropriations bill. The funds are urgently needed to accelerate a solution to the fish passage problems at Los Padres Dam (LPD) on the Carmel River and promote the recovery of the federally listed South-Central California Coast steelhead population.

While much progress has been made to restore and improve steelhead habitat with a new water supply known as Pure Water Monterey allowing a reduction in withdrawals from the river and the removal of the San Clemente Dam in 2015, there remains a significant barrier to fish passage at LPD, 25 miles up the Carmel River. The requested funds will cover 30 percent of the expected \$2,960,000 cost of the engineering and design work needed to ready the project for implementation. The District, which is working to address the LPD fish passage problems in partnership with non-governmental organizations, California American Water, and state and federal agencies, including the National Marine Fisheries Service, will cover the balance of the engineering and design costs.

In August 2021, the District completed a draft Los Padres Dam Fish Passage feasibility report. The District has now hired experts to undertake a study to identify the most effective combination of volitional and other fish passage improvements to address the long-term management of LPD and determine whether to introduce improvements that would allow upstream volitional passage or improve the existing trap and truck program. A preferred alternative is expected to be chosen this calendar year and design and engineering started in FY 2023.

We would greatly your support of this important initiative to address fish passage issues at LPD and accelerate the restoration and conservation of the federally threatened steelhead fishery on the Carmel River.

Sincerely,

Chris Cook, PE
Director of Operation – Central Division
E: Christopher.Cook@amwater.com



Carmel River Watershed Conservancy
PO Box 223833, Carmel, CA 93922

Board of Directors:

Michael Waxer, Past President
Abbie Beane, Exec Dir
Lorin Letendre, President
Catherine Stedman
Andy Magnasco, Treasurer
Scott Hennessy, Secretary
John Gaglioti
Jen Hunter, Vice President

April 7, 2022

The Honorable Rep. Jimmy Panetta
United States House of Representatives
406 Cannon House Office Building
Washington, DC 20515

Re: Carmel River Fish Passage – Community Project Funding – Letter of Support

Dear Congressman Panetta,

On behalf of Carmel River Watershed Conservancy (CRWC), I am writing to express our strong support for Monterey Peninsula Water Management District's (District) request that you seek \$900,000 as a Community Project Funding request in the Fiscal Year 2023 Commerce, Justice, Science, and Related Agencies Appropriations bill. CRWC's primary mission is to help restore the Carmel River to its former health and beauty. These funds are urgently needed to accelerate a solution to the fish passage problems at Los Padres Dam (LPD) on the Carmel River and promote the recovery of the federally listed South-Central California Coast steelhead population.

While much progress has been made to restore and improve steelhead habitat with a new water supply known as Pure Water Monterey allowing a reduction in withdrawals from the river and the removal of the San Clemente Dam in 2015, there remains a significant barrier to fish passage at LPD, 25 miles up the Carmel River. The requested funds will cover 30 percent of the expected \$2,960,000 cost of the engineering and design work needed to ready the project for implementation. The District, which is working to address the LPD fish passage problems in partnership with non-governmental organizations, California American Water, and state and federal agencies, including the National Marine Fisheries Service, will cover the balance of the engineering and design costs.

In August 2021, the District completed a draft Los Padres Dam Fish Passage feasibility report. The District has now hired experts to undertake a study to identify the most effective combination of volitional and other fish passage improvements to address the long-term management of LPD and determine whether to introduce improvements that would allow upstream volitional passage or improve the existing trap and truck program. A preferred alternative is expected to be chosen this calendar year and design and engineering started in FY 2023.

We would greatly your support of this important initiative to address fish passage issues at LPD and accelerate the restoration and conservation of the federally threatened steelhead fishery on the Carmel River.

Sincerely,

Abbie Beane
Executive Director
Carmel River Watershed Conservancy



Sen. Feinstein FY2023 Non-Defense Congressionally Directed Spending

(Earmark) Requests (Carmel River Fish Passage Project)

Name & Contact Info	Mailing Address	Permanent Address
W Roger Gwinn 2555759 Mobile: 202-255-5759 Other: 202-770-7140 rgwinn@tfgnet.com	1901 Pennsylvania Avenue, NW Suite 700 Washington DC 20006	1901 Pennsylvania Avenue, NW Suite 700 Washington DC 20006

* indicates a required field.

Section 1. Section 1 Funding Request

1. Name of Proposal *

Carmel River Fish Passage Project

2. Submitting Organization *

Do not use abbreviations. Write out full name of city, county, or non-profit. For example - County of San Francisco, City of San Jose, The Non-Profit Organization.

Monterey Peninsula Water Management District

3. Tax Identification Number *

If applicable. If not, write "N/A"

N/A

4. Specific Location in California *

Do not use acronyms. Use applicable city or county name.

Monterey County

5. Congressionally Directed Spending Request *

Dollar Amount. Do not includes cents. If requesting \$1 million, write 1000000

900000

6. Needs Statement *

The Monterey Peninsula Water Management District requests \$900,000 for the purpose of developing a solution to the fish passage problems created by Los Padres Dam on the Carmel River.

Los Padres Dam (LPD) forms a 148-foot high barrier along the Carmel River, which is considered a high head dam for fish passage. The dam has been a known fish passage impediment for both upstream and downstream migrating S-CCC [South-Central California Coast] steelhead (*Oncorhynchus mykiss* – a Threatened Species under the Endangered Species Act). As a first step towards protecting S-CCC steelhead, the National Marine Fisheries Service has strongly encouraged California American Water (Cal-Am), the dam owner, to resolve the fish passage and other potential take issues at LPD by completing a thorough feasibility study on the merits of either: 1) entirely removing the dam and restoring the reservoir area to its original environs; or 2) improving the dam with appropriate permanent fish passage modifications that allow for unimpeded, safe and effective, upstream and downstream migration of all life stages of S-CCC steelhead. The District has hired experts to undertake a study of volitional and other fish passage improvements that will help inform the long-term management of LPD and the decision of whether to introduce improvements that would allow upstream volitional passage or improve the existing trap and truck program. The consulting team has winnowed alternatives to two upstream and two downstream fish passage solutions. The requested funds will accelerate the selection and permitting of a preferred solution to this important fish passage problem.

7. Budget/Existing Resources *

Will the project receive funding from bonds, federal grants, the state, private entities? If so, please explain.

What is the total project budget? Detail exactly how requested funds will be spent. Provide as many details as possible (X number of staff, X amount of construction materials needed, etc).

All matching dollars will be provided directly by the Monterey Peninsula Water Management District. The requested funds will be used for the purpose of completing the Los Padres Dam (LPD) Alternatives Study and initiating design and permitting work on the preferred alternative. The Alternatives Study will provide critical information to answer key questions related to Los Padres Dam, including:

- Are Carmel River steelhead better off with or without Los Padres Dam and Reservoir?
- Is Los Padres Reservoir critical for water supply on the Monterey Peninsula? Is it feasible to expand reservoir capacity, and what effects would this have on water supply and the environment?
- Are there feasible alternatives to manage existing sediment deposition and future sediment inflow to the reservoir?
- What would be the geomorphic response of the Carmel River to management actions considered, and will there be an increased erosion and/or flood risk?

Simultaneous with the Alternatives Study is an evaluation of fish passage for the threatened Steelhead. LPD is a fish passage impediment for both upstream- and downstream-migrating steelhead in the Carmel River watershed. Under existing conditions, a fish ladder is operated downstream of LPD, allowing adult upstream-migrating steelhead to ascend the ladder into a trap. Trapped steelhead are then transferred from the fish trap to a truck, transported upstream of LPD, and released into the reservoir. Current fish passage facilities for downstream-migrating steelhead consist of a behavioral guidance system (BGS) and floating weir collector (FWC) upstream of the LPD spillway, which guides downstream-migrating steelhead into a smolt bypass pipe that releases downstream of LPD. However, data show nearly all downstream-migrating adults use the spillway to navigate LPD; juvenile fish use both the spillway and smolt bypass system.

The Monterey Peninsula Water Management District team has identified two upstream passage alternatives at LPD for further consideration: Alternative U1 (technical fish ladder) and Alternative U8 (trap and transport – replace). The report also identified two downstream passage alternatives at LPD for further consideration: Alternative D1 (floating surface collector [FSC] – new) and Alternative D8 (spillway modification and FWC with 30 cfs attraction flow). These fish passage alternatives will be selected and adapted based on the selection of one of, or a combination of, the dam and reservoir alternatives and sediment management options evaluated in the LP Alternatives report.

8. Total Cost of the Project *

Dollar Amount. The CDS request + additional funds necessary to complete the project.

1800000

9. Priority Ranking of Proposal (If multiple proposals are being submitted) *

If only one proposal is being submitted, please enter 1. Rank the priority out of ALL subcommittees. For example, do not give 1 priority ranking in Energy and Water, 1 priority for Transportation, etc.

1

10. Was This Request Submitted To Another Member of the California Delegation *

Yes,

10.1 Which office(s)?

District 20 Jimmy Panetta, Senator Alex Padilla,

11. Is the Organization a Government or Not-For-Profit Entity *

NOTE: For-Profits Are **Not** Eligible for Congressionally Directed Spending

Yes

12.Which state office does this request fall under? *

- **San Francisco**
 - The following counties are served by the San Francisco office: Alameda, Butte, Colusa, Contra Costa, Del Norte, El Dorado, Glenn, Humboldt, Lake, Lassen, Marin, Mendocino, Modoc, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Sutter, Tehama, Trinity, Yolo, Yuba.
- **Fresno**
 - The following counties are served by the Fresno office: Alpine, Amador, Calaveras, Fresno, Imperial, Inyo, Kern, Kings, Madera, Mariposa, Merced, Mono, San Joaquin, San Luis Obispo, Stanislaus, Tulare, Tuolumne.
- **Los Angeles**
 - The following counties are served by the Los Angeles office: Los Angeles, Orange, Riverside, San Bernardino, Santa Barbara, Ventura.
- **San Diego**
 - The following counties are served by the San Diego office: Imperial, San Diego.

San Francisco Office

Section 2. Section 2. Bill and Account Specific Information

Only one request total per application. Do NOT include multiple requests under different subcommittees. **A single application with multiple requests included (such as in AG, THUD, and LHHS) will NOT be considered.**

You must submit a new application per request.

1. Is this proposal for funds available in the Agriculture, Food and Drug Administration and Rural Development bill? *

AG projects included in the FY22 omnibus may be found [here](#).

No

1.1 Please identify which account

Animal Plant Health Inspection Service (APHIS), Salaries & Expenses

Overall eligibility requirements

- Must meet relevant environmental review requirements (i.e. NEPA and ESA)
- If your project requires matching fund or other cost share requirements is the project sponsor able to meet those financial obligations?
- While the entire S&E account is open for CDS requests, below are the line items within the account that are most compatible with CDS:
 - Field Crop & Rangeland Ecosystems Pests;
 - Pest Detection;
 - Plant Protection Methods Development;
 - Specialty Crop Pests;
 - Tree & Wood Pests;
 - Wildlife Damage Management;
 - Wildlife Services Methods Development;
 - Veterinary Diagnostics; Equine, Cervid and Small Ruminant Health.

A few APHIS programs have matching requirements:

- Grasshopper/Mormon Cricket (Field Crop & Rangeland Ecosystems Pests) – this program conducts surveys, provides technical assistance, and conducts suppression activities. When conducting suppression activities, the Plant Protection Act dictates the federal percentage of control costs and cost sharing for other parties. The federal government pays the total cost of suppression on Federal land (including most tribal trust lands), 50 percent of the cost on state land, and 33 percent of cost on private land; Brucellosis (Cattle Health) – this program has a 40 percent match by the States
- Wildlife Services – reimbursable service agreements are generally 50/50 cost share and the States would reimburse for their portion

Natural Resources Conservation Service, Conservation Operations (NRCS)

Watershed Flood Prevention Operations (WFPO)

- Each project must contain benefits directly related to agriculture, including rural communities that account for at least 20 percent of the total benefits of the project.
- There are several financial and programmatic requirements in WFPO. You must certify you have contacted your NRCS state office and the proposal meets all program requirements, including financial requirements.

Rural Development, Community Facilities grants

The following project and applicant eligibility criteria must be met:

- This program will fund up to 75% of total project costs, with match requirements based on area median income and population as follows:
 - Maximum of 75 percent when the proposed project is located in a rural community having a population of 5,000 or fewer; and the median household income of the proposed service area is below the higher of the poverty line or 60 percent of the State nonmetropolitan median household income.
 - Maximum of 55 percent when the proposed project is located in a rural community having a population of 12,000 or fewer; and the median household income of the proposed service area is below the higher of the poverty line or 70 percent of the State nonmetropolitan median household income.
 - Maximum of 35 percent when the proposed project is located in a rural community having a population of 20,000 or fewer; and the median household income of the proposed service area is below the higher of the poverty line or 80 percent of the State nonmetropolitan median household income.
 - Maximum of 15 percent when the proposed project is located in a rural community having a population of 20,000 or fewer; and the median household income of the proposed service area is below the higher of the poverty line or 90 percent of the State nonmetropolitan median household income.
 - Maximum grant assistance cannot exceed the lower of:
 - o Qualifying percentage of eligible project cost determined above
 - o Either 50 percent of the annual State allocation or \$50,000, whichever is greater
- Must meet environmental review requirements (i.e., NEPA)
- Full list of eligible entities, uses, and limitations can be found here: 7 CFR Part 3570

Note: there are several set-asides within the CF grant program, but congressionally directed spending requests will only be eligible for the general CF Grant program

Rural Development, Distance Learning, Telemedicine, and Broadband grants

The following project and applicant eligibility criteria must be met:

- There is a flat 15 percent match (matching funds cannot come from another Federal source)
- Full list of eligible entities, uses, and limitations can be found here: 7 CFR Part 1734 Subpart A and B
- USDA will establish the maximum and minimum amounts of a grant to be made available to an individual recipient for each fiscal year in the RUS DLT Program Application Guide and in the funding opportunity posted on www.Grants.gov on an annual basis. For FY 2021, the grant award floor is \$50,000 and the ceiling is \$1,000,000.
- Reminder, even though for-profit entities are eligible for this program, they are not eligible for congressionally directed spending requests.

No answer.

2. Is this proposal for funds available in the Commerce, Justice, Science bill? *

CJS projects included in the FY22 omnibus are listed [here](#).

Yes

2.1 Please identify which account

- **NOAA ORF Special Projects:**

Projects should address fisheries, marine mammals, ocean, climate, weather, and atmospheric research and programs.

Construction projects will not be accepted.

- **NIST STRS External Projects:**

Projects under this category should address standards-related research and technology development. **Construction projects will not be accepted.**

- **DOJ Byrne Discretionary:**

Projects under this category include providing additional personnel, equipment, supplies, contractual support, training, technical assistance, and information systems for criminal justice systems. Awarded grants will be subject to the requirements of 2 CFR Part 200 and the DOJ Grants Financial Guide. Allowable costs are those costs consistent with the principles set out in the 2 CFR Part 200, Subpart E, and those permitted by the grant program's authorizing legislation. To be allowable under Federal awards, costs must be reasonable, allocable, and necessary to the project, and they must also comply with the funding statute and agency requirements. **This funding cannot be used for land acquisition or construction.**

- **DOJ COPS Law Enforcement Technology:**

Requests under this category include projects for the development of technologies and automated systems to assist law enforcement agencies in investigating, responding to, and preventing crime. Recipients shall include State, local, Tribal, and territorial governments and their public agencies (for example, police and/or sheriff's departments). Allowable activities are limited to the statutorily allowable purpose areas under the COPS Office statute, including the procurement of equipment, technology, or support systems, and the development of new technologies to assist recipient entities in reorienting the emphasis of their activities from reacting to crime to preventing crime. Awarded grants will be subject to the requirements of 2 CFR Part 200 and the DOJ Grants Financial Guide, and the applicable Award Owner's Manual.

- **NASA Safety, Security and Mission Support (SSMS):**

Requests under this category should focus on science education, research, and technology development related to NASA's mission. Medical research projects, Space Grant projects (which require a funding match), and projects at NASA-owned Visitor Centers are discouraged. This account **does not fund construction but** could be used for equipment, research funding, or education programs.

- **NIST Construction of Research Facilities:**

Requests under this category include NIST Construction projects for non-Federal research facilities at research institutions and colleges and universities. However, given the significant investments necessary for construction projects, only a very limited number of projects will be able to be supported on an annual basis.

Department of Commerce, National Oceanic and Atmospheric Administration (NOAA); Operations, Research, and Facilities (ORF); Special Projects

3. Is this proposal for funds available in the Energy & Water Development bill? *

FY22 Energy & Water projects included in the omnibus may be found [here](#).

No

3.1 Please identify which account

- The Subcommittee will only consider CDS requests for items in the following accounts:
 - Corps of Engineers: Investigations
 - Corps of Engineers: Construction
 - Corps of Engineers: Operation & Maintenance
 - Corps of Engineers: Mississippi Rivers & Tributaries
 - Bureau of Reclamation: Water and Related Resources
 - Energy Efficiency and Renewable Energy (EERE)
 - Office of Electricity (OE)
 - Office of Cybersecurity, Energy Security, and Emergency Response (CESER)
 - Office of Nuclear Energy (NE)
 - Office of Fossil Energy (FE)

For the Corps of Engineers and Bureau of Reclamation, only authorized projects and programs will be considered for funding. An authorized project or program that has not received funding in prior years is considered a new start.

No answer.

4. Is this proposal for funds available in the Financial Services and General Government bill? *

FSGG projects included in the FY22 omnibus may be found [here](#).

No

4.1 Please identify which account

- The Subcommittee will accept requests for CDS items only in the accounts listed below:
 - Small Business Administration, Administrative Provision
 - National Archives and Records Administration, National Historical Publications and Records Commission
 - National Archives and Records Administration, Repair and Restoration
 - General Services Administration, Federal Buildings Fund, Construction and Acquisition

No answer.

5. Is this proposal for funds available in the Homeland Security bill? *

Homeland Security projects included in the FY22 omnibus bill are linked [here](#).

No

5.1 Please identify which account

NOTE REQUIRED LETTERS: If you are submitting a request under the Homeland Security for Pre-disaster Mitigation Projects or Emergency Operations Center Grant program, you MUST include a relevant letter of eligibility. Exact details are below:

Pre-disaster mitigation projects: Requested projects must meet the eligibility requirements of the Building Resilient Infrastructure and Communities (BRIC) grant program, including the cost-share requirement, benefit cost ratio, and environmental and historic preservation requirements. Requirements can be found in the most recent Notice of Funding Opportunity. For any projects designated for funding in the final fiscal year 2023 Homeland Security Appropriations Act, the state agency responsible for administering mitigation grants in the requestor's state must submit an application to the Federal Emergency Management Agency, and that entity will serve as the administrative agent for the grant. Therefore, all project proposals must be accompanied by a letter of support from the appropriate state agency affirming that it believes the project is eligible.

Emergency Operations Center Grant Program: Requested projects must meet the eligibility requirements of the Emergency Operations Center grant program, including the cost-share requirement and environmental and historic preservation requirements. Requirements can be found in the most recent Notice of Funding Opportunity. For any projects designated for funding in the final fiscal year 2023 Homeland Security Appropriations Act, the state administrative agency (SAA) must submit an application to the Federal Emergency Management Agency, and that agency will serve as the administrative agent for the grant. Therefore, all project proposals must be accompanied by a letter of support from the appropriate SAA affirming that it believes the project is eligible.

No answer.

6. Is this proposal for funds available in the Interior, Environment bill? *

Interior projects included in the FY22 omnibus are linked [here](#).

No

6.1 Please identify which account*No answer.***6.2 Additional required committee information for interior requests.****Please answer all of the questions in the order listed below to the best of your ability.****If a question is not applicable, write "N/A."**

1. What is the project purpose, e.g., drinking water, wastewater, stormwater, and/or water quality protection?
2. Is this request seeking funding for planning and design, construction, or both?
3. Is the preliminary planning and engineering design completed for this project?
4. When will this project be ready to proceed to construction?
5. What is the total estimated cost of the project, based on the facilities plan or preliminary engineering report?
6. What is the amount requested for the project?
7. Please list any funding received from federal appropriations, including the fiscal year and source of funding (Clean Water SRF, Drinking Water SRF, STAG grants, USDA Rural Development Program, FEMA, or others)?
8. Does the community have a financing plan certified by an authorized local official demonstrating how it will cover the matching funds of 20% or more?
9. What are the anticipated non-federal sources of funding for this project?

For WWI State and Local Projects, is the project on the state's most recently finalized Clean Water or Drinking Water State Revolving Fund Intended Use Plan? Yes

For WWI State and Local Projects, if the answer to the above question (Q1) is NO, is the project eligible under SRF guidelines?

For WWI Tribal Projects, is the project on the IHS Sanitation Deficiency System list?

For WWI Tribal Projects, if the answer to the above question (Q3) is NO, is the project eligible under the Criteria for the Sanitation Facilities Construction Program?

For HPE, if the request is for a property, does the property meet the HPF program requirements of being listed, at the appropriate level, for the National Register of Historic Places or as a National Historic Landmark individually or as contributing to an historic district?

For USFS State and Private Forestry (SPF), is this project part of or contribute to the state's Forest Action Plan?

For Land and Water Conservation Fund (LWCF), Legacy Restoration Fund (LRF), or Land Management Agency Construction (LMCON), is the project on the relevant list provided by the administration?

*No answer.***7. Is this proposal for funds available in the Labor, Health and Human Services and Education bill? ***

LHHS projects included in the FY22 omnibus are linked [here](#) .

No

7.1 Please identify which account DEPARTMENT OF LABOR

Employment and Training Administration

- The Workforce Innovation and Opportunity Act (WIOA) demonstrations authority, within Training and Employment Services, is the only Department of Labor program that supports CDS. These projects must meet all WIOA requirements, except that they are exempt from the requirement to compete. In addition, all projects must: 1) Include direct services to individuals to enhance employment opportunities; 2) Demonstrate evidence of a linkage with the State or local workforce investment system; and 3) Include an evaluation component.
- Equipment purchases may be included within congressionally directed funding only as an incidental part of the entire project. A similar standard applies to curriculum development, which should be incidental to the project's emphasis on direct services to individuals.
- **CDS cannot be used for construction or renovation of facilities.**

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health and Resources Administration (HRSA)

CDS within HRSA should be submitted through the Program Management account and must fall under one of the following categories:

- **Health Facilities Construction and Equipment**—CDS for the cost of construction, renovation, or capital equipment purchase for facilities for health, mental health, or substance abuse services, training of health professionals, or medical research. Examples of eligible facilities include hospitals; health centers and clinics; skilled nursing facilities; mental health centers; facilities for schools of medicine, nursing, or other health professions; and medical research laboratories. In addition to construction and renovation, funding can be used to acquire capital equipment, such as lab equipment or x-ray machines. Equipment-only grants—that is, grants not involving construction—are permissible. Generally, any equipment having a useful life of more than one year and a unit cost of at least \$5,000 will be eligible as capital equipment.
 - In addition, equipment with lower costs may also be eligible, provided that it is treated as an item of capital expense under the recipient institution's pre-existing, written accounting policies. Equipment expenses for health information systems and electronic medical records systems are permitted expenditures. The costs of expendable supplies such as pharmaceuticals, lab chemicals, or office paper are not eligible.
 - HRSA Health Facilities funding cannot be used to acquire land or purchase existing buildings, or to pay salaries or other operating costs. Funding cannot be used to pay for work previously completed. CDS can be used for architectural and engineering costs associated with an eligible construction project, but cannot be used for general feasibility studies.
- **Health Professions Education and Workforce Development**—CDS for projects to improve education and training of health care professionals.
- **Rural Health** —CDS for projects to improve health care in rural areas. Examples of eligible activities include medical, dental, or mental health care services; health promotion and education; chronic disease management; telehealth services; and improvements to emergency medical services. Grant funds can be used for services only in areas that meet HRSA's definition of rural. For lists of eligible areas and further information regarding that definition, see: <https://www.hrsa.gov/rural-health/about-us/definition/index.html>.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION (SAMHSA)

CDS within SAMHSA should be submitted through the Health Surveillance and Program Support account and must fall under one of the following categories:

- **Mental Health**—funding to support programs that promote the prevention or treatment of mental health disorders, including rehabilitation, outreach, and other support services.
- **Substance Abuse Treatment**—funding to support programs that improve access, reduce barriers, and promote high quality, effective treatment and recovery services.
- **Substance Abuse Prevention**—funding to support programs to prevent the onset of illegal drug use, prescription drug misuse and abuse, alcohol misuse and abuse, and underage alcohol and tobacco use.
- CDS within SAMSHA cannot be used for construction (other than a limited amount of renovation necessary to carry out a funded project).

Administration for Children and Families

CDS within ACF should be submitted through the Children and Families Services Programs account and must fall under one of the following categories:

- **Child Abuse Prevention**—CDS for projects to improve the prevention, assessment, identification, and treatment of child abuse and neglect through research, model service improvement, information dissemination, and technical assistance. Projects must serve or target abused and/or neglected children and their families.

- **Social Services Research and Demonstration**—CDS for projects to promote the ability of families to thrive through financial self-sufficiency, and to promote the healthy development and greater well-being of children and families. Projects can serve a diverse population including: low-income individuals, children, youth, families, individuals with developmental disabilities, and Native Americans.
- CDS cannot be used for construction or renovation of facilities.

DEPARTMENT OF EDUCATION

Innovation and Improvement

- **Fund for the Improvement of Education (FIE)**—elementary and secondary education CDS can be designated under this heading for a wide variety of elementary and secondary education projects, including instructional services, afterschool centers, curricula development, teacher training, acquisition of books and computers, arts education, social and emotional learning activities, full-service community schools, and early childhood education. In general, the focus of elementary and secondary education CDS should be providing early childhood or K-12 educational services. Requests must specify the purpose of the CDS.
- In addition, CDS to provide and improve special education services at the elementary and secondary levels are also eligible under this heading. These CDS may include early intervention services for infants and toddlers, transition services, and postsecondary education services.
- Eligible grantees are state education agencies, school districts, colleges and universities, and other public and private nonprofit entities. Generally, CDS intended for individual schools is provided to the applicable school district and not directly to the individual school.
- CDS cannot be used for construction or renovation of school buildings, except in the case of minor remodeling required as part of technology upgrades. Daycare and childcare projects that do not include educational services are also not eligible.

Rehabilitation Services

- **Demonstration and Training**—CDS can be designated under this heading for a wide variety of projects that further the purposes of the Rehabilitation Act, including by providing individuals with disabilities with education, training, support services, and independent living services. Generally, CDS should focus on improving access to, or the quality of, such services for individuals with disabilities. Eligible grantees include State vocational rehabilitation agencies, community rehabilitation programs, Indian tribes or tribal organizations, or other public or nonprofit agencies and organizations.
- CDS cannot be used for construction or renovation of facilities.

Higher Education

- **Fund for the Improvement of Postsecondary Education (FIPSE)**—CDS can be designated under this heading for a wide variety of higher education projects. Generally, requests should focus on improving access to, or the quality of, postsecondary education.
- Examples of the types of projects that can be funded under FIPSE include projects to hire and train faculty, establish and improve degree programs, improve teacher preparation programs, develop and improve curricula, upgrade technology and telecommunications, acquire science laboratory equipment, provide student support, implement university partnerships with school districts, and establish research and training centers.
- Grantees are usually colleges and universities.
- CDS cannot be used for construction or renovation of academic buildings, except in the case of minor remodeling required as part of technology upgrades.

No answer.

8. Is this proposal for funds available in the Military Construction and Veterans Affairs bill? *

MilCon projects included in the FY22 omnibus are included [here](#).

No

8.1 Please identify which account

No answer.

8.2 MilConVA - additional requested information

Please answer all of the following questions to the best of your ability. If you do not know, write "N/A".

1. Does this project appear on the Future Years Defense Program (FYDP) list?
2. Does this project on the Unfunded Requirements/Priorities List (URF/URL)?
3. Does this project have a DD1391?
4. Has the project reached the 35% design milestone?
5. Is this project previously authorized or has it been submitted to the Senate Armed Services Committee for consideration?
6. If this project was funded in FY22, please provide the amount.

No answer.

9. Is this proposal for funds available in the Transportation, Housing and Urban Development bill? *

THUD projects included in the FY22 omnibus are listed [here](#).

No

9.1 Please identify which account

No answer.

9.2 THUD - What is the total cost of the project?

No answer.

9.3 THUD - Airports

For airport requests, provide the NPIAS code for the airport.

No answer.

9.4 THUD - Transit requests

For transit requests, you must provide the name of the transit agency recipient or subrecipient, a link to the Statewide Transportation Improvement Plan (STIP) or Transportation Improvement Plan (TIP) that includes the requested project, and the total cost of the project, which should be consistent with the total cost of the project in the STIP or TIP.

No answer.

9.5 THUD - Highway (HIP) requests

You must provide a link to the Statewide Transportation Improvement Plan (STIP) or Transportation Improvement Plan (TIP) that includes the requested project.

Detail the total cost of the project, which should be consistent with the total cost of the project in the STIP or TIP.

No answer.

9.6 THUD - Rail (CRISI) requests

You must provide a link to the State Rail Plan that includes the requested project and the total cost of the project, which should be consistent with the total cost of the project in the State Rail Plan.

No answer.

9.7 THUD - Economic Development Initiatives (EDI)

- You must detail the current status of the project, a description of all other sources of funding contributing to the total cost of the project, and the status of the planning and environmental review work. In addition, include relevant data on how activities or projects benefit primarily low- and moderate-income persons or communities to meet program requirements.
- You must include a link to the project website if available or a link to the HUD five year Consolidated Plan or Annual Action Plan if the project is included or complements planned or current projects within these required plans.

No answer.

10. Have you reviewed the latest requirements and reforms for Congressionally Directed Spending? *

The link to general FY22 earmark reforms are available [here](#).

Existing Requirements: In reviewing member requests for congressionally directed spending items, the Senate Appropriations Committee will implement Rule XLIV of the Standing Rules of the Senate. Rule XLIV, requires rigorous procedures for accountability and transparency, such as:

- **No Member Financial Interest:** The rules forbid any member from pursuing a congressionally directed spending item to further his or her financial interest, or that of his or her immediate family. Each member requesting a congressionally directed spending item must certify in writing that there is no such interest and make that certification available to the public.
- **Request in Writing:** Any member requesting a congressionally directed spending item must do so in writing, including the Member's name, the name and location of the intended recipient, and the purpose of the spending item.
- **Committee Consideration:** When reporting legislation containing congressionally directed spending items, the Committee is required to make each item publicly available online in a searchable format as soon as practicable after the mark up (including the name of each Member requesting the item).
- **Disclosure Before Floor Consideration:** The rules prohibit a vote on a motion to proceed to a bill or a vote on adoption of a conference report, unless the chair of the committee, certifies that a complete list of congressionally directed spending items has been publicly available for at least 48 hours.
- **Point of Order Against New Projects in Conference Reports:** A point of order may be raised against a provision of the conference report if it includes a congressionally directed spending item that was not included in either the House or Senate bills.

PLEASE NOTE - Reforms: In addition to these important requirements, Chairman Leahy enhanced the existing Senate procedures for congressionally directed spending items with reforms as follows:

- Institute a 1 percent cap on discretionary spending for congressionally directed spending items;
- Ban congressionally directed spending items to for-profit entities;
- Require Senators to post online their congressionally directed spending item requests, as well as their financial certification disclosures attesting that they do not have any financial interest in any of the items requested; and
- The Committee will require the Government Accountability Office to audit a sample of enacted congressionally directed spending items and report its findings to Congress.

Yes

Section 3. Section 3. Needs Statement

1. Description of Proposal for User of Federal Funds *

The Monterey Peninsula Water Management District requests \$900,000 for the purpose of developing a solution to the fish passage problems created by Los Padres Dam on the Carmel River. Preservation and recovery of the S-CCC [South-Central California Coast] steelhead (*Oncorhynchus mykiss* – a Threatened Species under the Endangered Species Act) is a federal priority. Direct supporters of Steelhead protection and participants in the study of alternatives include: • Monterey Peninsula Water Management District • California American Water Co. • National Marine Fisheries Service • California Department of Fish and Wildlife • California State Coastal Conservancy • Carmel River Steelhead Association • Carmel River Watershed Conservancy • University of California Santa Cruz • California State University Monterey Bay

2. Description of Importance to The State of California *

Los Padres Dam (LPD) forms a 148-foot high barrier along the Carmel River, which is considered a high head dam for fish passage. The dam has been a known fish passage impediment for both upstream and downstream migrating S-CCC [South-Central California Coast] steelhead (*Oncorhynchus mykiss* – a Threatened Species under the Endangered Species Act). The requested funds will accelerate the selection and permitting of a preferred solution to this important fish passage problem.

3. Description of Benefit to Local Community *

Preservation and recovery of the S-CCC [South-Central California Coast] steelhead (*Oncorhynchus mykiss* – a Threatened Species under the Endangered Species Act) is a local priority as well. Restoring the fishery will have water supply benefits as well.

4. List Any Entities or Organizations Partnering in or Supporting the Project *

Direct supporters of Steelhead protection and participants in the study of alternatives include: • Monterey Peninsula Water Management District • California American Water Co. • National Marine Fisheries Service • California Department of Fish and Wildlife • California State Coastal Conservancy • Carmel River Steelhead Association • Carmel River Watershed Conservancy • University of California Santa Cruz • California State University Monterey Bay

5. Three Concise Points to Justify Use of Congressionally Directed Spending *

The project will address a national priority: preservation and recovery of an endangered run of steelhead. The project will accelerate the development of a solution that will benefit the fishery and the local water supply. The project has strong backing from NMFS, the California Department of Fish and Wildlife and the affected NGO community.

Section 4. Section 4. Funding History

1. Has This Project Received Past Congressionally Directed Funding? *

if yes, please identify when and what funding

No

1.1 Please identify when and what funding

No answer.

2. Was This Project Request Submitted to Senator Feinstein in the Fiscal Year 2022 Congressionally Directed Spending Process? *

No

2.1 Was This Project Included in the Omnibus?

If yes, how much funding did it receive?

No answer.

3. Is This a One-Time Request for Congressionally Directed Support? *

Yes

4. Is Additional Federal Funding Required, Beyond the Sources Identified in the Budget Submitted? When and How Will the Project Become Self-Sustaining? *

No additional resources are required for this phase of the project.

Section 5. Section 5. Contact Information

1. Name of Organization *

legal grantee name

Monterey Peninsula Water Management District

2. Primary Point of Contact Name *

Roger Gwinn

3. Title *

Washington Representative

4. Address Line 1 *

1901 Pennsylvania Avenue, NW, Suite 700

5. Address Line 2

No answer.

6. City *

Washington

7. State *

D.C.

8. Zipcode *

20006

9. Phone Number

2022555759

10.Email Address *

rgwinn@tfgnet.com

11.Head of Organization / Department / Agency *

David J. Stoldt

12.Title *

General Manager, Monterey Peninsula Water Management District

13.Address Line 1 *

5 Harris Court

14.Address Line 2

Building G

15.City *

Monterey

16.State *

CA

17.Zipcode *

93940

18.Phone Number

5089548414



April 6, 2022

The Honorable Dianne Feinstein
U.S. Senate
331 Hart Senate Office Building
Washington, DC 20510

Re: Carmel River Fish Passage – Community Project Funding – Letter of Support

Dear Senator Feinstein,

On behalf of the Monterey Peninsula Water Management District (District) I am writing to express our strong support for the District's request that you seek \$900,000 as a Community Project Funding request in the Fiscal Year 2023 Appropriations in the Commerce, Justice, Science bill - Department of Commerce, National Oceanic and Atmospheric Administration (NOAA); Operations, Research, and Facilities (ORF); Special Projects account. The funds are urgently needed to accelerate a solution to the fish passage problems at Los Padres Dam (LPD) on the Carmel River and promote the recovery of the federally listed South-Central California Coast steelhead population.

While much progress has been made to restore and improve steelhead habitat with a new water supply known as Pure Water Monterey allowing a reduction in withdrawals from the river and the removal of the San Clemente Dam in 2015, there remains a significant barrier to fish passage at LPD, 25 miles up the Carmel River. The requested funds will cover 30 percent of the expected \$2,960,000 cost of the engineering and design work needed to ready the project for implementation. The District, which is working to address the LPD fish passage problems in partnership with non-governmental organizations, California American Water, and state and federal agencies, including the National Marine Fisheries Service, will cover the balance of the engineering and design costs.

In August 2021, the District completed a draft Los Padres Dam Fish Passage feasibility report. The District has now hired experts to undertake a study to identify the most effective combination of volitional and other fish passage improvements to address the long-term management of LPD and determine whether to introduce improvements that would allow upstream volitional passage or improve the existing trap and truck program. A preferred alternative is expected to be chosen this calendar year and design and engineering started in FY 2023.

Our District is a local elected government entity, comprised of 5 elected Directors, an appointed County Supervisor, and an appointed local mayor. The District was established by the California Legislature in 1977 with broad powers for development and management of water resources in the region. We look forward to bringing a fish passage solution forward to enhance the productivity and recovery of the *Oncorhynchus mykiss* – South-Central California Coast Steelhead.

We greatly appreciate your support of this important initiative to address fish passage issues at LPD and accelerate the restoration and conservation of the federally threatened steelhead fishery on the Carmel River.

Sincerely,


David Stoldt
General Manager

on behalf of the Board of the Monterey Peninsula Water Management District



Senator Alex Padilla Fiscal Year 2023 Congressionally Directed Spending Request Form

(Carmel River Fish Passage Project)

Name & Contact Info	Mailing Address	Permanent Address
W Roger Gwinn 2555759 Mobile: 202-255-5759 Other: 202-770-7140 rgwinn@tfgnet.com	1901 Pennsylvania Avenue, NW Suite 700 Washington DC 20006	1901 Pennsylvania Avenue, NW Suite 700 Washington DC 20006

** indicates a required field.*

Section 1. Requestor Information

1. Requesting Entity *

The name of the local government or organization making the request. Do not use acronyms or abbreviations. Incorporated cities should begin with “City of” and counties should begin with “County of.”

Monterey Peninsula Water Management District
2. Requesting Individual(s) *

The name of the person making the request, e.g. the Mayor, Board of Supervisors, Director, President, etc. Example: Mayor Jane Doe

David J. Stoldt, General Manager, Monterey Peninsula Water Management District
3. Priority Number: #X of Y *

Multiple requests from the same entity must be ranked in priority order across all appropriations bills. For example, we need to know what your entity's number one priority project is in FY22, not the number one in Agriculture, or the number one in Transportation, etc.

1
4. Project Name *

The project or program to be funded. If applicable, label with the name used in the latest Senate, House, or Conference Report.

Carmel River Fish Passage Project
5. County or Counties Impacted *

If more than one county, list counties in order of project’s impact high to low. Separate by commas. Use this format: Alameda, Alpine, Amador

Monterey County
6. Grantee Legal Name *

The name of the local government or organization to receive funding

Monterey Peninsula Water Management District
7. Requesting Entity Address *

The mailing address of the local government or organization to receive funding.

5 Harris Court
Building G
Monterey, CA 93940

Section 2. Appropriations Bill

Funding can only be requested from **ONE** Appropriations Bill. Please answer NO on all other Appropriations Bills.

Please note: the Senate is NOT accepting Congressionally Directed Spending requests for Defense, Legislative Branch, or SFOPS subcommittees.

1. Is this proposal for funds available in the Agriculture, Food and Drug Administration and Rural Development bill? *

No

1.1 Please identify which account*No answer.***2. Is this proposal for funds available in the Commerce, Justice, Science bill? ***

Yes

2.1 Please identify which account

Department of Commerce, National Oceanic and Atmospheric Administration (NOAA); Operations, Research, and Facilities (ORF); Special Projects

3. Is this proposal for funds available in the Energy & Water Development bill? *

No

3.1 Please identify which account*No answer.***4. Is this proposal for funds available in the Financial Services and General Government bill? ***

No

4.1 Please identify which account*No answer.***5. Is this proposal for funds available in the Homeland Security bill? ***

No

5.1 Please identify which account*No answer.***6. Is this proposal for funds available in the Interior, Environment bill? ***

No

6.1 Please identify which account*No answer.***7. Is this proposal for funds available in the Labor, Health and Human Services and Education bill? ***

No

7.1 Please identify which account*No answer.***8. Is this proposal for funds available in the Military Construction and Veterans Affairs bill? ***

No

8.1 Please identify which account*No answer.***9. Is this proposal for funds available in the Transportation, Housing and Urban Development bill? ***

No

9.1 Please identify which account

No answer.

Section 3. Project Information

1. Amount Requested *

Write out the numeral (i.e. \$1,000,000)

\$900,000

2. What percentage of the project will this funding cover? *

Ex: 30%

50%

3. Brief Summary of Project *

Please provide a concise (1-3 sentences max) description of the project. Summarize the necessary information about the project to make its case.

The Monterey Peninsula Water Management District requests \$900,000 for the purpose of developing a solution to the fish passage problems created by Los Padres Dam on the Carmel River.

4. Description of Project *

Provide a detailed description of the project, its history, impact, etc. Why the project is a good use of taxpayer funds? Why is there a community need for this project? Who will project serve? How many people will be served by project?

Additional Information for Energy & Water Requests:

- Note if this is a New Start or Construction Start.

Additional Information for Homeland Security Requests:

- For Pre-Disaster Mitigation Projects: Does project meet eligibility requirements of the Building Resilient Infrastructure and Communities (BRIC) grant program, including the cost-share requirement, benefit cost ratio, and environmental and historic preservation requirements? Requirements can be found in the most recent Notice of Funding Opportunity: https://www.fema.gov/sites/default/files/2020-08/fema_fy20-bric-notice-of-funding-opportunity_federal-register_August-2020.pdf
- For Emergency Operations Center Grant Program: Does project meet the eligibility requirements of the Emergency Operations Center grant program, including the cost-share requirement and environmental and historic preservation requirements? <https://www.grants.gov/web/grants/view-opportunity.html?oppId=95433>
- **ALL Pre-Disaster Mitigation Projects and Emergency Operations Center Projects must be accompanied by a letter of support from the appropriate state administrative agency (Cal OES) affirming that it believes the project is eligible.**

Additional Information for Interior & Environment Requests:

- For State and Local Grants for Drinking or Clean Water Projects, is the project on the state's most recently finalized Clean Water or Drinking Water State Revolving Fund Intended Use Plan? If NO, is the project eligible under State Revolving Loan Fund (SRF) guidelines?
- For Tribal Requests, is the project on the IHS Sanitation Deficiency System list? If NO, is the project eligible under the Criteria for the Sanitation Facilities Construction Program?
- For the Historic Preservation Fund (HPF), if the request is for property, does the property meet the HPF program requirements of being listed, at the appropriate level, for the National Register of Historic Places or as a National Historic Landmark individually or as contributing to an historic district?
- For U.S. Forest Service, State and Private Forestry (SPF), is this project part of or contribute to the state's Forest Action Plan?

Additional Information for Transportation Requests:

- Has the project previously received any federal, state, or private funding, including federal discretionary grants or State federal-aid highway or transit formula apportionment funding? If yes, how much, from what source, and when?
- Has USDOT confirmed that this project is eligible for funds under the requested account?
- Note other federal funds committed to this project (such as past appropriations bills).
- Note the amount of anticipated non-federal match (percent or dollar amount).
- Identify if the funding could not be obligated in full on the date of enactment. If so, why?
- Identify if the project is included in the state, regional, county, or metropolitan transportation improvement program.

Los Padres Dam (LPD) forms a 148-foot high barrier along the Carmel River, which is considered a high head dam for fish passage. The dam has been a known fish passage impediment for both upstream and downstream migrating S-CCC [South-Central California Coast] steelhead (*Oncorhynchus mykiss* – a Threatened Species under the Endangered Species Act). As a first step towards protecting S-CCC steelhead, the National Marine Fisheries Service has strongly encouraged California American Water (Cal-Am), the dam owner, to resolve the fish passage and other potential take issues at LPD by completing a thorough feasibility study on the merits of either: 1) entirely removing the dam and restoring the reservoir area to its original environs; or 2) improving the dam with appropriate permanent fish passage modifications that allow for unimpeded, safe and effective, upstream and downstream migration of all life stages of S-CCC steelhead. The District has hired experts to undertake a study of volitional and other fish passage improvements that will help inform the long-term management of LPD and the decision of whether to introduce improvements that would allow upstream volitional passage or improve the existing trap and truck program. The consulting team has winnowed alternatives to two upstream and two downstream fish passage solutions. The requested funds will accelerate the selection and permitting of a preferred solution to this important fish passage problem.

5. Has the organization or any potential sub-grantees been subject to sanction or litigation by State, Local, or Federal governments in the past five years? If so, please provide details. *

No

5.1 Provide details on litigation/sanctions

No answer.

6. Project Website *

Please provide a web address (e.g., <https://website.com>) associated with the project for which you are requesting funds. If no website or webpage exists for the project, please put N/A.

<https://www.mpwmd.net/asd/rfpbids/rfp/LPD-fish/fish-passage-RFP-20160315.pdf>

Section 4. Funding and Support for Project

1. Has this project been submitted to other Members of Congress for FY23? *

Yes

1.1 Please list members of congress who have received request for this project

Use this format: CASEN Feinstein, CA01 LaMalfa, CA02 Huffman, CA03 Garamendi

CASEN Feinstein, CA20 Panetta

2. List Any Elected Officials, Government Entities, or (Non-Government) Organizations Partnering in or Supporting the Project *

Format as:

State Senator Jane Doe, City of Cityville, Community Organization, etc.

National Marine Fisheries Service

California Department of Fish and Wildlife

California State Coastal Conservancy

Carmel River Steelhead Association

Carmel River Watershed Conservancy

University of California Santa Cruz

California State University Monterey Bay

3. How will funds be spent? *

Please describe how the money will be spent (i.e., \$X for salaries; \$X for programming; \$X for equipment; etc.)

Describe any non-federal funding that supports this request, and is it in hand? This can include private funding or donations.

The requested funds will be used for the purpose of completing the Los Padres Dam (LPD) Alternatives Study and initiating design and permitting work on the preferred alternative. The Alternatives Study will provide critical information to answer key questions related to Los Padres Dam, including:

- Are Carmel River steelhead better off with or without Los Padres Dam and Reservoir?
- Is Los Padres Reservoir critical for water supply on the Monterey Peninsula? Is it feasible to expand reservoir capacity, and what effects would this have on water supply and the environment?
- Are there feasible alternatives to manage existing sediment deposition and future sediment inflow to the reservoir?
- What would be the geomorphic response of the Carmel River to management actions considered, and will there be an increased erosion and/or flood risk?

Simultaneous with the Alternatives Study is an evaluation of fish passage for the threatened Steelhead. LPD is a fish passage impediment for both upstream- and downstream-migrating steelhead in the Carmel River watershed. Under existing conditions, a fish ladder is operated downstream of LPD, allowing adult upstream-migrating steelhead to ascend the ladder into a trap. Trapped steelhead are then transferred from the fish trap to a truck, transported upstream of LPD, and released into the reservoir. Current fish passage facilities for downstream-migrating steelhead consist of a behavioral guidance system (BGS) and floating weir collector (FWC) upstream of the LPD spillway, which guides downstream-migrating steelhead into a smolt bypass pipe that releases downstream of LPD. However, data show nearly all downstream-migrating adults use the spillway to navigate LPD; juvenile fish use both the spillway and smolt bypass system.

The Monterey Peninsula Water Management District team has identified two upstream passage alternatives at LPD for further consideration: Alternative U1 (technical fish ladder) and Alternative U8 (trap and transport – replace). The report also identified two downstream passage alternatives at LPD for further consideration: Alternative D1 (floating surface collector [FSC] – new) and Alternative D8 (spillway modification and FWC with 30 cfs attraction flow). These fish passage alternatives will be selected and adapted based on the selection of one of, or a combination of, the dam and reservoir alternatives and sediment management options evaluated in the LP Alternatives report.

4. Appropriations History

Include funding for any prior years: the bill, agency, account, and House/Senate/Conference amounts. Only include actual funding. If none, input “N/A”.

The following format is preferred:

LHHS, HHS, HRSA, FY 2015: House: \$A Senate: \$B Conference: \$C

LHHS, HHS, HRSA, FY 2013: House: \$X Senate: \$Y Conference: \$Z

Preferred bill name abbreviations for this naming protocol:

- Ag: Agriculture
- CJS: Commerce, Justice, Science
- EW: Energy & Water
- FSGG: Financial Services & General Gov’t
- HS: Homeland Security
- INT: Interior and Environment
- LHHS: Labor, HHS, Education
- MCVA: Mil Con / VA
- THUD: Transportation, Housing

N/A

5. Amount in Fiscal Year 2023 President’s budget request *

If this specific project is included in the President’s FY23 Budget request. Write out the numeral (i.e. \$5,000,000). If the full President Budget for FY23 has not been released, please input "N/A".

0

6. Authorization *

If the request has a federal authorization, list the Public Law number and section (i.e. P.L. 110-114, section 9015). If no authorization, input “N/A”

N/A

Section 5. Subcommittee Specific Questions

Please answer only questions related to the Appropriations Bill for your request.

1. Agriculture Requests - For Community Facilities Grant requests, does the project meet matching fund requirements?

The Community Facilities Grant program will fund up to 75% of total project costs, with match requirements based on area median income and population as follows:

- o Maximum of 75 percent when the proposed project is located in a rural community having a population of 5,000 or fewer; and the median household income of the 4 proposed service area is below the higher of the poverty line or 60 percent of the State nonmetropolitan median household income.
- o Maximum of 55 percent when the proposed project is located in a rural community having a population of 12,000 or fewer; and the median household income of the proposed service area is below the higher of the poverty line or 70 percent of the State nonmetropolitan median household income.
- o Maximum of 35 percent when the proposed project is located in a rural community having a population of 20,000 or fewer; and the median household income of the proposed service area is below the higher of the poverty line or 80 percent of the State nonmetropolitan median household income.
- o Maximum of 15 percent when the proposed project is located in a rural community having a population of 20,000 or fewer; and the median household income of the proposed service area is below the higher of the poverty line or 90 percent of the State nonmetropolitan median household income.

Maximum grant assistance cannot exceed the lower of:

- o Qualifying percentage of eligible project cost determined above
- o Either 50 percent of the annual State allocation or \$50,000, whichever is greater

No answer.

2. Energy and Water Requests - Was this project funded in Fiscal Year 2022?

No answer.

2.1 How much was project funded (\$) in FY22?

No answer.

3. Interior EPA STAG Requests - What is the project purpose, e.g., drinking water, wastewater, stormwater, and/or water quality protection?

No answer.

4. Interior EPA STAG Requests - Is this request seeking funding for planning and design, construction, or both?

No answer.

5. Interior EPA STAG Requests - Is the preliminary planning and engineering design completed for this project?

No answer.

6. Interior EPA STAG Requests - When will this project be ready to proceed to construction?

No answer.

7. Interior EPA STAG Requests - What is the total estimated cost of the project, based on the facilities plan or preliminary engineering report?

No answer.

8. Interior EPA STAG Requests - What is the amount requested for the project?

No answer.

9. Interior EPA STAG Requests - Please list any funding received from federal appropriations, including the fiscal year and source of funding (Clean Water SRF, Drinking Water SRF, STAG grants, USDA Rural Development Program, FEMA, or others)?

No answer.

10.Interior EPA STAG Requests - Does the community have a financing plan certified by an authorized local official demonstrating how it will cover the matching funds of 20% or more?

No answer.

11.Interior EPA STAG Requests - What are the anticipated non-federal sources of funding for this project?

No answer.

12.Military Construction and VA requests - Does this project appear on the Future Years Defense Program (FYDP) list?

No answer.

13.Military Construction and VA requests - Does this project appear on the Unfunded Requirements/Priorities List (UFR/URL)?

No answer.

14.Military Construction and VA requests - Does this project appear on the Cost-to-Complete (CTC) list?

No answer.

15.Military Construction and VA requests - Does this project have a DD1391?

No answer.

16.Military Construction and VA requests - Has the project reached the 35% design milestone?

No answer.

17.Military Construction and VA requests - Is this project previously authorized or has it been submitted to the Senate Armed Services Committee for consideration?

No answer.

18.Military Construction and VA requests - If this project was funded last year, please enter the amount.

No answer.

19.THUD Requests - Total cost of project

No answer.

20.THUD Requests - For airport requests, provide the NPIAS code for the airport

No answer.

21.THUD Requests - For transit requests, provide the name of the transit agency recipient or subrecipient

No answer.

Section 6. Contact Information

1. Best Point of Contact Name *

The individual in California or Washington representative and/or firm, if applicable, that Senator Padilla's staff can contact with questions about the project.

Roger Gwinn
2. Best Point of Contact Affiliation *

Washington Representative
3. Best Point of Contact Office Phone Number *

2022555759
4. Best Point of Contact Out of Office/Mobile Phone *

2022555759
5. Best Point of Contact Email *

rgwinn@tfgnet.com



April 6, 2022

The Honorable Alex Padilla
United States Senate
117 Hart Senate Office Building
Washington, DC 20510

Re: Carmel River Fish Passage – Community Project Funding – Letter of Support

Dear Senator Padilla,

On behalf of the Monterey Peninsula Water Management District (District) I am writing to express our strong support for the District's request that you seek \$900,000 as a Community Project Funding request in the Fiscal Year 2023 Appropriations bill for the Department of Commerce, National Oceanic and Atmospheric Administration (NOAA); Operations, Research, and Facilities (ORF); Special Projects account. The funds are urgently needed to accelerate a solution to the fish passage problems at Los Padres Dam (LPD) on the Carmel River and promote the recovery of the federally listed South-Central California Coast steelhead population.

While much progress has been made to restore and improve steelhead habitat with a new water supply known as Pure Water Monterey allowing a reduction in withdrawals from the river and the removal of the San Clemente Dam in 2015, there remains a significant barrier to fish passage at LPD, 25 miles up the Carmel River. The requested funds will cover 30 percent of the expected \$2,960,000 cost of the engineering and design work needed to ready the project for implementation. The District, which is working to address the LPD fish passage problems in partnership with non-governmental organizations, California American Water, and state and federal agencies, including the National Marine Fisheries Service, will cover the balance of the engineering and design costs.

In August 2021, the District completed a draft Los Padres Dam Fish Passage feasibility report. The District has now hired experts to undertake a study to identify the most effective combination of volitional and other fish passage improvements to address the long-term management of LPD and determine whether to introduce improvements that would allow upstream volitional passage or improve the existing trap and truck program. A preferred alternative is expected to be chosen this calendar year and design and engineering started in FY 2023.

Our District is a local elected government entity, comprised of 5 elected Directors, an appointed County Supervisor, and an appointed local mayor. The District was established by the California Legislature in 1977 with broad powers for development and management of water resources in the region. We look forward to bringing a fish passage solution forward to enhance the productivity and recovery of the *Oncorhynchus mykiss* – South-Central California Coast Steelhead.

We greatly your support of this important initiative to address fish passage issues at LPD and accelerate the restoration and conservation of the federally threatened steelhead fishery on the Carmel River.

Sincerely,


David Stoldt
General Manager

on behalf of the Board of the Monterey Peninsula Water Management District