

**Kings River Watershed Coalition Authority
(Kings River Water Quality Coalition)**

Location: 4886 East Jensen Avenue, Fresno, California
P. O. Box 8259
Fresno, CA 93747
(559) 365-7958
Fax (559) 237-5560

July 1, 2021

NOTICE

MEETING OF THE POLICY COMMITTEE
OF THE
KINGS RIVER WATERSHED COALITION AUTHORITY
(KINGS RIVER WATER QUALITY COALITION)

Mark C. McKean, President
Paul Peschel, Vice President

Alta Irrigation District
Burrel Ditch Co.
Clarks Fork Rec District #2069
Consolidated Irrigation District
Corcoran Irrigation Co.
Crescent Canal Co.
Empire West Side Irrigation District
Fresno Irrigation District
John Heinlen Mutual Water Co.
James Irrigation District
Kings River Conservation District
Kings River Water District
Laguna Irrigation District
Last Chance Irrigation District

Lemoore Canal & Irrigation Co
Liberty Canal Co.
Liberty Mill Race Co.
Lovelace Water Corp.
Peoples Ditch Co.
Reed Ditch Co.
Riverdale Irrigation District
Southeast Lake Water Co.
Stratford Irrigation District
Tulare Lake Basin Water Storage District
Tulare Lake Canal Co.
Tulare Lake Reclamation District #761
Upper San Jose Water Co.

This is to notify you that a Meeting of the Policy Committee of the Kings River Watershed Coalition Authority is scheduled to be held **Wednesday, July 7, 2021. The meeting will begin at 2:00 p.m. via ZOOM web/teleconference.** The weblink and call-in information on are the Agenda. Policy Committee Members are: Justin Mendes, Mark McKean, and Kassy Chauhan.

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

The patience and cooperation of all participants is appreciated. While every effort has been made to streamline the experience, there may be technical issues and human error. We will attempt to promptly correct any issues that arise.

Individuals who require special accommodations are requested to contact Corey McLaughlin by phone at: (559) 237-5567 or by email at: cmclaughlin@krwd.org.

Sincerely,



Debra Dunn
Coordinator
File: KRW 101.03

Agenda

KINGS RIVER WATERSHED COALITION AUTHORITY
(KINGS RIVER WATER QUALITY COALITION)
Policy Committee Meeting

Date: Wednesday, July 7, 2021

Time: 2:00 PM

Location: ZOOM

Zoom Link:

<https://us02web.zoom.us/j/83641396607?pwd=U0dhbEVmRXFiTHd6SzVYblM4bC92Zz09>

One-Tap Mobile: +16699006833,,83641396607#,,,,*966071#

Call-in: +1 669 900 6833 ; Meeting ID: 836 4139 6607 ; Password: 966071

1. Addition to or Deletion from the Agenda
2. Public Presentation
Presentation by the Public on matters not on the agenda and within the jurisdiction of the Committee, limited to a timeframe set by the Committee Chair.
3. Approval of Minutes
The Committee will consider approving the May 12, 2021 Policy Committee Meeting minutes.
4. SAFER Update
The Committee will be given an update on SAFER matters of import to the Coalition
5. Management Zones, Coordinator
The Committee will be given information on and related to, and may take action regarding, draft documentation and positions related to participation in the Kings Water Alliance – a Management Zone for Nitrate Compliance under the CV-SALTS Nitrate Control Program.
6. Nitrate Control Program Management Zones to Participate in Central Valley Salinity Coalition Cooperative Efforts for Implementation of Management Zone Activities
The Committee will be asked to approve and recommend the Agreement for Nitrate Control Program Management Zones to Participate in Central Valley Salinity Coalition Cooperative Efforts for Implementation of Management Zone Activities.
7. Next Meeting and Agenda Items
The Committee will discuss any needed changes regarding meeting dates and/or times, and may add agenda items for the next meeting.

ADJOURNMENT

Note: The public will be given the opportunity to address the Authority on any item on the agenda before or during the Authority's consideration of that item. Sign in under "Others" on the attendance sheet and indicate which agenda item you wish to address. Comments by individuals and entities will be limited to three minutes or as may be reasonable as determined by the conducting officer.

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

Materials related to an item on this Agenda submitted to the Authority after distribution of the agenda packet are available for public inspection at the offices of the Kings River Watershed Coalition Authority at: 4886 E Jensen, Fresno, CA, 93725, during regular business hours.



Kings River Water Quality Coalition Policy Committee Meeting
AKA Kings River Watershed Coalition Authority

May 12, 2021 at 4:00 p.m.
Remote Via Zoom

Called to Order: 4:00 p.m.

Adjourned: 4:42 p.m.

Members Present:

1. CRESCENT CANAL COMPANY and REED DITCH CORPORATION – Director Mark McKean (left at 4:17 p.m.)
2. FRESNO IRRIGATION DISTRICT – Director Kassy Chauhan
3. TULARE LAKE BASIN WATER STORAGE DISTRICT – Director Justin Mendes, Chair

Others Present:

Charlotte Gallock, Coordinator
Debra Dunn, KRCD
Corey McLaughlin

Minutes

1. Addition to or Deletion from the Agenda

Discussion:

None.

Actions:

None.

2. Public Presentation

Discussion:

None.

Actions:

None.

3. Approval of Minutes

Discussion:

None.

Actions:

It was moved by Director McKean, seconded by Director Chauhan, and unanimously carried by roll call vote to approve the Minutes of the April 14, 2021 Policy Committee meetings.

Roll Call Vote:

McKean: Aye

Mendes: Aye

Chauhan: Aye

4. Management Zones

Presenter: Charlotte Gallock and Debra Dunn

Discussion:

The Committee was provided information on development of a Nitrate Management Zone within the Kings subbasin, specifically the possible fee structures for the Kings Water Alliance (KWA). Staff answered Committee member questions, and Committee members discussed several topics and provided feedback and direction to staff and the representative to the KWA Finance Committee.

Actions:

None.

Adjournment

Presenter: Director Mendes

The next meeting will be May 26, 2021, at 2:00 p.m. With no further discussion, **Director Mendes** adjourned the meeting at 4:42 p.m.

Submitted by:

Board Secretary

_____ approved on _____ 2021

Committee Chair

AGREEMENT FOR NITRATE CONTROL PROGRAM MANAGEMENT ZONES TO PARTICIPATE IN CENTRAL VALLEY SALINITY COALITION COOPERATIVE EFFORTS FOR IMPLEMENTATION OF MANAGEMENT ZONE ACTIVITIES

This Agreement is entered into by and between the CENTRAL VALLEY SALINITY COALITION, a California nonprofit mutual benefit corporation (hereafter “CVSC”) and the _____ [name of other party], (hereafter “Management Zone Participant” ¹) (referred to individually or collectively as Party or Parties).

RECITALS

1. In 2006, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) initiated a collaborative stakeholder initiative, known as Central Valley Salinity Alternatives for Long-Term Sustainability (CV-SALTS), to develop a Central Valley-wide Salt and Nitrate Management Plan (SNMP). CV-SALTS stakeholder membership includes representatives from the Central Valley Water Board, State Water Resources Control Board (State Water Board), agriculture, municipalities, industry, water supply, environmental justice community, state and federal regulatory agencies, and the public.
2. In 2008, the Central Valley Salinity Coalition (CVSC) was formed as a non-profit member organization that works to organize, facilitate, and collect funding for efforts needed to complete the SNMP work and efficiently manage salinity and nitrate in the Central Valley.
3. The CV-SALTS initiative developed a SNMP that provides a comprehensive regulatory and programmatic approach for the sustainable management of salts and nitrate in groundwater and surface water in the Central Valley, as applicable. The SNMP was to be implemented through amendments to Water Quality Control Plans for the Sacramento River and San Joaquin River Basins and the Tulare Lake Basin (Basin Plans).
4. On May 31, 2018, Central Valley Water Board adopted Amendments to the Water Quality Control Plans for the Sacramento River and San Joaquin River Basins and the Tulare Lake Basin to Incorporate A Central Valley-Wide Salt and Nitrate Control Program (Basin Plan Amendments). The Basin Plan Amendments were approved by the State Water Board on October 16, 2019, and the Office of Administrative Law on January 17, 2020. Parts of the Basin Plan Amendments became effective upon Office of Administrative Law approval. Other parts became effective after receiving approval from the United States Environmental Protection Agency (USEPA) on November 2, 2020.
5. The Basin Plan Amendments include the Program to Control and Permit Nitrate Discharges to Groundwater (Nitrate Control Program). The Nitrate Control Program became effective on or about January 17, 2020.
6. The Nitrate Control Program is a program for the control and permitting of nitrate discharges to groundwater in the Sacramento-San Joaquin River Basins and the Tulare Lake Basin and applies to all groundwaters that are designated with the municipal and domestic supply (MUN) beneficial use.

¹ Hereinafter, the term MZ Participant means a Management Zone that has organized for the purpose of complying with the Central Valley’s Nitrate Control Program.

7. The Nitrate Control Program is prioritized to first address health risks associated with drinking water that exceeds the nitrate primary maximum contaminant level (i.e., nitrate drinking water standard). Priority Groundwater Basins/Sub-basins have been identified based on ambient nitrate conditions, and timelines have been established for implementation of the Nitrate Control Program in these prioritized basins and sub-basins.
8. Under the provisions of the Basin Plan Amendments adopted by the Central Valley Water Board, all permitted dischargers that discharge nitrate to groundwater shall comply with the provisions of the Nitrate Control Program upon receiving a Notice to Comply from the Central Valley Water Board.
9. For the Nitrate Control Program, the Central Valley Water Board adopted two compliance pathways for permitted dischargers of nitrate to groundwater: 1) Individual Approach, and 2) Management Approach. The Individual Approach is considered the default permitting approach while the Management Zone approach is an optional approach. Where appropriate, the Central Valley Water Board will encourage permittees to work cooperatively with each other and other stakeholders to implement the Nitrate Control Program through a Management Zone.
10. Permittees selecting the Management Zone Approach agree to work collaboratively with other nitrate permittees to comply with all elements of the Nitrate Control Program, including development of Early Action Plans, Preliminary and Final Management Zone Proposals, and Management Zone Implementation Plans.
11. The Nitrate Control Program has identified six (6) priority 1 Basins/Sub-basins and eight (8) priority 2 Basins/Sub-basins. For the Priority 1 basins, a Notice to Comply was issued in May of 2020 to permitted dischargers of nitrate to groundwater. In response to the May 2020 Notice to Comply, six (6) management zones were formed to cover the identified Priority 1 Basins/Sub-basins.
12. For Priority 2 basins, a Notice to Comply is anticipated in being issued in the latter half of 2022 those permitted dischargers of nitrate to groundwater. For non-prioritized basins, Notices to Comply will be issued as determined appropriate and necessary in the future. Additional Management Zones will likely form as Notices to Comply are issued to permitted dischargers of nitrate to groundwater in Priority 2 and non-Priority basins.
13. Many CVSC member representatives participate in one or more Management Zones on behalf of their individual constituencies. However, Management Zones are mostly newly organized entities that are not themselves members of CVSC.
14. Management Zones operate independently from one another, but they all face similar issues in preparing deliverables to comply with the Nitrate Control Program and in the implementation thereof. Management Zones believe that cost savings may be realized by implementing certain parts of the Nitrate Control Program collectively.
15. The CVSC's continued role in the CV-SALTS initiative includes encouraging Management Zones to manage nitrate effectively and efficiently in the Central Valley through the development of sound deliverables, consistent implementation of the Nitrate Control Program, coordinated public relations and other collaborative efforts.

16. To better assist Management Zones in addressing common issues, the CVSC is willing to enter into an agreement with one or more Management Zones to help provide coordinated assistance based on the terms contained herein.

TERMS OF AGREEMENT

1. Management Zone Participant has either submitted or anticipates submitting a timely Preliminary Management Zone Proposal to the Central Valley Water Board in response to Notices to Comply that were sent to participating permitted dischargers of nitrate to groundwater requiring compliance with the Nitrate Control Program. Submittal of a timely Preliminary Management Zone Proposal for identified participants is the equivalent of selecting the Management Zone Approach for complying with the Nitrate Control Program.
2. Management Zone Participant understands that CVSC is not a regulatory entity but rather is a non-profit organization that has voluntarily agreed to assist multiple Management Zones in coordinated efforts related to implementation of the Nitrate Control Program. Such efforts may include, but are not limited to, coordinated reporting of Management Zone efforts to the Central Valley Water Board, coordinated public relations, coordinated communications, seeking collaborative funding through grants and other programs, etc.
3. Upon agreement with the Management Zone Participants, subject to approval from the CVSC Board of Directors, CVSC may enter into contracts on behalf of Management Zone Participants to assist in coordinated efforts.
4. Management Zone Participants agree to cover all costs associated with contracts that CVSC enters into on behalf of Management Zones Participants, including administrative costs that CVSC incurs for administering such contracts. Management Zone Participants receive the benefit of working collectively, which includes cost savings associated with CVSC entering into contracts on the behalf of one or more Management Zones.
5. CVSC agrees to work directly with Management Zone Participants to identify the collective efforts that the Management Zone Participants would like CVSC to assist them in administering.
6. Management Zone Participants understand that CVSC's costs for assistance is to be shared among all Management Zone Participants, unless otherwise agreed to by CVSC and Management Zone Participants.
7. Management Zone Participant understands that failure to make timely payments to CVSC for agreed on cost shares may result in termination of this Agreement as it applies directly to Management Zone Participation. Termination of the Agreement for one Management Zone Participant does not terminate the Agreement for other Management Zone Participants.
8. The CVSC agrees that contributions provided by Management Zone Participant to CVSC are to be used only for the efforts and activities agreed on between CVSC and Management Zone Participants, and reasonable administrative costs associated with administering agreed on Management Zone efforts and activities.
9. Upon direction of Management Zone Participants, and subject to CVSC Board approval, the CVSC may seek alternative funding sources for implementation of all or parts of Management Zone Early Action Plans and Management Zone Implementation Plans, if determined appropriate. However, Management Zone

Participant understands that the Management Zone remains fully responsible for implementation of Early Action Plans and Management Zone Implementation Plans, as approved by the Central Valley Water Board.

10. The Management Zone Participant understands that compliance with the terms of the Nitrate Control Program is determined by the Central Valley Water Board and not CVSC or other participants to this agreement.
11. The Management Zone Participant is free to withdraw from this agreement at any time upon giving a minimum of 60 days express written notification to the CVSC. Any contributions paid to the CVSC prior providing written notification by a withdrawing Management Zone Participant shall not be reimbursable by CVSC to the withdrawing Management Zone Participant. Further, in the event that CVSC has incurred expenses or financial commitments on behalf of Management Zone Participant that cannot be mitigated upon learning of Management Zone Participants withdrawal, Management Zone Participant agrees to compensate CVSC for costs incurred on behalf of the Management Zone Participant.
12. Management Zone Participant understands that the terms of this agreement provide benefit to the Management Zone Participant on an annual basis and are paid annually or when a specific contract is entered into. In fairness to all parties' late fees may be charged for any payments which are over 30 days beyond the due date, unless prior arrangements are approved.
13. Management Zone Participant understands that the CVSC reserves the right to terminate this agreement with a Management Zone Participant after providing written notice at least sixty (60) days in advance of such termination. Any action by the CVSC to terminate the agreement with respect to a single Management Zone Participant shall include a reason(s) for such termination in writing. The Management Zone Participant may request that the CVSC provide Management Zone Participant an opportunity to appear before the CVSC Board of Directors to oppose such termination prior to the termination becoming effective. The CVSC Board of Directors reserves the ultimate authority to determine if a termination shall become effective.
14. CVSC intends to remain available to assist Management Zone Participants in administering collective efforts for the foreseeable future. However, in the event that the CVSC finds it necessary to withdraw from being the administering entity, the CVSC agrees to all of the following:
 - a. Provide at least six (6) months' notice in advance of such withdrawal so that Management Zone Participants have the opportunity to identify or create a new successor entity, if so desired.
 - b. Provide all data, information, reports, and information to any successor entity identified by the Management Zone Participants.
 - c. Transfer all remaining funds, after addressing all outstanding liabilities, to any identified successor entity.
 - d. Agree to work cooperatively with the Management Zone Participants, and any successor entity for an orderly transfer of data, information, reports, and remaining funds.
15. The CVSC agrees to maintain an accounting system that clearly documents funds provided to the CVSC for assisting Management Zone Participants on collective efforts and funds paid out from the CVSC for purposes of administering such efforts.

- 16. The agreement is not intended for the benefit of any person or entity not a Party and shall not be enforceable by any person or entity that is not a Party.
- 17. The agreement shall be interpreted and enforced pursuant to the laws of the State of California. In the event of any litigation arising hereunder, the Parties hereto agree to submit to the jurisdiction of any court of competent jurisdiction within the State of California, County of Sacramento.
- 18. If any provision of the agreement is found invalid or unenforceable, the balance of the agreement shall remain in full force and effect.
- 19. The agreement may be executed electronically and in counterparts with the same force and effect as if executed in one complete document by all Parties
- 20. This agreement contains the entire agreement between the Parties.

By checking this box, Management Zone Participant is hereby agreeing to the Terms of this Agreement.

Date: _____

[NAME OF PARTICIPANT ENTITY] _____

By: _____

Signature of Participant entity authorized representative

Print name and title of Participant entity authorized representative