

**AGENDA**  
**NORTH KERN WATER STORAGE DISTRICT**  
**BOARD OF DIRECTORS**  
**SPECIAL MEETING**

33380 Cawelo Avenue  
Bakersfield, CA 93308

Friday May 12, 2023 – 2:30 p.m.

CALL TO ORDER

1. Public Comment
2. Consider Authorizing Submission of Resolution Form for Federal Assistance
3. Discussion and Possible Action Regarding Approval of Acquisition, Construction and Operation of Temporary Recharge: General Manager has Advised That This Action is Exempt from CEQA Review per §15269(b) of the CEQA Guidelines

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OTHER BUSINESS

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4. Closed Session Matters:
  - A. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION  
Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: one case
5. Adjournment

**NORTH KERN WATER STORAGE DISTRICT**  
**Confidential Board Meeting**

**Agenda Item 2**

P.O. Box 81435  
Bakersfield, CA 93380-1435  
Administration  
Telephone: 661-393-2696  
Facsimile: 661-393-6884



33380 Cawelo Avenue  
Bakersfield, CA 93308-9575  
Water Orders and Operations  
Telephone: 661-393-3361  
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# NORTH KERN WATER STORAGE DISTRICT

May 10, 2023

TO: BUDGET AND PERSONNEL COMMITTEE  
Director Glende, Alternate Ackerknecht

FROM: Marinelle Duarosan, David Hampton and Ram Venkatesan

RE: Approve “Designation of Applicant’s Agent Resolution for Non-State Agencies”  
for Public Assistance

## **RECOMMENDED MOTION:**

Approve the “Designation of Applicant’s Agent Resolution for Non-State Agencies” related to application for a Request for Public Assistance in connection with impacts from the California Severe Winter Storms.

## **DISCUSSION:**

On April 3, 2023, the President issued a Declaration of Major Emergency which provided authorization for Assistance for Kern constituents. The Declaration was amended on April 14, 2023 to authorize Public Assistance, which provides cost sharing of incident related damages and response costs for local governments such as Special Districts. Kern County is also authorized for public assistance under the California Disaster Assistance Act (CDAA) for governmental entities.

In general, these Public Assistance programs provides the following cost share percentages:

- Federal cost share: 75% of disaster-related eligible costs
- State cost share: 18.75%
- Local cost share: 6.25%

The District has identified approximately \$320,000 of repair costs related to flooding from the 2023 atmospheric river events. Most of these costs could potentially be recovered through the above program. The federal assistance is administered through Federal Emergency Management Agency (FEMA) while the state assistance is being coordinated through the California Office of Emergency Services (Cal OES). As part of the application process, applicants are required to provide the attached resolution form to be submitted.



Cal OES ID No: \_\_\_\_\_

**DESIGNATION OF APPLICANT'S AGENT RESOLUTION FOR NON-STATE AGENCIES**

BE IT RESOLVED BY THE \_\_\_\_\_ OF THE \_\_\_\_\_  
 (Governing Body) (Name of Applicant)

THAT \_\_\_\_\_, OR  
 (Title of Authorized Agent)

\_\_\_\_\_, OR  
 (Title of Authorized Agent)

\_\_\_\_\_  
 (Title of Authorized Agent)

is hereby authorized to execute for and on behalf of the \_\_\_\_\_,  
 (Name of Applicant)

a public entity established under the laws of the State of California, this application and to file it with the California Governor's Office of Emergency Services for the purpose of obtaining federal financial assistance for any existing or future grant program, including, but not limited to any of the following:

- **Federally declared Disaster (DR), Fire Mitigation Assistance Grant (FMAG), California State Only Disaster (CDAA), Immediate Services Program (ISP), Hazard Mitigation Grant Program (HMGP), Building Resilient Infrastructure and Communities (BRIC), Legislative Pre-Disaster Mitigation Program (LPDM)**, under
- Public Law 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and/or state financial assistance under the California Disaster Assistance Act.
- **Flood Mitigation Assistance Program (FMA)**, under Section 1366 of the National Flood Insurance Act of 1968.
- **National Earthquake Hazards Reduction Program (NEHRP)** 42 U.S. Code 7704 (b) ((2) (A) (ix) and 42 U.S. Code 7704 (b) (2) (B) National Earthquake Hazards Reduction Program, and also The Consolidated Appropriations Act, 2018, Div. F, Department of Homeland Security Appropriations Act, 2018, Pub. L. No. 115-141
- **California Early Earthquake Warning (CEEW)** under CA Gov Code – Gov, Title 2, Div. 1, Chapter 7, Article 5, Sections 8587.8, 8587.11, 8587.12

That the \_\_\_\_\_, a public entity established under the  
 (Name of Applicant)

laws of the State of California, hereby authorizes its agent(s) to provide to the Governor's Office of Emergency Services for all matters pertaining to such state disaster assistance the assurances and agreements required.



**Please check the appropriate box below**

- This is a universal resolution and is effective for all open and future disasters/grants declared up to three (3) years following the date of approval.
- This is a disaster/grant specific resolution and is effective for only disaster/grant number(s): \_\_\_\_\_

Passed and approved this \_\_\_ day of \_\_\_\_\_, 20\_\_\_

\_\_\_\_\_  
 (Name and Title of Governing Body Representative)

\_\_\_\_\_  
 (Name and Title of Governing Body Representative)

\_\_\_\_\_  
 (Name and Title of Governing Body Representative)

**CERTIFICATION**

I, \_\_\_\_\_, duly appointed and \_\_\_\_\_ of  
 (Name) (Title)

\_\_\_\_\_, do hereby certify that the above is a true and  
 (Name of Applicant)

correct copy of a resolution passed and approved by the \_\_\_\_\_  
 (Governing Body)

of the \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_.  
 (Name of Applicant)

\_\_\_\_\_  
 (Signature)

\_\_\_\_\_  
 (Title)

**NORTH KERN WATER STORAGE DISTRICT  
Confidential Board Meeting**

**Agenda Item 3**

To:  Office of Planning and Research  
P.O. Box 3044, Room 113  
Sacramento, CA 95812-3044

**Lead Agency/Applicant Name:**  
North Kern Water Storage District  
33380 Cawelo Ave, Bakersfield, CA 93308

County Clerk  
County of Kern  
1115 Truxtun Avenue  
Bakersfield, CA 93301

\_\_\_\_\_  
(Address)

**Project Title:** Acquisition, Construction and Operation of Temporary Groundwater Recharge Facilities (Project)

**Project Location – Specific:** North Kern Water Storage District. See Exhibit A attached hereto.

**Project Location – County:** Kern.

**Description of Nature, Purpose, and Beneficiaries of Project:** The Project includes acquisition of the temporary right to access and construct temporary recharge facilities on the locations within District boundaries that are fallow or have not been subject to agricultural activities within the last 60 days, and to operate the facilities by diverting and percolating thereon certain quantities of (i) Kern River water accruing to the rights the District acquired under its 1952 Agreement or (ii) other surface water supplies lawfully acquired by District. The District expects the temporary facilities to cover up to approximately 600 acres of land within the District’s boundaries, and to divert up to an estimated 100 cfs. Water will be recharged to the portion of the Kern groundwater basin underlying the District’s boundaries (DWR Bulletin 118 Basin No. 5-022.15) (the “Basin”), and any 1952 Agreement Kern River water will be recovered and beneficially used within the District for purposes authorized by the 1952 Agreement as amended, consistent with the District’s conjunctive use practices that were described in the District’s 1950 “project report” and that have been undertaken since that time. Other Project recharge water will be recovered and managed consistent with applicable rules, regulations or limitations.

Beneficiaries of the project are landowners and water users within the boundaries of the District.

**Name of Public Agency Approving Project:** Lead Agency: North Kern Water Storage District.

**Name of Person or Agency Carrying Out Project:** Lead Agency: North Kern Water Storage District.

**Exempt Status:**

- Ministerial (Sec. 21080(b)(1) ); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number: \_\_\_\_\_
- Statutory Exemption: State code number: \_\_\_\_\_

**Reasons why project is exempt:**

The District has found and determined that to the extent such activities could possibly constitute a project, the Project is exempt under CEQA. This determination is based upon the fact that the Project is an emergency project. Water supplies in the State of California are at historically high levels. California snowpack is at 254% of average according the California Department of Water Resources May 1, 2023, snow survey. On April 20, 2023, DWR announced a 100% allocation for the State Water Project for the first time since 2006. On that same date the U.S. Bureau of Reclamation Water announced a 100% allocation for the entirety of the Central Valley Project, and confirmed that Friant Dam is being operating for flood control purposes. As a result of these and other hydrological conditions, water managers throughout the State of California are addressing flood conditions and attempting to mitigate flood damage. This is particularly the case with Tulare Lake and the City of Corcoran, both of which are incurring flood damage from multiple stream systems.

The natural flow of the Kern River includes Tulare Lake. Kern River forecasted inflow into Lake Isabella is at 424% of average (DWR Bulletin 120). The forecast for the entire water year for the Kern River is 368% of average and peak flows are expected in the months of May and June. Consequently, the Army Corp of Engineers is currently directing operations at Isabella Dam and Reservoir under mandatory release flood control conditions and has recently ordered public agencies with rights to Kern River Water, including the District, to make necessary preparations for releases of Kern River water from the Dam at a rate of 7,000 cubic feet per second (cfs). Without development of additional capacity to divert and beneficially use these enhanced flows in Kern County, the risk of Kern River Water adding to the damaging flood conditions in and around Tulare Lake increases significantly.

Additionally, the California Department of Water Resources (DWR) has designated the Basin as a critically overdrafted, high priority basin for purposes of complying with the Sustainable Groundwater Management Act (Water Code § 10720 *et seq.*) (“SGMA”). Consequently, it is essential that the District take every possible opportunity to divert its Kern River supply when it is available for recharge and later recovery for beneficial use as detailed in the District’s 1950 Project Report in order to stabilize water supplies and mitigate ongoing drought impacts on the Basin’s depleted groundwater aquifer.

In light of the imminent onset of peak Kern River flows, the immediate need to mitigate for flood damage downstream of Isabella Dam, and the immediate need to improve the hydrology of the Basin, the anticipated period of time to conduct an environmental review of the Project would create a risk to public health, safety and welfare. Therefore, the emergency exception (CEQA Guidelines section 15269(c)) applies.

**Lead Agency Contact Person:** David Hampton, General Manager  
Area Code/Telephone/Extension: (661) 393-3361

**If filed by applicant:**

- 1. Attach certified document of exemption finding.
- 2. Has a Notice of Exemption been filed by the public agency approving the project?  Yes  No

Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Title: General Manager

- Signed by Lead Agency
- Signed by Applicant

Date received for filing at OPR: