

WHEREAS, the Parties desire to enter into this MOU to work together to achieve their common purposes,

NOW, THEREFORE, in consideration of the covenants and conditions set forth herein, Elsinore Murrieta Anza Resource Conservation District and City of Murrieta Community Services District agree to the following:

1. **Incorporation of Recitals**

The Parties hereby affirm the facts set forth in the Recitals above and agree to the incorporation of the Recitals as though fully set forth herein.

2. **Inventory**

(a) Conservation District and Murrieta CSD agree to jointly conduct an inventory ("Inventory") of Murrieta CSD Lands to produce a list of Murrieta CSD Lands that may be eligible and available for Conservation District Restoration Activities. The Parties acknowledge and agree that Murrieta CSD shall have the right, in its sole discretion, to exclude any real property it owns from such list. Similarly, Conservation District shall have the right, in its sole discretion, to refuse to conduct Restoration Activities on any specific Murrieta CSD Lands.

(b) As part of the Inventory, Conservation District and Murrieta CSD shall undertake a historical review of the properties and the underlying grant deeds or conservation easement deeds which conveyed the real property to Murrieta CSD to ensure that Conservation District Restoration Activities will not conflict with any applicable legal or other requirements, including, but not limited to, any permits issued by the Regulatory Agencies that may affect the real property at issue. If necessary, the Parties may consult with the appropriate Regulatory Agency to determine whether any conflicts exist.

(c) The Inventory shall be updated from time to time to reflect newly acquired properties or to remove existing properties at the sole discretion of Murrieta CSD.

(d) The Parties shall each bear their own costs and expenses associated with the Inventory, unless otherwise agreed to in writing by the Parties.

3. **Procedure for Conducting Conservation District Restoration Activities on Murrieta CSD Lands**

After the Inventory is completed or, if a potential mitigation project is identified by the Murrieta CSD before the Inventory is completed, the following procedure shall be instituted to allow Conservation District to conduct Restoration Activities on Murrieta CSD Lands:

(a) Conservation District may conduct Restoration Activities only on Murrieta CSD Lands identified in the Inventory, unless otherwise agreed to by Murrieta CSD. Conservation District shall give Murrieta CSD written notice, or any other notice deemed acceptable by Murrieta CSD, regarding potential Restoration Activities on Murrieta CSD Lands. Conservation District shall provide Murrieta CSD a written description of the specific

Restoration Activities to be undertaken. This written description requirement may be satisfied through submission to Murrieta CSD of a copy of any regulatory permit issued to the Conservation District along with a description of that portion of the regulatory permit terms and conditions Conservation District has been asked to undertake.

(b) Murrieta CSD shall have forty-five (45) working days to respond to the Conservation District submission referenced in subparagraph (a), above. Murrieta CSD, in its reasonable discretion, may refuse to allow Conservation District to undertake the Restoration Activities for any particular proposed project or any particular contractor. If Murrieta CSD does not respond to Conservation District within forty-five (45) working days, Conservation District can reasonably presume that the Murrieta CSD has denied the proposal.

(c) Conservation District shall have primary responsibility for undertaking any activities necessary to accomplish the transactions with the Contractors and the Restoration Activities.

(d) Conservation District and Murrieta CSD agree to work together to explain their relationship under this MOU to the Regulatory Agencies, if necessary, to efficiently implement regulatory requirements.

(e) The Parties agree to work together to determine in advance how ongoing and perpetual management of Murrieta CSD Lands, upon which Restoration Activities have been undertaken will be accomplished after funding is exhausted.

(f) Either Party may request to meet and confer with the other Party at any time regarding any issue that arises under this MOU.

4. Conservation District agrees:

(a) That legal title to the Murrieta CSD Lands used for Restoration Activities will continue to be held by the Murrieta CSD.

(b) Murrieta CSD shall not be liable, in law or equity, if the Restoration Activities performed are determined in any way, by any person or agency, to be insufficient for mitigation or regulatory compliance purposes under applicable statutes, laws and regulations. If any Regulatory Agency later determines that the mitigation as set forth in any mitigation plan or any regulatory permits is insufficient, Murrieta CSD shall not be in any way responsible for satisfying further obligations that may be imposed. No responsibility or liability, therefore, shall accrue to Murrieta CSD. No fee or other charge request pursuant to Public Resources Code sections 9401 *et seq.* shall be imposed against Murrieta CSD pursuant to this Agreement.

(c) Conservation District shall obtain and maintain any and all insurance necessary to undertake Restoration Activities on Murrieta CSD Lands. Murrieta CSD, and in the case of easement interests of Murrieta CSD, the City of Murrieta, shall be named as an additional insured(s).

5. Murrieta CSD agrees:

(a) To cooperate with Conservation District on mutually beneficial projects and to provide Conservation District with information, maps, property boundaries and ownership information, and any other information necessary to facilitate Restoration Activities on Murrieta CSD Lands.

6. Term and Termination.

The term of this MOU shall be for a period of five (5) years from the Effective Date of this MOU ("expiration date") subject to renewals of one (1) year at a time. Annual renewals shall be automatic unless either party elects not to renew by providing written notice at least thirty (30) days prior to the expiration of the then current term.

7. No Third Parties.

Except for Contractors or consultants hired by Conservation District, Conservation District specifically agrees that it will not allow any third party to perform any restoration and/or conservation on the Conservation Easements or other property Murrieta CSD owns or upon which Murrieta CSD holds a conservation easement.

8. Notices

The persons and their addresses having authority to give and receive notices under this MOU are:

Elsinore Murrieta Anza Resource Conservation
District:
Board of Directors
23905 Clinton Keith Road, #114-165
Wildomar, CA. 92595
(951) 698-9566

City of Murrieta Community
Services District:
Mr. Bob Kast
One Town Square
24601 Jefferson Avenue
Murrieta, CA 92562
(951) 304-2489

Any notices from either party to the other shall be given in writing to the attention of the persons listed above, or to other such addresses or addressees as may hereafter be designated in writing for notices by either party to the other. Notice shall be served personally, sent by facsimile, or by first-class mail, postage prepaid.

9. Indemnification.

(a) Murrieta CSD shall not be liable for, and Conservation District shall defend (with attorneys approved by Murrieta CSD), indemnify, and hold harmless Murrieta CSD, the City of Murrieta and their officers, agents, employees and volunteers (collectively "City Parties"), against any and all claims, deductibles, self-insured retentions, demands, liability, judgments, awards, fines, mechanics' liens or other liens, labor disputes, losses, damages, expenses, charges or costs of any kind or character, including attorneys' fees, and court costs ("Claims"), which arise out of or are in any way connected to use of Murrieta CSD Lands

by Conservation District, and covered by this MOU, arising either directly or indirectly from any act, error, omission or negligence of Conservation District or its officers, employees, agents, contractors, licensees or servants. Conservation District shall have no obligation, however, to defend or indemnify City Parties from a Claim if it is determined by a court of competent jurisdiction that such Claim was caused by the sole negligence or willful misconduct of City Parties.

10. Miscellaneous.

(a) Neither Party may assign its rights or obligations under this MOU without the express written consent of the other Party.

(b) The rights and obligations set forth herein are intended exclusively for the benefit of the Parties hereto and shall not be construed to convey any rights or remedies to any third party, except as provided in Section 9.

(c) This MOU contains the entire understanding between the Parties with respect to its subject matter, and supersedes all prior agreements, oral or written, and all prior or contemporaneous discussions or negotiations between the Parties. This MOU cannot be amended except in writing signed by both Parties.

(d) The Parties shall fully cooperate with one another, and shall take any additional acts or sign any additional documents as may be necessary, appropriate, or convenient to attain the purposes of this MOU.

(e) Each and all of the understandings and conditions shall be binding on and shall inure to the benefit of the Parties, and their successors, heirs, personal representatives, or assigns. This section shall not be construed as an authorization for any Party to assign any right or obligation.

(f) If any portion of this MOU is declared invalid, illegal, or otherwise unenforceable by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

(g) No waiver of any default shall constitute a waiver of any other default or breach, whether of the same or other covenant or condition. No waiver, benefit, privilege, or service voluntarily given or performed by a party shall give the other party any contractual rights by custom, estoppel, or otherwise.

(h) This MOU and all documents executed and delivered in connection herewith shall be governed by the laws of the State of California.

(i) If any legal action or other proceeding is brought for the enforcement of this MOU, the prevailing party shall be entitled to recover reasonable attorneys' fees, expenses, and other costs incurred in that action or proceeding in addition to any other relief to which such party may be entitled.

IN WITNESS WHEREOF, the Parties have executed this Memorandum of Understanding as of the Effective Date.

ELSINORE MURRIETA ANZA RESOURCE
CONSERVATION DISTRICT, a California
resource conservation district

CITY OF MURRIETA COMMUNITY
SERVICES DISTRICT, a California
Community Services District

By: 

Name: Vicki Long

President, Board of Directors

By: 

Name: Gary Thomasian, Mayor

Attest: A. Kay Kinson, City Clerk

Subj: RE: In-lieu fee
Date: 7/7/2009 2:25:38 PM Pacific Daylight Time
From: Michelle.L.Mattson@usace.army.mil
To: vickiglong@aol.com
CC: JBrandt@dfg.ca.gov, Esqaicp@wildblue.net, jrobertus@waterboards.ca.gov,
JSmith@waterboards.ca.gov, rkast@murrieta.org, Tiffany.A.Troxel@usace.army.mil,
gspilotis@lafco.org, ccraig@lafco.org, AMilloy@dfg.ca.gov, MDFlores@dfg.ca.gov
Sent from the Internet (Details)

Hi Vicky,

I'll be returning from medical leave next Monday, July 13th and will try to get up to speed on the issues concerning the Mission RCD and the EMARCD. We should have a conference call and/or a pre-application meeting prior EMARCD submitting an application for an in-lieu fee program. I'm available the week of July 20th. At a minimum, I would like to visit the field sites where EMARCD would be proposing enhancement and/or restoration of aquatic resources and buffer areas. In addition, I will need maps that show where MRCD has done work and for how long (I may have these) and maps of the locations where EMARCD proposes work - these can not overlap unless different restoration activities are planned that can further enhance the resources. If monitoring or management of MRCD areas is still needed, I will need to work with our legal staff to determine what credit, if any can be given for those activities.

Thank you,
Michelle

Michelle Lee Mattson
Sn Project Manager, Regulatory Branch
JS Army Corps of Engineers, San Diego Section
6010 Hidden Valley Rd, Ste 105, Carlsbad, California 92011
phone (760) 602-4835 fax (760) 602-4848
Michelle.L.Mattson@usace.army.mil

-----Original Message-----

From: vickiglong@aol.com [mailto:vickiglong@aol.com]
Sent: Monday, June 22, 2009 12:16 PM
To: Mattson, Michelle L SPL
Cc: JBrandt@dfg.ca.gov; Esqaicp@wildblue.net; jrobertus@waterboards.ca.gov;
JSmith@waterboards.ca.gov; rkast@murrieta.org; Troxel, Tiffany A SPL;
gspilotis@lafco.org; ccraig@lafco.org; AMilloy@dfg.ca.gov;
MDFlores@dfg.ca.gov
Subject: In-lieu fee

Michelle,

I am writing this email to make you aware of a legal problem. Mission RCD was ordered by the Riverside County LAFCO Commission to stop all work in the Elsinore Murrieta Anza RCD (EMARCD) since Mission RCD has no legal right to work outside its boundary. San Diego County line is Mission's boundary. In a recent email I received from the City of Murrieta Judy Mitchell is trying to continue to work in EMARCD and Riverside County.

Judy Mitchell attended the LAFCO hearing last fall and told the LAFCO Commission all Army Corp. commitments in EMARCD and Riverside County were ended in Feb. 09. The LAFCO Commission told Judy Mitchell at that time she was to stop work in Riverside County in Feb. and no other work would be permitted.

Friday, July 10, 2009 America Online: Vickiglong

Michelle, EMARCD is working on a mitigation bank to be used for our own in-lieu fee program. As you know the regulations have changed and the Corp. favors banks instead of easements. EMARCD owns 75 acres of quality habitat that can be used for the Corp.

EMARCD and the City of Murrieta have an MOU to work on about 400 acres of easements within the City and EMARCD will be submitting a proposal to Army Corp soon.

EMARCD is a working member of SAWA and is familiar with the new changes of the Corp. regulations.

If there are any unfinished Army Corp. commitments within the City of Murrieta or any where in our District contacted by Mission RCD then the EMARCD would accept transfer of funds for monitoring and completion of those projects.

Please contact me to discuss this issue as soon as possible before more laws are violated by Mission RCD.

Vicki Long
EMARCD President
1-951-698-9366

A Good Credit Score is 700 or Above. See yours in just 2 easy steps!
<<http://pr.atwola.com/promoclk/100126575x1221823273x1201398689/aol?redir=http://www.freecreditreport.com/pm/default.aspx?sc=668072%26hmpgID=62%26bcd=Junes>>
tapsfooterNO62>

Sent to:

michelle.l.mattson@usace.army.mil

crystal.l.doyle@usace.army.mil

Tiffany.R.Kayama@usace.army.mil

Robert.r.smith@spl01.usace.army.mil

DFG: Jeff Brandt

RWCB: Mike Porter mporter@waterboards.ca.gov

Thursday, July 02, 2009 America Online: Vickiglong

Subj: **FW: In-Lieu-Fee report for work on City of Murrieta Properties**
Date: 6/18/2009 1:33:52 PM Pacific Daylight Time
From: RKast@murrieta.org
To: Vickiglong@aol.com
File: **sslonRCDACOEIn-Lie-FeeProgramCityofMurrietaSitesReportlr.pdf** (4324668 bytes) DL Time (44000 bps): < 27 minutes
Sent from the Internet (Details)

Vicki,

Could you take a look at this and let me know your thoughts?

Thank You,
Bob Kast
Parks Maintenance Superintendent
City of Murrieta
(951) 461-6124

From: Mitchell, Judy - Fallbrook, CA [mailto:Judy.Mitchell@ca.nacdn.net]
Sent: Friday, June 12, 2009 2:15 PM
To: Jeff Brandt
Cc: Kast, Robert (Comm Svcs)
Subject: FW: In-Lieu-Fee report for work on City of Murrieta Properties
Importance: High

From: Jason Giessow [mailto:jgiessow@cox.net]
Sent: Friday, June 12, 2009 12:37 PM
To: Mitchell, Judy - Fallbrook, CA
Subject: FW: In-Lieu-Fee report for work on City of Murrieta Properties
Importance: High

Hi Michelle and others,

Mission RCD has been working under an In-Lie-Fee agreement between the ACOE and the RCD since 1999 on the Santa Margarita Watershed. The program carried out mitigation on City of Murrieta lands in 2003, 2004 and 2005. Recently the City has blocked access to the project areas. ACOE program managers requested an inventory of the project areas so that they could be formally counted as mitigation areas. This report and GIS coverage delineate project areas under the ACOE In-Lieu-Fee program on City of Murrieta property.

Please be aware of these mitigation sites when authorizing new mitigation and enhancement areas within the City of Murrieta.

Also note the letter of authorization from Bob Kast of the City of Murrieta and the City itself has used the In-Lieu-Fee program to mitigate impacts on its own projects.

I called Michelle- but she is out on leave. So then I talked with Robert who recommended that we send this to you Crystal. Tiffany is receiving it due to other Murrieta Creek projects that the ACOE is initiating- be aware that these areas have been used as mitigation.

Thanks,

Judy Mitchell

Thursday, July 02, 2009 America Online: Vickiglong



MEMORANDUM

RIVERSIDE COUNTY COUNSEL

DATE: August 2015

TO: Elsinore Murrieta Anza Resource Conservation District Board of Directors

FROM: Melissa R. Cushman, Deputy County Counsel

RE: EMARCD: The Law Relating to California Fish and Wildlife Due Diligence Requirements for Mitigation Endowments

What is the law relating to California Department of Fish and Wildlife's ("CDFW") due diligence requirements for mitigation endowments?

BACKGROUND

In 2012, SB 1094 modified the requirements for mitigation endowments. "Endowment" is now defined as "funds . . . held as charitable trusts that are permanently restricted to paying the costs of long-term management and stewardship of the mitigation property for which the funds were set aside." (Gov. Code, § 65965(a).) Such endowments must have principal amounts reasonably anticipated to cover the annual stewardship costs of the respective property in perpetuity. (Gov. Code, § 65965(b).) The requirements for who can be an endowment holder were also changed by SB 1094. For endowments created after January 1, 2012, the endowment holder must generally be one of the following: (1) the agency or agencies that required the mitigation; (2) the governmental entity, special district, or nonprofit that holds the property for conservation purposes; or (3) the governmental entity or special district that retains the property after conveying an interest in the property for conservation purposes if that governmental entity or special district is protecting, restoring, or enhancing the property that was retained. (Gov. Code, § 65968(b).)

CDFW and all other state and local agencies must exercise due diligence in reviewing the qualifications of a governmental entity, special district, or nonprofit to effectively manage and steward land, water, or natural resources. (Gov. Code, § 65967(c).) An entity wishing to hold an endowment must meet the above requirements and certify to CDFW and the project proponent or the holder of the mitigation property or conservation easement that the prospective endowment holder: (1) has the capacity to effectively manage the mitigation funds; (2) has the capacity to achieve reasonable rates of return on the investment of those funds similar to those of other prudent investors and would manage and invest the endowment and good faith; (3) utilizes generally accepted accounting practices as promulgated by either the Financial Accounting

Standards Board or Government Accounting Standards Board; and (4) would be able to ensure the funds are accounted for and tied to a specific property.

In determining whether an entity is an acceptable endowment holder, CDFW reviews the application of the prospective holder and conducts due diligence review to ensure they meet the above specific criteria to reduce the risk of fund loss or mismanagement. The ten-page CDFW Mitigation Land Application is available at <https://www.wildlife.ca.gov/Conservation/CESA/Endowments> and is attached hereto. The application requires information relating to, among others, how the applying entity's Board of Directors is actively engaged in governance activities; how the Board reviews, approves, and documents budgets, periodic reviews of investments, and the financial status of applicants; what the process is for periodic evaluation of the entity's Executive Director or General Manager; explaining the entity's process for acquiring real property and the involvement of its Board in the process; whether the Board has a conflict of interest policy and how it is implemented and reviewed; the number of staff and volunteers; and the entity's budget and programs. (Application at pp. 5-6.) The entity is also requested to provide financial statements and audits from the prior three years or explain why these are not available. (*Id.* at p. 7.)

CDFW may require a one-time fee from an entity applying to hold mitigation lands. (Gov. Code, § 65966(f).) Approximately two dozen entities have been approved to hold and manage mitigation lands pursuant to Government Code section 65965 et seq. (See CDFW website, Mitigation Land Management and Endowments, available at <https://www.wildlife.ca.gov/Conservation/CESA/Endowments>.)

Once an entity is approved as an endowment holder, the entity has additional requirements. For example, it must submit an annual fiscal report to CDFW. This report must contain the following elements: (1) the balance of each individual endowment at the beginning of the reporting period; (2) the amount of any contribution to the endowment during the reporting period, including gifts and grants; (3) the net amounts of investment earnings, gains, and losses during the reporting period; (4) the amounts distributed during the reporting period that would accomplish the purpose for which the endowment was created; (5) administrative expenses charged to the endowment; (6) the balance of the endowment at the end of the reporting period; (7) the specific asset allocation percentages; and (8) the most recent financial statements for the organization audited by an independent auditor who is, at a minimum, a certified public accountant. (Gov. Code, § 65966(e).)

NEW BUSINESS

2015/2016 Statement of Economic Interests



Form 700

A Public Document

Also available on the FPPC website:

- ***Form 700 in Excel format***
- ***Reference Pamphlet for Form 700***

California Fair Political Practices Commission

428 J Street, Suite 620 • Sacramento, CA 95814

Email Advice: advice@fppc.ca.gov

Toll-free advice line: 1 (866) ASK-FPPC • 1 (866) 275-3772

Telephone: (916) 322-5660 • Website: www.fppc.ca.gov

December 2015

What's New

Gifts of Travel

Effective January 1, 2016, if an individual receives a travel payment that is a reportable gift, he or she must disclose the travel destination. (See the Schedule E instructions for information about other details that must be disclosed.) This applies to travel taken on or after January 1, 2016. An individual who is filing a 2015 annual statement is not required to disclose the travel destination, but may do so.

Who must file:

- Elected and appointed officials and candidates listed in Government Code Section 87200
- Employees, appointed officials, and consultants filing pursuant to a conflict of interest code ("code filers"). **Obtain your disclosure categories, which describe the interests you must report, from your agency; they are not part of the Form 700**
- Candidates running for local elective offices that are designated in a conflict of interest code (e.g., county sheriffs, city clerks, school board trustees, and water board members)
- Members of newly created boards and commissions not yet covered under a conflict of interest code
- Employees in newly created positions of existing agencies

See Reference Pamphlet, page 3, at www.fppc.ca.gov.

Where to file:

87200 Filers

State offices	⇒	Your agency
Judicial offices	⇒	The clerk of your court
Retired Judges	⇒	Directly with FPPC
County offices	⇒	Your county filing official
City offices	⇒	Your city clerk
Multi-County offices	⇒	Your agency

Code Filers — State and Local Officials, Employees, and Consultants Designated in a Conflict of Interest Code: File with your agency, board, or commission unless otherwise specified in your agency's conflict of interest code (e.g., Legislative staff files directly with FPPC). In most cases, the agency, board, or commission will retain the statements.

Members of Boards and Commissions of Newly Created Agencies: File with your newly created agency or with your agency's code reviewing body.

Employees in Newly Created Positions of Existing Agencies: File with your agency or with your agency's code reviewing body. See Reference Pamphlet, page 3.

Candidates: File with your local elections office.

How to file:

The Form 700 is available at www.fppc.ca.gov. Form 700 schedules are also available in Excel format. All statements must have an original "wet" signature or be duly authorized by your filing officer to file electronically under Government Code Section 87500.2. Instructions, examples, FAQs, and a reference pamphlet are available to help answer your questions.

When to file:

Annual Statements

⇒ March 1, 2016

- Elected State Officers
- Judges and Court Commissioners
- State Board and Commission Members listed in Government Code Section 87200

⇒ April 1, 2016

- Most other filers

Individuals filing under conflict of interest codes in city and county jurisdictions should verify the annual filing date with their local filing officers.

Statements postmarked by the filing deadline are considered filed on time.

Assuming Office and Leaving Office Statements

Most filers file within 30 days of assuming or leaving office or within 30 days of the effective date of a newly adopted or amended conflict of interest code.

Exception:

If you assumed office between October 1, 2015, and December 31, 2015, and filed an assuming office statement, you are not required to file an annual statement until March 1, 2017, or April 3, 2017, whichever is applicable. The annual statement will cover the day after you assumed office through December 31, 2016. See Reference Pamphlet, pages 6 and 7, for additional exceptions.

Candidate Statements

File no later than the final filing date for the declaration of candidacy or nomination documents.

Amendments

Statements may be amended at any time. You are only required to amend the schedule that needs to be revised. It is not necessary to amend the entire filed form. Obtain amendment schedules at www.fppc.ca.gov.

There is no provision for filing deadline extensions unless the filer is serving in active military duty.

Statements of 30 pages or less may be faxed by the deadline as long as the originally signed paper version is sent by first class mail to the filing official within 24 hours.

Introduction

The Political Reform Act (Gov. Code Sections 81000-91014) requires most state and local government officials and employees to publicly disclose their personal assets and income. They also must disqualify themselves from participating in decisions that may affect their personal economic interests. The Fair Political Practices Commission (FPPC) is the state agency responsible for issuing the attached Statement of Economic Interests, Form 700, and for interpreting the law's provisions.

Gift Prohibition

Gifts received by most state and local officials, employees, and candidates are subject to a limit. For years 2015-2016, the limit is \$460 from a single source during a calendar year.

In addition, state officials, state candidates, and certain state employees are subject to a \$10 limit per calendar month on gifts from lobbyists and lobbying firms registered with the Secretary of State. See Reference Pamphlet, page 10.

State and local officials and employees should check with their agency to determine if other restrictions apply.

Disqualification

Public officials are, under certain circumstances, required to disqualify themselves from making, participating in, or attempting to influence governmental decisions that will affect their economic interests. This may include interests they are not required to disclose (i.e., a personal residence is often not reportable, but may be disqualifying). Specific disqualification requirements apply to 87200 filers (e.g., city councilmembers, members of boards of supervisors, planning commissioners, etc.). These officials must publicly identify the economic interest that creates a conflict of interest and leave the room before a discussion or vote takes place at a public meeting. For more information, consult Government Code Section 87105, Regulation 18707, and the Guide to Recognizing Conflicts of Interest at www.fppc.ca.gov.

Honorarium Ban

Most state and local officials, employees, and candidates are prohibited from accepting an honorarium for any speech given, article published, or attendance at a conference, convention, meeting, or like gathering. See Reference Pamphlet, page 10.

Loan Restrictions

Certain state and local officials are subject to restrictions on loans. See Reference Pamphlet, page 14.

Post-Governmental Employment

There are restrictions on representing clients or employers before former agencies. The provisions apply to elected state officials, most state employees, local elected officials, county chief administrative officers, city managers, including the chief administrator of a city, and general managers or chief administrators of local special districts and JPAs. The FPPC website has fact sheets explaining the provisions.

Late Filing

The filing officer who retains originally-signed or electronically filed statements of economic interests may impose on an individual a fine for any statement that is filed late. The fine is \$10 per day up to a maximum of \$100. Late filing penalties may be reduced or waived under certain circumstances.

Persons who fail to timely file their Form 700 may be referred to the FPPC's Enforcement Division (and, in some cases, to the Attorney General or district attorney) for investigation and possible prosecution. In addition to the late filing penalties, a fine of up to \$5,000 per violation may be imposed.

For assistance concerning reporting, prohibitions, and restrictions under the Act:

- Email questions to advice@fppc.ca.gov.
- Call the FPPC toll-free at (866) 275-3772.

Form 700 is a Public Document Public Access Must Be Provided

Statements of Economic Interests are public documents. The filing officer must permit any member of the public to inspect and receive a copy of any statement.

- Statements must be available as soon as possible during the agency's regular business hours, but in any event not later than the second business day after the statement is received. Access to the Form 700 is not subject to the Public Records Act procedures.
- No conditions may be placed on persons seeking access to the forms.
- No information or identification may be required from persons seeking access.
- Reproduction fees of no more than 10 cents per page may be charged.

Types of Form 700 Filings

Assuming Office Statement:

If you are a newly appointed official or are newly employed in a position designated, or that will be designated, in a state or local agency's conflict of interest code, your assuming office date is the date you were sworn in or otherwise authorized to serve in the position. If you are a newly elected official, your assuming office date is the date you were sworn in.

- Investments, interests in real property, and business positions held on the date you assumed the office or position must be reported. In addition, income (including loans, gifts, and travel payments) received during the 12 months prior to the date you assumed the office or position is reportable.

For positions subject to confirmation by the State Senate or the Commission on Judicial Performance, your assuming office date is the date you were appointed or nominated to the position.

Example:

Maria Lopez was nominated by the Governor to serve on a state agency board that is subject to state Senate confirmation. The assuming office date is the date Maria's nomination is submitted to the Senate. Maria must report investments, interests in real property, and business positions she holds on that date, and income (including loans, gifts, and travel payments) received during the 12 months prior to that date.

If your office or position has been added to a newly adopted or newly amended conflict of interest code, use the effective date of the code or amendment, whichever is applicable.

- Investments, interests in real property, and business positions held on the effective date of the code or amendment must be reported. In addition, income (including loans, gifts, and travel payments) received during the 12 months prior to the effective date of the code or amendment is reportable.

Annual Statement:

Generally, the period covered is January 1, 2015, through December 31, 2015. If the period covered by the statement is different than January 1, 2015, through December 31, 2015, (for example, you assumed office between October 1, 2014, and December 31, 2014 or you are combining statements), you must specify the period covered.

- Investments, interests in real property, business positions held, and income (including loans, gifts, and travel payments) received during the period covered by the statement must be reported. Do not change the preprinted dates on Schedules A-1, A-2, and B unless you are required to report the acquisition or disposition of an interest that did not occur in 2015.

- If your disclosure category changes during a reporting period, disclose under the old category until the effective date of the conflict of interest code amendment and disclose under the new disclosure category through the end of the reporting period.

Leaving Office Statement:

Generally, the period covered is January 1, 2015, through the date you stopped performing the duties of your position. If the period covered differs from January 1, 2015, through the date you stopped performing the duties of your position (for example, you assumed office between October 1, 2014, and December 31, 2014, or you are combining statements), the period covered must be specified. The reporting period can cover parts of two calendar years.

- Investments, interests in real property, business positions held, and income (including loans, gifts, and travel payments) received during the period covered by the statement must be reported. Do not change the preprinted dates on Schedules A-1, A-2, and B unless you are required to report the acquisition or disposition of an interest that did not occur in 2015.

Candidate Statement:

If you are filing a statement in connection with your candidacy for state or local office, investments, interests in real property, and business positions held on the date of filing your declaration of candidacy must be reported. In addition, income (including loans, gifts, and travel payments) received during the 12 months prior to the date of filing your declaration of candidacy is reportable. Do not change the preprinted dates on Schedules A-1, A-2, and B.

Candidates running for local elective offices (e.g., county sheriffs, city clerks, school board trustees, or water district board members) must file candidate statements, as required by the conflict of interest code for the elected position. The code may be obtained from the agency of the elected position.

Amendments:

If you discover errors or omissions on any statement, file an amendment as soon as possible. You are only required to amend the schedule that needs to be revised; it is not necessary to refile the entire form. Obtain amendment schedules from the FPPC website at www.fppc.ca.gov.

Instructions Cover Page

Enter your name, mailing address, and daytime telephone number in the spaces provided. **Because the Form 700 is a public document, you may list your business/office address instead of your home address.**

Part 1. Office, Agency, or Court

- Enter the name of the office sought or held, or the agency or court. Consultants must enter the public agency name rather than their private firm's name. (Examples: State Assembly; Board of Supervisors; Office of the Mayor; Department of Finance; Hope County Superior Court)
- Indicate the name of your division, board, or district, if applicable. (Examples: Division of Waste Management; Board of Accountancy; District 45). **Do not use acronyms.**
- Enter your position title. (Examples: Director; Chief Counsel; City Council Member; Staff Services Analyst)
- If you hold multiple positions (i.e., a city council member who also is a member of a county board or commission), you may be required to file statements with each agency. To simplify your filing obligations, you may complete an expanded statement.
- To do this, enter the name of the other agency(ies) with which you are required to file and your position title(s) in the space provided. **Do not use acronyms.** Attach an additional sheet if necessary. Complete one statement covering the disclosure requirements for all positions. Each copy must contain an original signature. Therefore, before signing the statement, make a copy for each agency. Sign each copy with an original signature and file with each agency.

If you assume or leave a position after a filing deadline, you must complete a separate statement. For example, a city council member who assumes a position with a county special district after the April 1 annual filing deadline must file a separate assuming office statement. In subsequent years, the city council member may expand his or her annual filing to include both positions.

Example:

Scott Baker is a city council member for the City of Lincoln and a board member for the Camp Far West Irrigation District – a multi-county agency that covers Placer and Yuba counties. Scott will complete one Form 700 using full disclosure (as required for the city position) and covering interests in both Placer and Yuba counties (as required for the multi-county position) and list both positions on the Cover Page. Before signing the statement, Scott will make a copy and sign both statements. One statement will be filed with City of Lincoln and the other will be filed with Camp Far West Irrigation District. Both will contain an original signature.

Part 2. Jurisdiction of Office

- Check the box indicating the jurisdiction of your agency and, if applicable, identify the jurisdiction. Judges, judicial candidates, and court commissioners have statewide jurisdiction. All other filers should review the Reference Pamphlet, page 13, to determine their jurisdiction.
- If your agency is a multi-county office, list each county in which your agency has jurisdiction.

- If your agency is not a state office, court, county office, city office, or multi-county office (e.g., school districts, special districts and JPAs), check the "other" box and enter the county or city in which the agency has jurisdiction.

Example:

This filer is a member of a water district board with jurisdiction in portions of Yuba and Sutter Counties.

Part 3. Type of Statement

1. Office, Agency, or Court	
Agency Name (Do not use acronyms)	
Feather River Irrigation District	
Division, Board, Department, District, if applicable	Your Position
N/A	Board Member
If filing for multiple positions, list below or on an attachment. (Do not use acronyms)	
Agency	Position
N/A	
2. Jurisdiction of Office (check at least one box)	
<input type="checkbox"/> State	<input type="checkbox"/> Judge or Court Commissioner (Statewide Jurisdiction)
<input checked="" type="checkbox"/> Multi-County Yuba & Sutter Counties	<input type="checkbox"/> County of _____
<input type="checkbox"/> City of _____	<input type="checkbox"/> Other _____

Check at least one box. The period covered by a statement is determined by the type of statement you are filing. If you are completing a 2015 annual statement, **do not** change the pre-printed dates to reflect 2016. Your annual statement is used for reporting the **previous year's** economic interests. Economic interests for your annual filing covering January 1, 2016, through December 31, 2016, will be disclosed on your statement filed in 2017. See Reference Pamphlet, page 4.

Combining Statements: Certain types of statements may be combined. For example, if you leave office after January 1, but before the deadline for filing your annual statement, you may combine your annual and leaving office statements. File by the earliest deadline. Consult your filing officer or the FPPC.

Part 4. Schedule Summary

- Complete the Schedule Summary after you have reviewed each schedule to determine if you have reportable interests.
- Enter the total number of completed pages including the cover page and either check the box for each schedule you use to disclose interests; or if you have nothing to disclose on any schedule, check the "No reportable interests" box. Please **do not** attach any blank schedules.

Part 5. Verification

Complete the verification by signing the statement and entering the date signed. All statements must have an original "wet" signature or be duly authorized by your filing officer to file electronically under Government Code Section 87500.2. Instructions, examples, FAQs, and a reference pamphlet are available to help answer your questions. **When you sign your statement, you are stating, under penalty of perjury, that it is true and correct.** Only the filer has authority to sign the statement. An unsigned statement is not considered filed and you may be subject to late filing penalties.

FPPC Form 700 (2015/2016)

FPPC Advice Email: advice@fppc.ca.gov

FPPC Toll-Free Helpline: 866/275-3772 www.fppc.ca.gov

Instructions – 1

STATEMENT OF ECONOMIC INTERESTS
COVER PAGE

Date Initial Filing Received
Official Use Only

Please type or print in ink.

NAME OF FILER (LAST) (FIRST) (MIDDLE)

1. Office, Agency, or Court

Agency Name (Do not use acronyms)

Division, Board, Department, District, if applicable

Your Position

► If filing for multiple positions, list below or on an attachment. (Do not use acronyms)

Agency: Position:

2. Jurisdiction of Office (Check at least one box)

- ☐ State ☐ Judge or Court Commissioner (Statewide Jurisdiction)
☐ Multi-County ☐ County of
☐ City of ☐ Other

3. Type of Statement (Check at least one box)

- ☐ **Annual:** The period covered is January 1, 2015, through December 31, 2015.
-or- The period covered is / / , through December 31, 2015.
☐ **Assuming Office:** Date assumed / /
☐ **Candidate:** Election year and office sought, if different than Part 1:
☐ **Leaving Office:** Date Left / /
(Check one)
☐ The period covered is January 1, 2015, through the date of leaving office.
-or-
☐ The period covered is / / , through the date of leaving office.

4. Schedule Summary (must complete) ► Total number of pages including this cover page:

Schedules attached

- ☐ **Schedule A-1 - Investments** – schedule attached ☐ **Schedule C - Income, Loans, & Business Positions** – schedule attached
☐ **Schedule A-2 - Investments** – schedule attached ☐ **Schedule D - Income – Gifts** – schedule attached
☐ **Schedule B - Real Property** – schedule attached ☐ **Schedule E - Income – Gifts – Travel Payments** – schedule attached

-or-

- ☐ **None - No reportable interests on any schedule**

5. Verification

MAILING ADDRESS STREET CITY STATE ZIP CODE
(Business or Agency Address Recommended - Public Document)

DAYTIME TELEPHONE NUMBER E-MAIL ADDRESS
()

I have used all reasonable diligence in preparing this statement. I have reviewed this statement and to the best of my knowledge the information contained herein and in any attached schedules is true and complete. I acknowledge this is a public document.

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date Signed (month, day, year) Signature (File the originally signed statement with your filing official.)

Which Schedule Do I Use?

Common Reportable Interests

Schedule A-1	Stocks, including those held in an IRA or a 401K
Schedule A-2	Business entities (including certain independent contracting), sole proprietorships, partnerships, LLCs, corporations, and trusts
Schedule B	Rental property in the jurisdiction
Schedule C	Non-governmental salaries of public official and spouse/registered domestic partner
Schedule D	Gifts from businesses (such as tickets to sporting or entertainment events)
Schedule E	Travel payments from third parties (not your employer)

Common Non-Reportable Interests

Schedule A-1	Insurance policies, government bonds, diversified mutual funds, certain funds similar to diversified mutual funds (such as exchange traded funds) and investments held in certain retirement accounts. See Reference Pamphlet, page 13, for detailed information. (Regulation 18237)
Schedule A-2	Savings and checking accounts and annuities
Schedule B	A residence used exclusively as a personal residence (such as a home or vacation cabin)
Schedule C	Governmental salary (such as a school district)
Schedule D	Gifts from family members
Schedule E	Travel paid by your government agency

Remember:

- ✓ Mark the "No reportable interests" box on Part 4 of the Schedule Summary on the Cover Page if you determine you have nothing to disclose and file the Cover Page only. **Make sure you carefully read all instructions to ensure proper reporting.**
- ✓ The Form 700 is a public document.
- ✓ **Most individuals must consult their agency's conflict of interest code for reportable interests.**
- ✓ Most individuals file the Form 700 with their agencies.

Questions and Answers

General

Q. What is the reporting period for disclosing interests on an assuming office statement or a candidate statement?

A. On an assuming office statement, disclose all reportable investments, interests in real property, and business positions held on the date you assumed office. In addition, you must also disclose income (including loans, gifts and travel payments) received during the 12 months prior to the date you assumed office.

On a candidate statement, disclose all reportable investments, interests in real property, and business positions held on the date you file your declaration of candidacy. You must also disclose income (including loans, gifts and travel payments) received during the 12 months prior to the date you file your declaration of candidacy.

Q. I hold two other board positions in addition to my position with the county. Must I file three statements of economic interests?

A. Yes, three are required. However, you may complete one statement listing the county and the two boards on the Cover Page or an attachment as the agencies for which you will be filing. Report your economic interests using the largest jurisdiction and highest disclosure requirements assigned to you by the three agencies. Make two copies of the entire statement before signing it, sign each copy with an original signature, and distribute one original to the county and to each of the two boards. Remember to complete separate statements for positions that you leave or assume during the year.

Q. I am a department head who recently began acting as city manager. Should I file as the city manager?

A. Yes. File an assuming office statement as city manager. Persons serving as "acting," "interim," or "alternate" must file as if they hold the position because they are or may be performing the duties of the position.

Q. As a designated employee, I left one state agency to work for another state agency. Must I file a leaving office statement?

A. Yes. You may also need to file an assuming office statement for the new agency.

Q. My spouse and I are currently separated and in the process of obtaining a divorce. Must I still report my spouse's income, investments, and interests in real property?

A. Yes. A public official must continue to report a spouse's economic interests until such time as dissolution of marriage proceedings is final. However, if a separate property agreement has been reached prior to that time, your estranged spouse's income may not have to be reported. Contact the FPPC for more information.

Investment Disclosure

Q. I have an investment interest in shares of stock in a company that does not have an office in my jurisdiction. Must I still disclose my investment interest in this company?

A. Probably. The definition of "doing business in the jurisdiction" is not limited to whether the business has an office or physical location in your jurisdiction. See Reference Pamphlet, page 13.

Q. My spouse and I have a living trust. The trust holds rental property in my jurisdiction, our primary residence, and investments in diversified mutual funds. I have full disclosure. How is this trust disclosed?

A. Disclose the name of the trust, the rental property and its income on Schedule A-2. Your primary residence and investments in diversified mutual funds registered with the SEC are not reportable.

Q. I am required to report all investments. I have an IRA that contains stocks through an account managed by a brokerage firm. Must I disclose these stocks even though they are held in an IRA and I did not decide which stocks to purchase?

A. Yes. Disclose on Schedule A-1 or A-2 any stock worth \$2,000 or more in a business entity located in or doing business in your jurisdiction.

Questions and Answers

Continued

Q. I am the sole owner of my business, an S-Corporation. I believe that the nature of the business is such that it cannot be said to have any "fair market value" because it has no assets. I operate the corporation under an agreement with a large insurance company. My contract does not have resale value because of its nature as a personal services contract. Must I report the fair market value for my business on Schedule A-2 of the Form 700?

A. Yes. Even if there are no *tangible* assets, intangible assets, such as relationships with companies and clients are commonly sold to qualified professionals. The "fair market value" is often quantified for other purposes, such as marital dissolutions or estate planning. In addition, the IRS presumes that "personal services corporations" have a fair market value. A professional "book of business" and the associated goodwill that generates income are not without a determinable value. The Form 700 does not require a precise fair market value; it is only necessary to check a box indicating the broad range within which the value falls.

Q. I own stock in IBM and must report this investment on Schedule A-1. I initially purchased this stock in the early 1990s; however, I am constantly buying and selling shares. Must I note these dates in the "Acquired" and "Disposed" fields?

A. No. You must only report dates in the "Acquired" or "Disposed" fields when, during the reporting period, you initially purchase a reportable investment worth \$2,000 or more or when you dispose of the entire investment. You are not required to track the partial trading of an investment.

Q. On last year's filing I reported stock in Encoe valued at \$2,000 - \$10,000. Late last year the value of this stock fell below and remains at less than \$2,000. How should this be reported on this year's statement?

A. You are not required to report an investment if the value was less than \$2,000 during the **entire** reporting period. However, because a disposed date is not required for stocks that fall below \$2,000, you may want to report the stock and note in the "comments" section that the value fell below \$2,000. This would be for informational purposes only; it is not a requirement.

Q. We have a Section 529 account set up to save money for our son's college education. Is this reportable?

A. If the Section 529 account contains reportable interests (e.g., common stock valued at \$2,000 or more), those interests are reportable (not the actual Section 529 account). If the account contains solely mutual funds, then nothing is reported.

Income Disclosure

Q. I reported a business entity on Schedule A-2. Clients of my business are located in several states. Must I report all clients from whom my pro rata share of income is \$10,000 or more on Schedule A-2, Part 3?

A. No, only the clients located in or doing business on a regular basis in your jurisdiction must be disclosed.

Q. I believe I am not required to disclose the names of clients from whom my pro rata share of income is \$10,000 or more on Schedule A-2 because of their right to privacy. Is there an exception for reporting clients' names?

A. Regulation 18740 provides a procedure for requesting an exemption to allow a client's name not to be disclosed if disclosure of the name would violate a legally recognized privilege under California or Federal law. This regulation may be obtained from our website at www.fppc.ca.gov. See Reference Pamphlet, page 14.

Q. I am sole owner of a private law practice that is not reportable based on my limited disclosure category. However, some of the sources of income to my law practice are from reportable sources. Do I have to disclose this income?

A. Yes, even though the law practice is not reportable, reportable sources of income to the law practice of \$10,000 or more must be disclosed. This information would be disclosed on Schedule C with a note in the "comments" section indicating that the business entity is not a reportable investment. The note would be for informational purposes only; it is not a requirement.

Questions and Answers Continued

Q. I am the sole owner of my business. Where do I disclose my income - on Schedule A-2 or Schedule C?

A. Sources of income to a business in which you have an ownership interest of 10% or greater are disclosed on Schedule A-2. See Reference Pamphlet, page 8, for the definition of "business entity."

Q. My husband is a partner in a four-person firm where all of his business is based on his own billings and collections from various clients. How do I report my community property interest in this business and the income generated in this manner?

A. If your husband's investment in the firm is 10% or greater, disclose 100% of his share of the business on Schedule A-2, Part 1 and 50% of his income on Schedule A-2, Parts 2 and 3. For example, a client of your husband's must be a source of at least \$20,000 during the reporting period before the client's name is reported.

Q. How do I disclose my spouse's or registered domestic partner's salary?

A. Report the name of the employer as a source of income on Schedule C.

Q. I am a doctor. For purposes of reporting \$10,000 sources of income on Schedule A-2, Part 3, are the patients or their insurance carriers considered sources of income?

A. If your patients exercise sufficient control by selecting you instead of other doctors, then your patients, rather than their insurance carriers, are sources of income to you. See Reference Pamphlet, page 14, for additional information.

Q. I received a loan from my grandfather to purchase my home. Is this loan reportable?

A. No. Loans received from family members are not reportable.

Q. Many years ago, I loaned my parents several thousand dollars, which they paid back this year. Do I need to report this loan repayment on my Form 700?

A. No. Payments received on a loan made to a family member are not reportable.

Real Property Disclosure

Q. During this reporting period we switched our principal place of residence into a rental. I have full disclosure and the property is located in my agency's jurisdiction, so it is now reportable. Because I have not reported this property before, do I need to show an "acquired" date?

A. No, you are not required to show an "acquired" date because you previously owned the property. However, you may want to note in the "comments" section that the property was not previously reported because it was used exclusively as your residence. This would be for informational purposes only; it is not a requirement.

Q. My daughter is buying her first home and I am the co-signer on the loan. I won't occupy the home, but my daughter will. The home is located in my agency's jurisdiction. Must I report this property?

A. No. Property occupied by a family member is not reportable as long as you are not receiving rental income or using the property for business purposes.

Gift Disclosure

Q. If I received a reportable gift of two tickets to a concert valued at \$100 each, but gave the tickets to a friend because I could not attend the concert, do I have any reporting obligations?

A. Yes. Since you accepted the gift and exercised discretion and control of the use of the tickets, you must disclose the gift on Schedule D.

Q. Mary and Joe Benson, a married couple, want to give a piece of artwork to a county supervisor. Is each spouse considered a separate source for purposes of the gift limit and disclosure?

A. Yes, each spouse may make a gift valued at the gift limit during a calendar year. For example, during 2015 the gift limit was \$460, so the Bensons may have given the supervisor artwork valued at no more than \$920. The supervisor must identify Joe and Mary Benson as the sources of the gift.

Questions and Answers Continued

Q. I am a Form 700 filer with full disclosure. Our agency holds a holiday raffle to raise funds for a local charity. I bought \$10 worth of raffle tickets and won a gift basket valued at \$120. The gift basket was donated by Doug Brewer, a citizen in our city. At the same event, I bought raffle tickets for, and won a quilt valued at \$70. The quilt was donated by a coworker. Are these reportable gifts?

A. Because the gift basket was donated by an outside source (not an agency employee), you have received a reportable gift valued at \$110 (the value of the basket less the consideration paid). The source of the gift is Doug Brewer and the agency is disclosed as the intermediary. Because the quilt was donated by an employee of your agency, it is not a reportable gift.

Q. My agency is responsible for disbursing grants. An applicant (501(c)(3) organization) met with agency employees to present its application. At this meeting, the applicant provided food and beverages. Would the food and beverages be considered gifts to the employees? These employees are designated in our agency's conflict of interest code and the applicant is a reportable source of income under the code.

A. Yes. If the value of the food and beverages consumed by any one filer, plus any other gifts received from the same source during the reporting period total \$50 or more, the food and beverages would be reported using the fair market value and would be subject to the gift limit.

Q. I received free admission to an educational conference related to my official duties. Part of the conference fees included a round of golf. Is the value of the golf considered informational material?

A. No. The value of personal benefits, such as golf, attendance at a concert, or sporting event, are gifts subject to reporting and limits.

Instructions – Schedules A-1 and A-2 Investments

“Investment” means a financial interest in any business entity (including a consulting business or other independent contracting business) that is located in, doing business in, planning to do business in, or that has done business during the previous two years in your agency’s jurisdiction in which you, your spouse or registered domestic partner, or your dependent children had a direct, indirect, or beneficial interest totaling \$2,000 or more at any time during the reporting period. See Reference Pamphlet, page 13.

Reportable investments include:

- Stocks, bonds, warrants, and options, including those held in margin or brokerage accounts and managed investment funds (See Reference Pamphlet, page 13.)
- Sole proprietorships
- Your own business or your spouse’s or registered domestic partner’s business (See Reference Pamphlet, page 8, for the definition of “business entity.”)
- Your spouse’s or registered domestic partner’s investments even if they are legally separate property
- Partnerships (e.g., a law firm or family farm)
- Investments in reportable business entities held in a retirement account (See Reference Pamphlet, page 15.)
- If you, your spouse or registered domestic partner, and dependent children together had a 10% or greater ownership interest in a business entity or trust (including a living trust), you must disclose investments held by the business entity or trust. See Reference Pamphlet, page 15, for more information on disclosing trusts.
- Business trusts

You are not required to disclose:

- Insurance policies, government bonds, diversified mutual funds, certain funds similar to diversified mutual funds (such as exchange traded funds) and investments held in certain retirement accounts. See Reference Pamphlet, page 13, for detailed information. (Regulation 18237)
- Bank accounts, savings accounts, money market accounts and certificates of deposits
- Insurance policies
- Annuities
- Commodities
- Shares in a credit union
- Government bonds (including municipal bonds)
- Retirement accounts invested in non-reportable interests (e.g., insurance policies, mutual funds, or government bonds) (See Reference Pamphlet, page 15.)

- Government defined-benefit pension plans (such as CalPERS and CalSTRS plans)
- Certain interests held in a blind trust (See Reference Pamphlet, page 16.)

Use Schedule A-1 to report ownership of less than 10% (e.g., stock). Schedule C (Income) may also be required if the investment is not a stock or corporate bond. See second example below.

Use Schedule A-2 to report ownership of 10% or greater (e.g., a sole proprietorship).

To Complete Schedule A-1:

Do not attach brokerage or financial statements.

- Disclose the name of the business entity.
- Provide a general description of the business activity of the entity (e.g., pharmaceuticals, computers, automobile manufacturing, or communications).
- Check the box indicating the highest fair market value of your investment during the reporting period. If you are filing a candidate or an assuming office statement, indicate the fair market value on the filing date or the date you took office, respectively.
- Identify the nature of your investment (e.g., stocks, warrants, options, or bonds).
- An acquired or disposed of date is only required if you initially acquired or entirely disposed of the investment interest during the reporting period. The date of a stock dividend reinvestment or partial disposal is not required. Generally, these dates will not apply if you are filing a candidate or an assuming office statement.

Examples:

John Smith holds a state agency position. His conflict of interest code requires full disclosure of investments. John must disclose his stock holdings of \$2,000 or more in any company that is located in or does business in California, as well as those stocks held by his spouse or registered domestic partner and dependent children.

Susan Jones is a city council member. She has a 4% interest, worth \$5,000, in a limited partnership located in the city. Susan must disclose the partnership on Schedule A-1 and income of \$500 or more received from the partnership on Schedule C.

Reminders

- Do you know your agency’s jurisdiction?
- Did you hold investments at any time during the period covered by this statement?
- Code filers – your disclosure categories may only require disclosure of specific investments.

SCHEDULE A-1**Investments****Stocks, Bonds, and Other Interests**

(Ownership Interest is Less Than 10%)

Do not attach brokerage or financial statements.

CALIFORNIA FORM 700

FAIR POLITICAL PRACTICES COMMISSION

Name _____

▶ NAME OF BUSINESS ENTITY _____

GENERAL DESCRIPTION OF THIS BUSINESS _____

FAIR MARKET VALUE

☐ \$2,000 - \$10,000 ☐ \$10,001 - \$100,000
☐ \$100,001 - \$1,000,000 ☐ Over \$1,000,000

NATURE OF INVESTMENT

☐ Stock ☐ Other _____ (Describe)
☐ Partnership ☐ Income Received of \$0 - \$499
 ☐ Income Received of \$500 or More (Report on Schedule C)

IF APPLICABLE, LIST DATE:

_____/_____/15 ____/_____/15
ACQUIRED DISPOSED

▶ NAME OF BUSINESS ENTITY _____

GENERAL DESCRIPTION OF THIS BUSINESS _____

FAIR MARKET VALUE

☐ \$2,000 - \$10,000 ☐ \$10,001 - \$100,000
☐ \$100,001 - \$1,000,000 ☐ Over \$1,000,000

NATURE OF INVESTMENT

☐ Stock ☐ Other _____ (Describe)
☐ Partnership ☐ Income Received of \$0 - \$499
 ☐ Income Received of \$500 or More (Report on Schedule C)

IF APPLICABLE, LIST DATE:

_____/_____/15 ____/_____/15
ACQUIRED DISPOSED

▶ NAME OF BUSINESS ENTITY _____

GENERAL DESCRIPTION OF THIS BUSINESS _____

FAIR MARKET VALUE

☐ \$2,000 - \$10,000 ☐ \$10,001 - \$100,000
☐ \$100,001 - \$1,000,000 ☐ Over \$1,000,000

NATURE OF INVESTMENT

☐ Stock ☐ Other _____ (Describe)
☐ Partnership ☐ Income Received of \$0 - \$499
 ☐ Income Received of \$500 or More (Report on Schedule C)

IF APPLICABLE, LIST DATE:

_____/_____/15 ____/_____/15
ACQUIRED DISPOSED

▶ NAME OF BUSINESS ENTITY _____

GENERAL DESCRIPTION OF THIS BUSINESS _____

FAIR MARKET VALUE

☐ \$2,000 - \$10,000 ☐ \$10,001 - \$100,000
☐ \$100,001 - \$1,000,000 ☐ Over \$1,000,000

NATURE OF INVESTMENT

☐ Stock ☐ Other _____ (Describe)
☐ Partnership ☐ Income Received of \$0 - \$499
 ☐ Income Received of \$500 or More (Report on Schedule C)

IF APPLICABLE, LIST DATE:

_____/_____/15 ____/_____/15
ACQUIRED DISPOSED

▶ NAME OF BUSINESS ENTITY _____

GENERAL DESCRIPTION OF THIS BUSINESS _____

FAIR MARKET VALUE

☐ \$2,000 - \$10,000 ☐ \$10,001 - \$100,000
☐ \$100,001 - \$1,000,000 ☐ Over \$1,000,000

NATURE OF INVESTMENT

☐ Stock ☐ Other _____ (Describe)
☐ Partnership ☐ Income Received of \$0 - \$499
 ☐ Income Received of \$500 or More (Report on Schedule C)

IF APPLICABLE, LIST DATE:

_____/_____/15 ____/_____/15
ACQUIRED DISPOSED

▶ NAME OF BUSINESS ENTITY _____

GENERAL DESCRIPTION OF THIS BUSINESS _____

FAIR MARKET VALUE

☐ \$2,000 - \$10,000 ☐ \$10,001 - \$100,000
☐ \$100,001 - \$1,000,000 ☐ Over \$1,000,000

NATURE OF INVESTMENT

☐ Stock ☐ Other _____ (Describe)
☐ Partnership ☐ Income Received of \$0 - \$499
 ☐ Income Received of \$500 or More (Report on Schedule C)

IF APPLICABLE, LIST DATE:

_____/_____/15 ____/_____/15
ACQUIRED DISPOSED

Comments: _____

FPPC Form 700 (2015/2016) Sch. A-1

FPPC Advice Email: advice@fppc.ca.govFPPC Toll-Free Helpline: 866/275-3772 www.fppc.ca.gov

Instructions – Schedule A-2

Investments, Income, and Assets of Business Entities/Trusts

Use Schedule A-2 to report investments in a business entity (including a consulting business or other independent contracting business) or trust (including a living trust) in which you, your spouse or registered domestic partner, and your dependent children, together or separately, had a 10% or greater interest, totaling \$2,000 or more, during the reporting period and which is located in, doing business in, planning to do business in, or which has done business during the previous two years in your agency's jurisdiction. See Reference Pamphlet, page 13. A trust located outside your agency's jurisdiction is reportable if it holds assets that are located in or doing business in the jurisdiction. Do not report a trust that contains non-reportable interests. For example, a trust containing only your personal residence not used in whole or in part as a business, your savings account, and some municipal bonds, is not reportable.

Also report on Schedule A-2 investments and real property held by that entity or trust if your pro rata share of the investment or real property interest was \$2,000 or more during the reporting period.

To Complete Schedule A-2:

Part 1. Disclose the name and address of the business entity or trust. If you are reporting an interest in a business entity, check "Business Entity" and complete the box as follows:

- Provide a general description of the business activity of the entity.
- Check the box indicating the highest fair market value of your investment during the reporting period.
- If you initially acquired or entirely disposed of this interest during the reporting period, enter the date acquired or disposed.
- Identify the nature of your investment.
- Disclose the job title or business position you held with the entity, if any (i.e., if you were a director, officer, partner, trustee, employee, or held any position of management). A business position held by your spouse is not reportable.

Part 2. Check the box indicating **your pro rata** share of the **gross** income received by the business entity or trust. This amount includes your pro rata share of the **gross** income from the business entity or trust, as well as your community property interest in your spouse's or registered domestic partner's share. Gross income is the total amount of income before deducting expenses, losses, or taxes.

Part 3. Disclose the name of each source of income that is located in, doing business in, planning to do business in, or that has done business during the previous two years in your agency's jurisdiction, as follows:

- Disclose each source of income and outstanding loan to the business entity or trust identified in Part 1 if your pro rata share of the **gross** income (including your community property interest in your spouse's or registered domestic partner's share) to the business entity or trust from that source was \$10,000 or more during the reporting

period. See Reference Pamphlet, page 11, for examples. Income from governmental sources may be reportable if not considered salary. See Regulation 18232. Loans from commercial lending institutions made in the lender's regular course of business on terms available to members of the public without regard to your official status are not reportable.

- Disclose each individual or entity that was a source of commission income of \$10,000 or more during the reporting period through the business entity identified in Part 1. See Reference Pamphlet, page 8, for an explanation of commission income.

You may be required to disclose sources of income located outside your jurisdiction. For example, you may have a client who resides outside your jurisdiction who does business on a regular basis with you. Such a client, if a reportable source of \$10,000 or more, must be disclosed.

Mark "None" if you do not have any reportable \$10,000 sources of income to disclose. Using phrases such as "various clients" or "not disclosing sources pursuant to attorney-client privilege" may trigger a request for an amendment to your statement. See Reference Pamphlet, page 14, for details about requesting an exemption from disclosing privileged information.

Part 4. Report any investments or interests in real property held or leased by the entity or trust identified in Part 1 if your pro rata share of the interest held was \$2,000 or more during the reporting period. Attach additional schedules or use FPPC's Form 700 Excel spreadsheet if needed.

- Check the applicable box identifying the interest held as real property or an investment.
- If investment, provide the name and description of the business entity.
- If real property, report the precise location (e.g., an assessor's parcel number or address).
- Check the box indicating the highest fair market value of your interest in the real property or investment during the reporting period. (Report the fair market value of the portion of your residence claimed as a tax deduction if you are utilizing your residence for business purposes.)
- Identify the nature of your interest.
- Enter the date acquired or disposed only if you initially acquired or entirely disposed of your interest in the property or investment during the reporting period.

SCHEDULE A-2
Investments, Income, and Assets
of Business Entities/Trusts
(Ownership Interest is 10% or Greater)

CALIFORNIA FORM 700
FAIR POLITICAL PRACTICES COMMISSION

Name _____

▶ 1. BUSINESS ENTITY OR TRUST

Name _____

Address (Business Address Acceptable) _____

Check one

☐ Trust, go to 2 ☐ Business Entity, complete the box, then go to 2

GENERAL DESCRIPTION OF THIS BUSINESS

FAIR MARKET VALUE

- ☐ \$0 - \$1,999
☐ \$2,000 - \$10,000
☐ \$10,001 - \$100,000
☐ \$100,001 - \$1,000,000
☐ Over \$1,000,000

IF APPLICABLE, LIST DATE:

____/____/15 ____/____/15
ACQUIRED DISPOSED

NATURE OF INVESTMENT

☐ Partnership ☐ Sole Proprietorship ☐ _____ Other

YOUR BUSINESS POSITION _____

▶ 1. BUSINESS ENTITY OR TRUST

Name _____

Address (Business Address Acceptable) _____

Check one

☐ Trust, go to 2 ☐ Business Entity, complete the box, then go to 2

GENERAL DESCRIPTION OF THIS BUSINESS

FAIR MARKET VALUE

- ☐ \$0 - \$1,999
☐ \$2,000 - \$10,000
☐ \$10,001 - \$100,000
☐ \$100,001 - \$1,000,000
☐ Over \$1,000,000

IF APPLICABLE, LIST DATE:

____/____/15 ____/____/15
ACQUIRED DISPOSED

NATURE OF INVESTMENT

☐ Partnership ☐ Sole Proprietorship ☐ _____ Other

YOUR BUSINESS POSITION _____

▶ 2. IDENTIFY THE GROSS INCOME RECEIVED (INCLUDE YOUR PRO RATA SHARE OF THE GROSS INCOME TO THE ENTITY/TRUST)

- ☐ \$0 - \$499 ☐ \$10,001 - \$100,000
☐ \$500 - \$1,000 ☐ OVER \$100,000
☐ \$1,001 - \$10,000

▶ 2. IDENTIFY THE GROSS INCOME RECEIVED (INCLUDE YOUR PRO RATA SHARE OF THE GROSS INCOME TO THE ENTITY/TRUST)

- ☐ \$0 - \$499 ☐ \$10,001 - \$100,000
☐ \$500 - \$1,000 ☐ OVER \$100,000
☐ \$1,001 - \$10,000

▶ 3. LIST THE NAME OF EACH REPORTABLE SINGLE SOURCE OF INCOME OF \$10,000 OR MORE (Attach a separate sheet if necessary.)

☐ None or ☐ Names listed below

▶ 3. LIST THE NAME OF EACH REPORTABLE SINGLE SOURCE OF INCOME OF \$10,000 OR MORE (Attach a separate sheet if necessary.)

☐ None or ☐ Names listed below

▶ 4. INVESTMENTS AND INTERESTS IN REAL PROPERTY HELD OR LEASED BY THE BUSINESS ENTITY OR TRUST

Check one box:

☐ INVESTMENT ☐ REAL PROPERTY

Name of Business Entity, if Investment, or
Assessor's Parcel Number or Street Address of Real Property

Description of Business Activity or
City or Other Precise Location of Real Property

FAIR MARKET VALUE

- ☐ \$2,000 - \$10,000
☐ \$10,001 - \$100,000
☐ \$100,001 - \$1,000,000
☐ Over \$1,000,000

IF APPLICABLE, LIST DATE:

____/____/15 ____/____/15
ACQUIRED DISPOSED

NATURE OF INTEREST

☐ Property Ownership/Deed of Trust ☐ Stock ☐ Partnership

☐ Leasehold _____
Yrs. remaining

☐ Other _____

☐ Check box if additional schedules reporting investments or real property are attached

▶ 4. INVESTMENTS AND INTERESTS IN REAL PROPERTY HELD OR LEASED BY THE BUSINESS ENTITY OR TRUST

Check one box:

☐ INVESTMENT ☐ REAL PROPERTY

Name of Business Entity, if Investment, or
Assessor's Parcel Number or Street Address of Real Property

Description of Business Activity or
City or Other Precise Location of Real Property

FAIR MARKET VALUE

- ☐ \$2,000 - \$10,000
☐ \$10,001 - \$100,000
☐ \$100,001 - \$1,000,000
☐ Over \$1,000,000

IF APPLICABLE, LIST DATE:

____/____/15 ____/____/15
ACQUIRED DISPOSED

NATURE OF INTEREST

☐ Property Ownership/Deed of Trust ☐ Stock ☐ Partnership

☐ Leasehold _____
Yrs. remaining

☐ Other _____

☐ Check box if additional schedules reporting investments or real property are attached

Comments: _____

Instructions – Schedule B Interests in Real Property

Report interests in real property located in your agency's jurisdiction in which you, your spouse or registered domestic partner, or your dependent children had a direct, indirect, or beneficial interest totaling \$2,000 or more any time during the reporting period. See Reference Pamphlet, page 13.

Interests in real property include:

- An ownership interest (including a beneficial ownership interest)
- A deed of trust, easement, or option to acquire property
- A leasehold interest (See Reference Pamphlet, page 14.)
- A mining lease
- An interest in real property held in a retirement account (See Reference Pamphlet, page 15.)
- An interest in real property held by a business entity or trust in which you, your spouse or registered domestic partner, and your dependent children together had a 10% or greater ownership interest (Report on Schedule A-2.)
- Your spouse's or registered domestic partner's interests in real property that are legally held separately by him or her

You are **not** required to report:

- A residence, such as a home or vacation cabin, used exclusively as a personal residence (However, a residence in which you rent out a room or for which you claim a business deduction may be reportable. If reportable, report the fair market value of the portion claimed as a tax deduction.)
Please note: A non-reportable residence can still be grounds for a conflict of interest and may be disqualifying.
- Interests in real property held through a blind trust (See Reference Pamphlet, page 16, for exceptions.)

To Complete Schedule B:

- Report the precise location (e.g., an assessor's parcel number or address) of the real property.
- Check the box indicating the fair market value of your interest in the property (regardless of what you owe on the property).
- Enter the date acquired or disposed only if you initially acquired or entirely disposed of your interest in the property during the reporting period.
- Identify the nature of your interest. If it is a leasehold, disclose the number of years remaining on the lease.
- If you received rental income, check the box indicating the gross amount you received.
- If you had a 10% or greater interest in real property and received rental income, list the name of the source(s) if your pro rata share of the gross income from any single

tenant was \$10,000 or more during the reporting period. If you received a total of \$10,000 or more from two or more tenants acting in concert (in most cases, this will apply to married couples), disclose the name of each tenant. Otherwise, mark "None."

- Loans from a private lender that total \$500 or more and are secured by real property may be reportable. **Loans from commercial lending institutions made in the lender's regular course of business on terms available to members of the public without regard to your official status are not reportable.**

When reporting a loan:

- Provide the name and address of the lender.
- Describe the lender's business activity.
- Disclose the interest rate and term of the loan. For variable interest rate loans, disclose the conditions of the loan (e.g., Prime + 2) or the average interest rate paid during the reporting period. The term of a loan is the total number of months or years given for repayment of the loan at the time the loan was established.
- Check the box indicating the highest balance of the loan during the reporting period.
- Identify a guarantor, if applicable.

If you have more than one reportable loan on a single piece of real property, report the additional loan(s) on Schedule C.

Example:

Joe Nelson is a city planning commissioner. Joe received rental income of \$12,000 during the reporting period from a single tenant who rented property Joe owned in the city's jurisdiction. If Joe had received the \$12,000 from two or more tenants, the tenants' names would not be required as long as no single tenant paid \$10,000 or more. A married couple would be considered a single tenant.

ASSESSOR'S PARCEL NUMBER OR STREET ADDRESS 4600 24th Street	
City Sacramento	
FAIR MARKET VALUE <input type="checkbox"/> \$2,000-\$10,000 <input type="checkbox"/> \$10,001-\$100,000 <input checked="" type="checkbox"/> \$100,001-\$1,000,000 <input type="checkbox"/> Over \$1,000,000	IF APPLICABLE, LIST DATE ACQUIRED DISPOSED
NATURE OF INTEREST <input checked="" type="checkbox"/> Ownership/Deed of Trust <input type="checkbox"/> Leasehold <input type="checkbox"/> Easement <input type="checkbox"/> Other	
IF RENTAL PROPERTY, GROSS INCOME RECEIVED <input type="checkbox"/> \$0 - \$499 <input type="checkbox"/> \$500 - \$1,000 <input type="checkbox"/> \$1,001 - \$10,000 <input checked="" type="checkbox"/> \$10,001 - \$100,000 <input type="checkbox"/> OVER \$100,000	
SOURCES OF RENTAL INCOME: If you own a 10% or greater interest, list the name of each tenant that is a single source of income of \$10,000 or more. <input type="checkbox"/> NONE Henry Wells	
NAME OF LENDER* Sophia Petroillo	
ADDRESS (Business Address Acceptable) 2121 Blue Sky Parkway, Sacramento	
BUSINESS ACTIVITY, IF ANY, OF LENDER Restaurant Owner	
INTEREST RATE 8 % <input type="checkbox"/> NONE	TERM (Month/Years) 15 Years
HIGHEST BALANCE DURING REPORTING PERIOD <input type="checkbox"/> \$500 - \$1,000 <input type="checkbox"/> \$1,001 - \$10,000 <input checked="" type="checkbox"/> \$10,001 - \$100,000 <input type="checkbox"/> OVER \$100,000	
<input type="checkbox"/> Guarantor, if applicable	

Reminders

- Income and loans already reported on Schedule B are not also required to be reported on Schedule C.
- Real property already reported on Schedule A-2, Part 4 is not also required to be reported on Schedule B.
- Code filers – do your disclosure categories require disclosure of real property?

SCHEDULE B
Interests in Real Property
(Including Rental Income)

CALIFORNIA FORM 700
FAIR POLITICAL PRACTICES COMMISSION

Name _____

▶ ASSESSOR'S PARCEL NUMBER OR STREET ADDRESS

CITY _____

FAIR MARKET VALUE

☐ \$2,000 - \$10,000

☐ \$10,001 - \$100,000

☐ \$100,001 - \$1,000,000

☐ Over \$1,000,000

IF APPLICABLE, LIST DATE:

_____/_____/15 _____/_____/15
ACQUIRED DISPOSED

NATURE OF INTEREST

☐ Ownership/Deed of Trust

☐ Easement

☐ Leasehold _____
Yrs. remaining

☐ _____
Other

IF RENTAL PROPERTY, GROSS INCOME RECEIVED

☐ \$0 - \$499

☐ \$500 - \$1,000

☐ \$1,001 - \$10,000

☐ \$10,001 - \$100,000

☐ OVER \$100,000

SOURCES OF RENTAL INCOME: If you own a 10% or greater interest, list the name of each tenant that is a single source of income of \$10,000 or more.

☐ None

▶ ASSESSOR'S PARCEL NUMBER OR STREET ADDRESS

CITY _____

FAIR MARKET VALUE

☐ \$2,000 - \$10,000

☐ \$10,001 - \$100,000

☐ \$100,001 - \$1,000,000

☐ Over \$1,000,000

IF APPLICABLE, LIST DATE:

_____/_____/15 _____/_____/15
ACQUIRED DISPOSED

NATURE OF INTEREST

☐ Ownership/Deed of Trust

☐ Easement

☐ Leasehold _____
Yrs. remaining

☐ _____
Other

IF RENTAL PROPERTY, GROSS INCOME RECEIVED

☐ \$0 - \$499

☐ \$500 - \$1,000

☐ \$1,001 - \$10,000

☐ \$10,001 - \$100,000

☐ OVER \$100,000

SOURCES OF RENTAL INCOME: If you own a 10% or greater interest, list the name of each tenant that is a single source of income of \$10,000 or more.

☐ None

* You are not required to report loans from commercial lending institutions made in the lender's regular course of business on terms available to members of the public without regard to your official status. Personal loans and loans received not in a lender's regular course of business must be disclosed as follows:

NAME OF LENDER*

ADDRESS (Business Address Acceptable)

BUSINESS ACTIVITY, IF ANY, OF LENDER

INTEREST RATE

TERM (Months/Years)

_____% ☐ None

HIGHEST BALANCE DURING REPORTING PERIOD

☐ \$500 - \$1,000

☐ \$1,001 - \$10,000

☐ \$10,001 - \$100,000

☐ OVER \$100,000

☐ Guarantor, if applicable

NAME OF LENDER*

ADDRESS (Business Address Acceptable)

BUSINESS ACTIVITY, IF ANY, OF LENDER

INTEREST RATE

TERM (Months/Years)

_____% ☐ None

HIGHEST BALANCE DURING REPORTING PERIOD

☐ \$500 - \$1,000

☐ \$1,001 - \$10,000

☐ \$10,001 - \$100,000

☐ OVER \$100,000

☐ Guarantor, if applicable

Comments: _____

FPPC Form 700 (2015/2016) Sch. B

FPPC Advice Email: advice@fppc.ca.gov

FPPC Toll-Free Helpline: 866/375-3772 www.fppc.ca.gov

Instructions – Schedule C Income, Loans, & Business Positions (Income Other Than Gifts and Travel Payments)

Reporting Income:

Report the source and amount of gross income of \$500 or more you received during the reporting period. Gross income is the total amount of income before deducting expenses, losses, or taxes and includes loans other than loans from a commercial lending institution. See Reference Pamphlet, page 11. You must also report the source of income to your spouse or registered domestic partner if your community property share was \$500 or more during the reporting period.

A source of income must be reported only if the source is located in, doing business in, planning to do business in, or has done business during the previous two years in your agency's jurisdiction. See Reference Pamphlet, page 13, for more information about doing business in the jurisdiction. Reportable sources of income may be further limited by your disclosure category located in your agency's conflict of interest code.

Reporting Business Positions:

You must report your job title with each reportable business entity even if you received no income during the reporting period. Use the comments section to indicate that no income was received.

Commonly reportable income and loans include:

- Salary/wages, per diem, and reimbursement for expenses including travel payments provided by your employer
- Community property interest (50%) in your spouse's or registered domestic partner's income - **report the employer's name and all other required information**
- Income from investment interests, such as partnerships, reported on Schedule A-1
- Commission income not required to be reported on Schedule A-2 (See Reference Pamphlet, page 8.)
- Gross income from any sale, including the sale of a house or car (Report your pro rata share of the total sale price.)
- Rental income not required to be reported on Schedule B
- Prizes or awards not disclosed as gifts
- Payments received on loans you made to others
- An honorarium received prior to becoming a public official (See Reference Pamphlet, page 10, concerning your ability to receive future honoraria.)
- Incentive compensation (See Reference Pamphlet, page 12.)

Reminders

- Code filers – your disclosure categories may not require disclosure of all sources of income.
- If you or your spouse or registered domestic partner are self-employed, report the business entity on Schedule A-2.
- Do not disclose on Schedule C income, loans, or business positions already reported on Schedules A-2 or B.

You are not required to report:

- Salary, reimbursement for expenses or per diem, or social security, disability, or other similar benefit payments received by you or your spouse or registered domestic partner from a federal, state, or local government agency.
- Stock dividends and income from the sale of stock unless the source can be identified.
- Income from a PERS retirement account.

See Reference Pamphlet, page 11, for more exceptions to income reporting.

To Complete Schedule C:

Part 1. Income Received/Business Position Disclosure

- Disclose the name and address of each source of income or each business entity with which you held a business position.
- Provide a general description of the business activity if the source is a business entity.
- Check the box indicating the amount of gross income received.
- Identify the consideration for which the income was received.
- For income from commission sales, check the box indicating the gross income received and list the name of each source of commission income of \$10,000 or more. See Reference Pamphlet, page 8. **Note: If you receive commission income on a regular basis or have an ownership interest of 10% or more, you must disclose the business entity and the income on Schedule A-2.**
- Disclose the job title or business position, if any, that you held with the business entity, even if you did not receive income during the reporting period.

Part 2. Loans Received or Outstanding During the Reporting Period

- Provide the name and address of the lender.
- Provide a general description of the business activity if the lender is a business entity.
- Check the box indicating the highest balance of the loan during the reporting period.
- Disclose the interest rate and the term of the loan.
 - For variable interest rate loans, disclose the conditions of the loan (e.g., Prime + 2) or the average interest rate paid during the reporting period.
 - The term of the loan is the total number of months or years given for repayment of the loan at the time the loan was entered into.
- Identify the security, if any, for the loan.

SCHEDULE C
Income, Loans, & Business
Positions
(Other than Gifts and Travel Payments)

CALIFORNIA FORM 700
FAIR POLITICAL PRACTICES COMMISSION

Name _____

1. INCOME RECEIVED

NAME OF SOURCE OF INCOME _____

ADDRESS (Business Address Acceptable) _____

BUSINESS ACTIVITY, IF ANY, OF SOURCE _____

YOUR BUSINESS POSITION _____

GROSS INCOME RECEIVED

- ☐ \$500 - \$1,000 ☐ \$1,001 - \$10,000
☐ \$10,001 - \$100,000 ☐ OVER \$100,000

CONSIDERATION FOR WHICH INCOME WAS RECEIVED

☐ Salary ☐ Spouse's or registered domestic partner's income
(For self-employed use Schedule A-2.)

☐ Partnership (Less than 10% ownership. For 10% or greater use Schedule A-2.)

☐ Sale of _____
(Real property, car, boat, etc.)

☐ Loan repayment

☐ Commission or ☐ Rental Income, list each source of \$10,000 or more

(Describe)

☐ Other _____
(Describe)

1. INCOME RECEIVED

NAME OF SOURCE OF INCOME _____

ADDRESS (Business Address Acceptable) _____

BUSINESS ACTIVITY, IF ANY, OF SOURCE _____

YOUR BUSINESS POSITION _____

GROSS INCOME RECEIVED

- ☐ \$500 - \$1,000 ☐ \$1,001 - \$10,000
☐ \$10,001 - \$100,000 ☐ OVER \$100,000

CONSIDERATION FOR WHICH INCOME WAS RECEIVED

☐ Salary ☐ Spouse's or registered domestic partner's income
(For self-employed use Schedule A-2.)

☐ Partnership (Less than 10% ownership. For 10% or greater use Schedule A-2.)

☐ Sale of _____
(Real property, car, boat, etc.)

☐ Loan repayment

☐ Commission or ☐ Rental Income, list each source of \$10,000 or more

(Describe)

☐ Other _____
(Describe)

2. LOANS RECEIVED OR OUTSTANDING DURING THE REPORTING PERIOD

* You are not required to report loans from commercial lending institutions, or any indebtedness created as part of a retail installment or credit card transaction, made in the lender's regular course of business on terms available to members of the public without regard to your official status. Personal loans and loans received not in a lender's regular course of business must be disclosed as follows:

NAME OF LENDER* _____

ADDRESS (Business Address Acceptable) _____

BUSINESS ACTIVITY, IF ANY, OF LENDER _____

HIGHEST BALANCE DURING REPORTING PERIOD

- ☐ \$500 - \$1,000
☐ \$1,001 - \$10,000
☐ \$10,001 - \$100,000
☐ OVER \$100,000

INTEREST RATE

_____ % ☐ None

TERM (Months/Years)

SECURITY FOR LOAN

☐ None ☐ Personal residence

☐ Real Property _____

Street address

City

☐ Guarantor _____

☐ Other _____

(Describe)

Comments: _____

Instructions – Schedule D Income – Gifts

A gift is anything of value for which you have not provided equal or greater consideration to the donor. A gift is reportable if its fair market value is \$50 or more. In addition, multiple gifts totaling \$50 or more received during the reporting period from a single source must be reported.

It is the acceptance of a gift, not the ultimate use to which it is put, that imposes your reporting obligation. Except as noted below, you must report a gift even if you never used it or if you gave it away to another person.

If the exact amount of a gift is unknown, you must make a good faith estimate of the item's fair market value. Listing the value of a gift as "over \$50" or "value unknown" is not adequate disclosure. In addition, if you received a gift through an intermediary, you must disclose the name, address, and business activity of both the donor and the intermediary. You may indicate an intermediary either in the "source" field after the name or in the "comments" section at the bottom of Schedule D.

Commonly reportable gifts include:

- Tickets/passes to sporting or entertainment events
- Tickets/passes to amusement parks
- Parking passes not used for official agency business
- Food, beverages, and accommodations, including those provided in direct connection with your attendance at a convention, conference, meeting, social event, meal, or like gathering
- Rebates/discounts not made in the regular course of business to members of the public without regard to official status
- Wedding gifts (See Reference Pamphlet, page 16)
- An honorarium received prior to assuming office (You may report an honorarium as income on Schedule C, rather than as a gift on Schedule D, if you provided services of equal or greater value than the payment received. See Reference Pamphlet, page 10, regarding your ability to receive future honoraria.)
- Transportation and lodging (See Schedule E.)
- Forgiveness of a loan received by you

You are **not** required to disclose:

- Gifts that were not used and that, within 30 days after receipt, were returned to the donor or delivered to a charitable organization or government agency without

being claimed by you as a charitable contribution for tax purposes

- Gifts from your spouse or registered domestic partner, child, parent, grandparent, grandchild, brother, sister, and certain other family members (See Regulation 18942 for a complete list.). The exception does not apply if the donor was acting as an agent or intermediary for a reportable source who was the true donor.
- Gifts of similar value exchanged between you and an individual, other than a lobbyist registered to lobby your state agency, on holidays, birthdays, or similar occasions
- Gifts of informational material provided to assist you in the performance of your official duties (e.g., books, pamphlets, reports, calendars, periodicals, or educational seminars)
- A monetary bequest or inheritance (However, inherited investments or real property may be reportable on other schedules.)
- Personalized plaques or trophies with an individual value of less than \$250
- Campaign contributions
- Up to two tickets, for your own use, to attend a fundraiser for a campaign committee or candidate, or to a fundraiser for an organization exempt from taxation under Section 501(c)(3) of the Internal Revenue Code. The ticket must be received from the organization or committee holding the fundraiser.
- Gifts given to members of your immediate family if the source has an established relationship with the family member and there is no evidence to suggest the donor had a purpose to influence you. (See Regulation 18943.)
- Free admission, food, and nominal items (such as a pen, pencil, mouse pad, note pad or similar item) available to all attendees, at the event at which the official makes a speech (as defined in Regulation 18950(b)(2)), so long as the admission is provided by the person who organizes the event.
- Any other payment not identified above, that would otherwise meet the definition of gift, where the payment is made by an individual who is not a lobbyist registered to lobby the official's state agency, where it is clear that the gift was made because of an existing personal or business relationship unrelated to the official's position and there is no evidence whatsoever at the time the gift is made to suggest the donor had a purpose to influence you.

To Complete Schedule D:

- Disclose the full name (not an acronym), address, and, if a business entity, the business activity of the source.
- Provide the date (month, day, and year) of receipt, and disclose the fair market value and description of the gift.

Reminders

- Gifts from a single source are subject to a \$460 limit. See Reference Pamphlet, page 10.
- Code filers – you only need to report gifts from reportable sources.

Gift Tracking Mobile Application

- FPPC has created a gift tracking app for mobile devices that helps filers track gifts and provides a quick and easy way to upload the information to the Form 700. Visit FPPC's website to download the app.

SCHEDULE D
Income – Gifts

CALIFORNIA FORM 700
FAIR POLITICAL PRACTICES COMMISSION

Name _____

► NAME OF SOURCE (Not an Acronym)

ADDRESS (Business Address Acceptable)

BUSINESS ACTIVITY, IF ANY, OF SOURCE

DATE (mm/dd/yy)	VALUE	DESCRIPTION OF GIFT(S)
____/____/____	\$ _____	_____
____/____/____	\$ _____	_____
____/____/____	\$ _____	_____

► NAME OF SOURCE (Not an Acronym)

ADDRESS (Business Address Acceptable)

BUSINESS ACTIVITY, IF ANY, OF SOURCE

DATE (mm/dd/yy)	VALUE	DESCRIPTION OF GIFT(S)
____/____/____	\$ _____	_____
____/____/____	\$ _____	_____
____/____/____	\$ _____	_____

► NAME OF SOURCE (Not an Acronym)

ADDRESS (Business Address Acceptable)

BUSINESS ACTIVITY, IF ANY, OF SOURCE

DATE (mm/dd/yy)	VALUE	DESCRIPTION OF GIFT(S)
____/____/____	\$ _____	_____
____/____/____	\$ _____	_____
____/____/____	\$ _____	_____

► NAME OF SOURCE (Not an Acronym)

ADDRESS (Business Address Acceptable)

BUSINESS ACTIVITY, IF ANY, OF SOURCE

DATE (mm/dd/yy)	VALUE	DESCRIPTION OF GIFT(S)
____/____/____	\$ _____	_____
____/____/____	\$ _____	_____
____/____/____	\$ _____	_____

► NAME OF SOURCE (Not an Acronym)

ADDRESS (Business Address Acceptable)

BUSINESS ACTIVITY, IF ANY, OF SOURCE

DATE (mm/dd/yy)	VALUE	DESCRIPTION OF GIFT(S)
____/____/____	\$ _____	_____
____/____/____	\$ _____	_____
____/____/____	\$ _____	_____

► NAME OF SOURCE (Not an Acronym)

ADDRESS (Business Address Acceptable)

BUSINESS ACTIVITY, IF ANY, OF SOURCE

DATE (mm/dd/yy)	VALUE	DESCRIPTION OF GIFT(S)
____/____/____	\$ _____	_____
____/____/____	\$ _____	_____
____/____/____	\$ _____	_____

Comments: _____

Instructions – Schedule E Travel Payments, Advances, and Reimbursements

Travel payments reportable on Schedule E include advances and reimbursements for travel and related expenses, including lodging and meals.

Gifts of travel may be subject to the gift limit. In addition, certain travel payments are reportable gifts, but are not subject to the gift limit. To avoid possible misinterpretation or the perception that you have received a gift in excess of the gift limit, you may wish to provide a specific description of the purpose of your travel. See the FPPC fact sheet entitled "Limitations and Restrictions on Gifts, Honoraria, Travel, and Loans" at www.fppc.ca.gov.

You are not required to disclose:

- Travel payments received from any state, local, or federal government agency for which you provided services equal or greater in value than the payments received, such as reimbursement for travel on agency business from your government agency employer.
- A payment for travel from another local, state, or federal government agency and related per diem expenses when the travel is for education, training or other inter-agency programs or purposes.
- Travel payments received from your employer in the normal course of your employment that are included in the income reported on Schedule C.
- A travel payment that was received from a non-profit entity exempt from taxation under Internal Revenue Code Section 501(c)(3) for which you provided equal or greater consideration, such as reimbursement for travel on business for a 501(c)(3) organization for which you are a board member.

Note: Certain travel payments may not be reportable if reported on Form 801 by your agency.

To Complete Schedule E:

- Disclose the full name (not an acronym) and address of the source of the travel payment.
- Identify the business activity if the source is a business entity.
- Check the box to identify the payment as a gift or income, report the amount, and disclose the date(s).
 - **Travel payments are gifts** if you did not provide services that were equal to or greater in value than the payments received. You must disclose gifts totaling \$50 or more from a single source during the period covered by the statement.

When reporting travel payments that are gifts, you must provide a description of the gift and the **date(s)** received. If the travel occurred on or after January 1, 2016, you must also disclose the **travel destination**.

- **Travel payments are income** if you provided services that were equal to or greater in value than the payments received. You must disclose income totaling \$500 or more from a single source during the period covered by the statement. You have the burden of proving the payments are income rather than gifts. When reporting travel payments as income, you must describe the services you provided in exchange for the payment. You are not required to disclose the date(s) for travel payments that are income.

Example:

City council member Rick Chandler is the chairman of a 501 (c)(6) trade association and the association pays for Rick's travel to attend its meetings. Because Rick is deemed to be providing equal or greater consideration for the travel payment by virtue of serving on the board, this payment may be reported as income. Payments for Rick to attend other events for which he is not providing services are likely considered gifts.

NAME OF SOURCE	
Health Services Trade Association	
ADDRESS (Business Address Acceptable)	
1230 K Street, Ste. 610	
CITY AND STATE	
Sacramento, CA	
BUSINESS ACTIVITY, IF ANY, OF SOURCE	<input type="checkbox"/> 501 (c)(3)
Association of Healthcare Workers	
DATE(S)	AMT: \$ 588.00
(If applicable)	
TYPE OF PAYMENT (must check one) <input type="checkbox"/> Gift <input checked="" type="checkbox"/> Income	
DESCRIPTION: Travel reimbursement for board meeting	

SCHEDULE E
Income – Gifts
Travel Payments, Advances,
and Reimbursements

CALIFORNIA FORM 700 FAIR POLITICAL PRACTICES COMMISSION
Name _____

- Mark either the gift or income box.
- Mark the "501(c)(3)" box for a travel payment received from a nonprofit 501(c)(3) organization or the "Speech" box if you made a speech or participated in a panel. These payments are not subject to the \$460 gift limit, but may result in a disqualifying conflict of interest.
- For gifts of travel that occurred on or after January 1, 2016, provide the travel destination.

▶ NAME OF SOURCE (Not an Acronym) _____

ADDRESS (Business Address Acceptable) _____

CITY AND STATE _____

☐ 501 (c)(3) or DESCRIBE BUSINESS ACTIVITY, IF ANY, OF SOURCE _____

DATE(S): ____/____/____ - ____/____/____ AMT: \$ _____
(If gift)

▶ MUST CHECK ONE: ☐ Gift **-or-** ☐ Income

☐ Made a Speech/Participated in a Panel

☐ Other - Provide Description _____

▶ If Gift, Provide Travel Destination _____

▶ NAME OF SOURCE (Not an Acronym) _____

ADDRESS (Business Address Acceptable) _____

CITY AND STATE _____

☐ 501 (c)(3) or DESCRIBE BUSINESS ACTIVITY, IF ANY, OF SOURCE _____

DATE(S): ____/____/____ - ____/____/____ AMT: \$ _____
(If gift)

▶ MUST CHECK ONE: ☐ Gift **-or-** ☐ Income

☐ Made a Speech/Participated in a Panel

☐ Other - Provide Description _____

▶ If Gift, Provide Travel Destination _____

▶ NAME OF SOURCE (Not an Acronym) _____

ADDRESS (Business Address Acceptable) _____

CITY AND STATE _____

☐ 501 (c)(3) or DESCRIBE BUSINESS ACTIVITY, IF ANY, OF SOURCE _____

DATE(S): ____/____/____ - ____/____/____ AMT: \$ _____
(If gift)

▶ MUST CHECK ONE: ☐ Gift **-or-** ☐ Income

☐ Made a Speech/Participated in a Panel

☐ Other - Provide Description _____

▶ If Gift, Provide Travel Destination _____

▶ NAME OF SOURCE (Not an Acronym) _____

ADDRESS (Business Address Acceptable) _____

CITY AND STATE _____

☐ 501 (c)(3) or DESCRIBE BUSINESS ACTIVITY, IF ANY, OF SOURCE _____

DATE(S): ____/____/____ - ____/____/____ AMT: \$ _____
(If gift)

▶ MUST CHECK ONE: ☐ Gift **-or-** ☐ Income

☐ Made a Speech/Participated in a Panel

☐ Other - Provide Description _____

▶ If Gift, Provide Travel Destination _____

Comments: _____

ORAL/WRITTEN REPORTS

Rose Corona

From: Karla Standridge <karla@missionrca.org>
Sent: Wednesday, January 20, 2016 2:22 PM
To: Rose Corona; Rose.corona@emarc.org
Cc: 'Judy Mitchell'
Subject: RE: Santa Margarita River Watershed CEQA meetings
Attachments: FW: Santa Margarita River Nutrient Initiative Group - Lunch RSVP and Meeting Materials; CEQA Scoping Meeting for the Santa Margarita River Estuary Nutrient TMDL - January 14, 2016

Hi Rose,

I am sorry that the information was delayed in getting to you. I attend the Santa Margarita Nutrient Initiative Group meetings on behalf of Mission.

In short, several stakeholders formed a group in order to discuss the water quality issues within the watershed and to develop reasonably attainable water quality standards for the listed waters within the Santa Margarita Watershed. Camp Pendleton and Riverside & San Diego Counties have put a lot of time and money towards developing loading models for the watershed. Currently, the Group is working with the Regional Water Quality Control Board to develop an "Alternate" TMDL for the estuary on Camp Pendleton. The CEQA scoping meeting was held last week to inform the public of the proposed scope for the TMDL.

The Regional Board has been extremely supportive in this process and has encouraged the Alternate TMDL development process. If you have any questions or comments regarding the CEQA documentation, you can contact Hiram (contact information below) – he actively welcomes feedback.

To be placed on the list serve for the group, contact Dave Ceppos (contact information below). Dave sends out the Agendas, documents, and reminders for the Group.

I attended the CEQA meeting last week and there was only one "public" person in attendance not associated with an Agency. It was a representative from Wiens Family Cellars. At the CEQA meeting, Both Riverside & San Diego Counties made public comment to keep the agricultural community in mind when developing the TMDL and implementing practices to achieve water quality standards. The Regional Board and the Group have suggested that producers will most likely need to implement "structural best management practices" to limit nutrient loading. As the Group and the Regional Board move forward, it will be important for producers to understand the potential impacts that a TMDL will have on their operations (in addition to the new Agricultural Order that is in development).

The Group has mentioned that they have had a very difficult time getting participation from agricultural stakeholders. It wasn't until recently (the last month or two) that a representative from the San Diego County Farm Bureau began attending meetings. They have yet to get a response from an agricultural representative from Riverside County. If you can think of a representative from the agricultural community that may be interested in attending, please feel free to pass this information along.

As of now, the Group and the Regional Board are working on a TMDL for the estuary (on Camp Pendleton) but, as you know, the waters upstream greatly affect the estuary. The Group is currently conducting water quality monitoring and subsequent modeling on upstream reaches of the Santa Margarita River. The estuary is just one piece of the pie.

The Group is working hard to give the Regional Board solid science to base the TMDL(s) on. As the plan progresses, our Districts will most likely have an opportunity to help landowners implement practices to limit nutrient and sediment loading into water bodies, as well as be better overall stewards.

I hope this information helps. There is a quite a bit more background information on the Group and the progress it has made, but this is it in a nutshell. Below is the contact information for the Regional Board and the Santa Margarita Nutrient Initiative Group. I have also attached the latest e-mails from both containing the most recent attachments sent out.

Group Moderator:

Dave Ceppos
Associate Director
Center for Collaborative Policy
California State University Sacramento
815 S Street
Sacramento, CA 95811
email: dceppos@ccp.csus.edu
Direct Phone: 916-341-3336
Cell Phone: 916-539-0350
Office Phone: 916-445-2079
Fax: 916-445-2087

Regional Board Contact for this project:

Hiram Sarabia, M.S.
Environmental Scientist
CA Regional Water Quality Control Board, San Diego Region
2375 Northside Drive, Suite 100
San Diego CA 92108
Phone: 619-521-8037
E-mail: hiram.sarabia@waterboards.ca.gov

If you have any questions, please feel free to contact me,

Best Regards,

Karla Standridge
Biologist

Mission Resource Conservation District
1588 South Mission Road, Suite 100
Fallbrook, CA 92028
ph: (760) 728-1332
fax: (760) 728-1331

From: Rose Corona [<mailto:rosecorona@bighorsefeed.com>]
Sent: Wednesday, January 20, 2016 12:46 PM
To: karla@missionrcd.org

Cc: Judy Mitchell (judy@missionrwd.org)

Subject: Santa Margarita River Watershed CEQA meetings

Dear Ms. Standridge,

I was speaking with Judy Mitchell today and we began discussing the meetings you host. I am the temporary acting President for the EMARCD.

Judy wanted to make sure that we knew that you had extended the invitation for our RCD to attend the meeting however, there was an e-mail mix-up in spelling so I was not able to attend.

If you could be so kind as to send me any information that you may have regarding these meetings, I would like to personally participate or have one of our directors come if possible.

I appreciate you including us and the following address would be the best way to reach me:

Rose.corona@emarcd.org

Or if you would like to contact me, my phone number is 909-208-7848.

We now have e-mail addresses and hope to collaborate with all the organizations that service the district if possible.

Thank you for your time and I look forward to meeting you.

Sincerely,

Rose Corona

Temporary Acting President

EMARCD

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

OFFICE OF WATER

August 13, 2015

MEMORANDUM

SUBJECT: Information Concerning 2016 Clean Water Act Sections 303(d), 305(b), and 314 Integrated Reporting and Listing Decisions

FROM: Benita Best-Wong, Director /s/
Office of Wetlands, Oceans, and Watersheds

TO: Water Division Directors, Regions 1 – 10
Robert Maxfield, Director, Office of Environmental Measurement and Evaluation, Region 1

I am pleased to provide you with information to assist you and your States as you prepare and review the 2016 Integrated Reports (IR), in accordance with Clean Water Action (CWA) Sections 303(d), 305(b), and 314. This memorandum focuses on the following topics: 1) implementing the CWA 303(d) Program Vision; 2) identifying nutrient-impaired waters based on narrative nutrient water quality criteria and direct evidence of failure to support designated uses; 3) implementing the Water Quality Framework, including the Assessment and Total Maximum Daily Load (TMDL) Tracking and Implementation System (ATTAINS) redesign and reporting of statewide statistical survey data; 4) providing information about the update to the data in the variable portion of the Fiscal Year 2017 Clean Water Act Section 106 grant allocation formula; and 5) clarifying how to assess and assign waters impaired by "pollution" not caused by a "pollutant" to Category 4C.

This memorandum is not regulation and does not impose legally binding requirements on EPA or the States. EPA recommends that the States prepare their 2016 IRs consistent with previous IR guidance including EPA's 2006 IR Guidance, which is supplemented by EPA's 2008, 2010, 2012, and 2014 IR memos and this memorandum available at:
<http://water.epa.gov/lawsregs/lawsguidance/cwa/tmdl/guidance.cfm>.

I would like to thank the Regions and our State partners for their input on the information in this enclosure. I particularly appreciate the continued hard work and dedication in developing the IRs so that we can report to the public on the status of the nation's waters. If you have any questions or comments concerning this memorandum, please contact me or have your staff contact Shera Reems at 202-566-1264 or reems.shera@epa.gov.

Enclosure

cc: Julia Anastasio, Association of Clean Water Administrators

INFORMATION CONCERNING 2016 CLEAN WATER ACT SECTIONS 303(d), 305(b), AND 314 INTEGRATED REPORTING AND LISTING DECISIONS

1. Implementing the Clean Water Act 303(d) Program Vision

In December 2013, EPA announced a new collaborative framework for implementing the CWA Section 303(d) Program—*A Long-Term Vision for Assessment, Restoration, and Protection under the Clean Water Act Section 303(d) Program* (Vision).¹ This framework is the result of a collaborative process between State and EPA program managers begun in August 2011, which is now articulated in the Vision and supported by the Association of Clean Water Administrators. The Vision provides expectations for both States and EPA to advance the program.

The Vision, as supplemented by this document, is not a rule or regulation. It does not impose any binding legal requirements on EPA, the States, or other stakeholders, and it does not alter CWA 303(d) regulatory obligations to identify impaired or threatened waters and to develop TMDLs for such waters. Under the Vision, States are expected to develop tailored strategies to implement their CWA 303(d) Program responsibilities in the context of their overall water quality goals and individual State priorities.

Recognizing each State is unique, EPA understands States will vary in how they implement the goals of the Vision, depending on the water quality goals of each State. To support State and EPA discussions on re-orienting CWA 303(d) Program responsibilities consistent with the Vision, EPA is providing additional information for States to consider when implementing the Prioritization, Engagement, and Alternatives Goals of the Vision. EPA and States jointly identified these topics as warranting further clarification to promote timely implementation of the Vision and submittal and review of States' 2016 Integrated Reports. EPA will work closely with the States on these issues as States move forward with developing their Integrated Reports.

Prioritization Goal

Long-term Prioritization from 2016 to 2022

Consistent with the Vision, EPA expects each State to identify by 2016 its long-term CWA 303(d) Program priorities through Fiscal Year (FY) 2022 in the context of the State's broader overall water quality goals. The Vision contemplates that this long-term prioritization process will be focused on identifying watersheds or individual waters for priority restoration and protection activities, taking into consideration how CWA 303(d)-related activities could collectively help achieve a State's broader overall water quality goals. The State CWA 303(d) prioritization provides a framework to focus the location and timing of the development of TMDLs, and alternative restoration and protection plans, in relation to other planning and implementation activities that may already exist in the priority watersheds or waters. As such, the State prioritization is a foundation to guide how the State implements CWA 303(d) Program

¹ http://water.epa.gov/lawsregs/lawsguidance/cwa/tmdl/upload/vision_303d_program_dec_2013.pdf. See also <http://water.epa.gov/lawsregs/lawsguidance/cwa/tmdl/upload/memo.pdf>, and "Question and Answers" at http://water.epa.gov/lawsregs/lawsguidance/cwa/tmdl/upload/acwa_qa.pdf.

responsibilities and requirements, which remain unchanged. States have flexibility in how they define their priorities and may use a variety of ways to describe these priorities, which include:

- by geographic units: assessment units, watersheds, ecoregions, or basins;
- by pollutants; or,
- by designated uses.

Regardless of the way a State defines its priorities, the priorities should be articulated in a manner that allows them to be linked to specific assessment units.

Setting long-term CWA 303(d) priorities from FY 2016 to FY 2022 provides States an opportunity to strategically focus their efforts and demonstrate progress over time in achieving environmental results. As such, the long-term priorities are not expected to substantially change from FY 2016 to FY 2022. However, EPA recognizes that some adjustments may be needed due to unforeseen circumstances or planning processes.² In addition, although the new Vision calls for States to identify their priorities through FY 2022, some States may choose to establish a framework that allows them to identify priorities beyond FY 2022.

Additionally, CWA 303(d) prioritization affords the State an opportunity to integrate CWA 303(d) Program priorities with other water quality programs to achieve overall water quality goals. These include State water quality standards (WQS), monitoring, CWA 319, National Pollutant Discharge Elimination System (NPDES), source water protection, and conservation programs. Having CWA 303(d) Program priorities informed by data and information from other relevant programs will help achieve and demonstrate environmental results over time. For example, integration with water quality monitoring programs can lay the groundwork for gathering the needed data to assess baseline conditions in priority waters, to develop TMDLs or other restoration and protection plans, or to determine progress in restoring or protecting priority waters. Integration with other programs can also inform the selection of the approaches that afford the best opportunity to restore or protect water quality, as well as to facilitate the implementation of the pollutant reduction or protection goals of the selected approaches.

The Appendix provides some factors States are encouraged to consider when setting long-term priorities under the CWA 303(d) Program. Recognizing that there is flexibility in how CWA 303(d) Program responsibilities are implemented consistent with existing statutory and regulatory authorities, EPA will work closely with States as they identify long-term priorities that reflect a meaningful plan or roadmap on how best to meet their on-going CWA 303(d) Program requirements.

Consistent with the new Vision, the Integrated Report submitted by States for the 2016 Integrated Reporting cycle should include, or reference, the rationale used to set long-term priorities. The rationale should explain how the State arrived at the long-term priorities; and, to

² As part of reporting progress in implementing the CWA 303d Program Vision, EPA and States developed new performance measures WQ-27 and WQ-28. See WQ-27 and WQ-28 (available at http://water.epa.gov/resource_performance/planning/FY-2015-National-Water-Program-Guidance.cfm). The associated computational guidance documents for these measures will reflect how to incorporate changes in State priorities between 2016 and 2022.

the extent feasible, it should discuss where the State plans to develop future TMDLs, alternative restoration approaches, or protection plans, as well as the extent to which they already exist in priority watersheds or waters. States with priorities extending beyond FY 2022 are encouraged to also include, or reference, such information.

Although State's long-term priorities should be included, or referenced, in the 2016 Integrated Report, EPA's formal decision on the State's CWA 303(d) list will not include action on the State's long-term priorities identified under the Vision.

Importance of Engaging the Public in the State's Long-term Prioritization Process

Consistent with the Vision's Engagement Goal, States are expected to engage their general public and stakeholders in the establishment of CWA 303(d)-related priorities. EPA also expects States to articulate how input from the public was considered and addressed as part of their rationale supporting the prioritization.

EPA recognizes that States have used, and will continue to use, different methods to engage the public. For example, depending on the timing of a State's process for developing its 2016 Integrated Report, some States may choose to use the Integrated Report public notice process as a means to engage the public on establishing CWA 303(d) priorities. Other States may choose to engage the public on their CWA 303(d) priorities through a process separate from the Integrated Report. Whichever process is used, States should be prepared to report on EPA's CWA 303(d) program measure in FY 2016 and to include or reference CWA 303(d) priorities and associated rationale in the 2016 Integrated Report due on April 1, 2016.

Distinction between the Vision Long-term Priorities and the Required Priority Ranking of Listed Waters

In addition to including the long-term priorities from FY 2016 to FY 2022 and the associated prioritization rationale (or references to such priorities and associated rationale), a State's 2016 Integrated Report must include a priority ranking for all listed waters still requiring TMDLs (i.e., all waterbody/pollutant combinations on the CWA 303(d) list), taking into account the severity of the pollution and the uses to be made of such waters and including the identification of waters targeted for TMDL development within the next two years of the CWA 303(d) list (as required by 40 CFR §130.7(b)(4)).

As illustrated below, EPA expects that the required priority ranking and two-year TMDL development schedule will be related to the Vision long-term priorities from FY 2016 to FY 2022. For example, CWA 303(d) listed waters assigned a high priority ranking for TMDL development would likely be included in the Vision long-term priorities. Where States intend to pursue alternative restoration approaches for some CWA 303(d) listed waters, those waters may be assigned a lower priority ranking for TMDL development in the near-term.

Long-term Priorities Consistent with the Vision

- Will not likely include all listed waters
- Includes high priorities for TMDL development; and may also include alternative restoration and protection approaches
- Would likely be a subset of the required priority ranking for TMDL development, if State priorities only focus on TMDL development
- Not required, but the basis for a program measure

Required Priority Ranking in CWA 303(d)

- Ranking of all listed waters (e.g., high, medium, low priorities; development schedule) taking into account the severity of the pollution and use
- Only focuses on ranking of waters for TMDL development, including a two-year TMDL development schedule
- Waters ranked high for TMDL development are likely to be part of Vision priorities
- Some waters ranked low for TMDL development may still be part of the Vision priorities for alternative restoration approaches
- Required by regulation biennially 40 CFR 130.7(b)(4)

Role of Alternative Restoration Approaches

As emphasized in the Alternatives goal of the Vision, the statutory and regulatory obligations to develop TMDLs for waters identified on States' CWA 303(d) lists remain unchanged, and TMDLs will remain the most dominant analytic and informational tool for addressing such waters. However, EPA recognizes that under certain circumstances there are alternative restoration approaches that may be more immediately beneficial or practicable in achieving WQS than pursuing the TMDL approach in the near-term. An alternative restoration approach is a near-term plan, or description of actions, with a schedule and milestones, that is more immediately beneficial or practicable to achieving WQS.

With the exception of impaired waters assigned to Category 4b³ and Category 4c,⁴ impaired waters for which a State pursues an alternative restoration approach to achieve WQS shall remain on the CWA 303(d) list (i.e., Category 5) and still require TMDLs until WQS are attained. Taking into account the severity of the pollution and the uses of waters on the CWA 303(d) list, such waters might be assigned lower priority for TMDL development as alternatives expected to achieve WQS are pursued in the near-term.

Recognizing the statutory and regulatory obligations to develop TMDLs for waters on the CWA 303(d) list, States should consider how long waters have been on the CWA 303(d) list before pursuing alternative restoration approaches. In addition, States should periodically evaluate alternative restoration approaches to determine if such approaches are still expected to be more immediately beneficial or practicable in achieving WQS than pursuing a TMDL approach in the near-term.⁵ If not, States should re-evaluate whether a higher priority for TMDL development should be assigned.

Description of an alternative restoration approach pursued for CWA 303(d) listed waters

EPA and States will work together to determine which is the most effective tool to achieve WQS—be it TMDL development or pursuing an alternative restoration approach in the near-term—for waters that remain on the CWA 303(d) list. To assist States in determining whether an alternative restoration approach is appropriate for a particular water, EPA recommends that States consider the following circumstances associated with the listed water:

- 1) There are unique local circumstances (e.g., the type of pollutant or source or the nature of the receiving waterbody; presence of watershed groups or other parties interested in implementing the alternative restoration approach; available funding opportunities for the alternative restoration approach).
- 2) Initial review of the pollutant or cause of impairment shows that particular point or non-point sources are responsible for the impairment with clear mechanisms to address all sources (both point and nonpoint), as appropriate (e.g., CWA 319 nine-element watershed-based plans or other restoration plans; source water protection plans; setting new limits when permit is re-issued, which alone or in combination with other actions, is expected to achieve WQS in the listed water).

³ For more information on Category 4b, see “Information Concerning 2008 Clean Water Act Sections 303(d), 305(b), and 314 Integrated Reporting and Listing Decisions,” available at http://www.epa.gov/owow/tmdl/2008_ir_memorandum.html.

⁴ For more information on appropriate placement of waters impaired by pollution under Category 4c, see “Guidance for 2006 Assessment, Listing and Reporting Requirements Pursuant to Sections 303(d), 305(b) and 314 of the Clean Water Act,” available at <http://water.epa.gov/lawsregs/lawsguidance/cwa/tmdl/upload/2006irg-report.pdf>. For waters placed in category 4c, an appropriate plan to address the pollution impairment is needed for such waters to be counted under program measure WQ-27. See also Section 5 of this document, “Clarification on the assessment and assignment of waters to Category 4C.”

⁵ As part of reporting progress under the CWA 303d Program performance measures WQ-27 and WQ-28, for EPA to continue reporting an alternative restoration approach under the measures, a State should demonstrate by 2022 that such an approach is on track to being more immediately beneficial or practicable in achieving WQS than pursuing a TMDL approach in the near-term, by showing steady and continuing improvements in water quality or adequate progress in implementing the plan.

- 3) There is stakeholder and public support for the alternative restoration approach, which is important for achieving timely progress in implementing the alternative.

Once a State decides to pursue an alternative restoration approach for impaired waters, EPA requests that the State provide, or reference, in its Integrated Report a description⁶ of the approach. Such description will provide transparency to the public and help facilitate State and EPA discussions on whether EPA will include the alternative restoration approach under the CWA 303(d) performance measures.⁷ States should consider the following elements in preparing their descriptions:

- Identification of specific impaired water segments or waters addressed by the alternative restoration approach, and identification of all sources contributing to the impairment.
- Analysis to support why the State believes that the implementation of the alternative restoration approach is expected to achieve WQS.
- An Action Plan or Implementation Plan to document: a) the actions to address all sources—both point and nonpoint sources, as appropriate—necessary to achieve WQS (this may include e.g., commitments to adjust permit limits when permits are re-issued or a list of nonpoint source conservation practices or BMPs to be implemented, as part of the alternative restoration approach); and, b) a schedule of actions designed to meet WQS with clear milestones and dates, which includes interim milestones and target dates with clear deliverables.⁸
- Identification of available funding opportunities to implement the alternative restoration plan.
- Identification of all parties committed, and/or additional parties needed, to take actions that are expected to meet WQS.
- An estimate or projection of the time when WQS will be met.⁹
- Plans for effectiveness monitoring to: demonstrate progress made toward achieving WQS following implementation; identify needed improvement for adaptive management as the project progresses; and evaluate the success of actions and outcome.
- Commitment to periodically evaluate the alternative restoration approach to determine if it is on track to be more immediately beneficial or practicable in achieving WQS than pursuing the TMDL approach in the near-term, and if the impaired water should be assigned a higher priority for TMDL development.

⁶ A separate description of the alternative restoration approach for purposes of the CWA 303(d) program may not be needed, if there is existing documentation along with any supplemental information, to show 1) how the alternative approach is expected to meet water quality standards, 2) how it is more immediately beneficial or practicable in achieving WQS, than pursuing a TMDL approach in the near-term, and 3) to which waters the alternative restoration approach applies.

⁷ See WQ-27 and WQ-28 available at http://water.epa.gov/resource_performance/planning/FY-2015-National-Water-Program-Guidance.cfm

⁸ As part of the adaptive management approach to addressing the impairment, EPA expects specific dates may be modified during implementation. The schedule will demonstrate how the planned actions will reduce the loadings from sources to achieve water quality standards. For instance, if BMPs are known, please include them in the description of the alternative restoration approach.

⁹ The estimate or projection may be modified due to new information or experience learned from initial actions.

The State's description of its alternative restoration approach is likely to be case-specific. The degree to which the above elements are addressed in the description is likely to depend on State consideration of numerous circumstances, which include:

- a) severity of the pollution;
- b) uses of the impaired water;
- c) nature of the receiving waterbody;
- d) type of pollutants causing the impairment;
- e) relative mix of nonpoint and point source loadings; and/or
- f) nature of the sources of those loadings.

The description of the alternative restoration approach and the waters to which it applies should be included during public review of the draft CWA 303(d) list or Integrated Report,¹⁰ so that the public has an opportunity to view the State's alternative restoration approaches and the assigned priority ranking for TMDL development for such waters. Additionally, because the Integrated Report and its public comment process occur every two years, States are expected to engage the public on the use of specific alternative restoration approaches and their descriptions as they are developed.

Creation of a subcategory in Category 5 (i.e., 5-alternative) to report on alternative restoration approaches for CWA 303(d) listed waters

Impaired waters on the CWA 303(d) list for which a State develops and pursues an alternative restoration approach shall remain on the CWA 303(d) list (i.e., Category 5) and still require TMDLs until WQS are achieved. EPA has created an optional subcategory under Category 5—subcategory 5-alternative—as an organizing tool to clearly articulate which listed waters have such alternative approaches, and to provide transparency to the public. In addition, this subcategory will facilitate tracking alternative restoration approaches in these CWA 303(d) listed waters.

Because waters for which alternative restoration approaches are pursued still remain on the CWA 303(d) list, EPA will not take action to approve or disapprove a State's alternative restoration approach under CWA 303(d). Therefore, as long as such waters with alternative restoration plans remain on the CWA 303(d) list, EPA's review of the list would not be affected or delayed by whether development of a TMDL or an alternative restoration plan is pursued.

EPA will take into account a State's description of its alternative restoration approach to determine whether it is appropriate for such waters to be in subcategory 5-alternative and whether to include such approaches under the CWA 303(d) performance measures. EPA does not expect that all of the activities or controls to carry out an alternative restoration approach must be fully implemented, or that WQS must have been achieved, before the alternative restoration approach can be reported as a plan under the CWA 303(d) performance measures. However, the alternative restoration approach does need to clearly demonstrate how WQS will be achieved for EPA to include it under the CWA 303(d) performance measures.

¹⁰ When a State develops an alternative restoration approach for a water identified as impaired after a 303(d) list has been approved, the State would place this water on the next Integrated Reporting cycle 303(d) list.

Distinction between Subcategory 5-alternative and Category 4b

Subcategory 5-alternative

- 1) This includes impaired waters on the CWA 303(d) list (i.e., Category 5) for which a State has developed an alternative restoration approach to meet WQS.
- 2) These impaired waters shall remain on the CWA 303(d) list until WQS are achieved or a TMDL is developed. (See Figure 1.) Taking into account the severity of the pollution and uses, such waters might be assigned lower priority for TMDL development as alternative restoration approaches expected to meet WQS are pursued in the near-term.
- 3) For these impaired waters, the State has decided not to pursue a Category 4b demonstration that “other pollution control requirements” required are stringent enough to implement any water quality standard consistent with 40 CFR 130.7(b)(1)(iii).
- 4) As long as such waters remain on the CWA 303(d) list, EPA’s review of the list would not be affected or delayed by whether a TMDL or an alternative restoration approach is pursued.
- 5) EPA will consider the adequacy of the State’s description of the alternative restoration approach in determining whether to include such an approach under the CWA 303(d) performance measures.

Category 4b

- 1) As noted in the “Information Concerning 2008 Clean Water Act Sections 303(d), 305(b), and 314 Integrated Reporting and Listing Decisions,”¹¹ Category 4b includes impaired waters for which a State has provided sufficient demonstration that there are other pollution control requirements sufficiently stringent to achieve applicable WQS within a reasonable period of time.
- 2) These impaired waters are not included in the State’s CWA 303(d) list consistent with 130.7(b)(1)(iii) (Category 5). (See Figure 1.)
- 3) EPA reviews and approves the exclusion of such waters from Category 5 consistent with CWA requirements.

¹¹ For more information on Category 4b, see “Information Concerning 2008 Clean Water Act Sections 303(d), 305(b), and 314 Integrated Reporting and Listing Decisions,” available at http://www.epa.gov/owow/tmdl/2008_ir_memorandum.html.

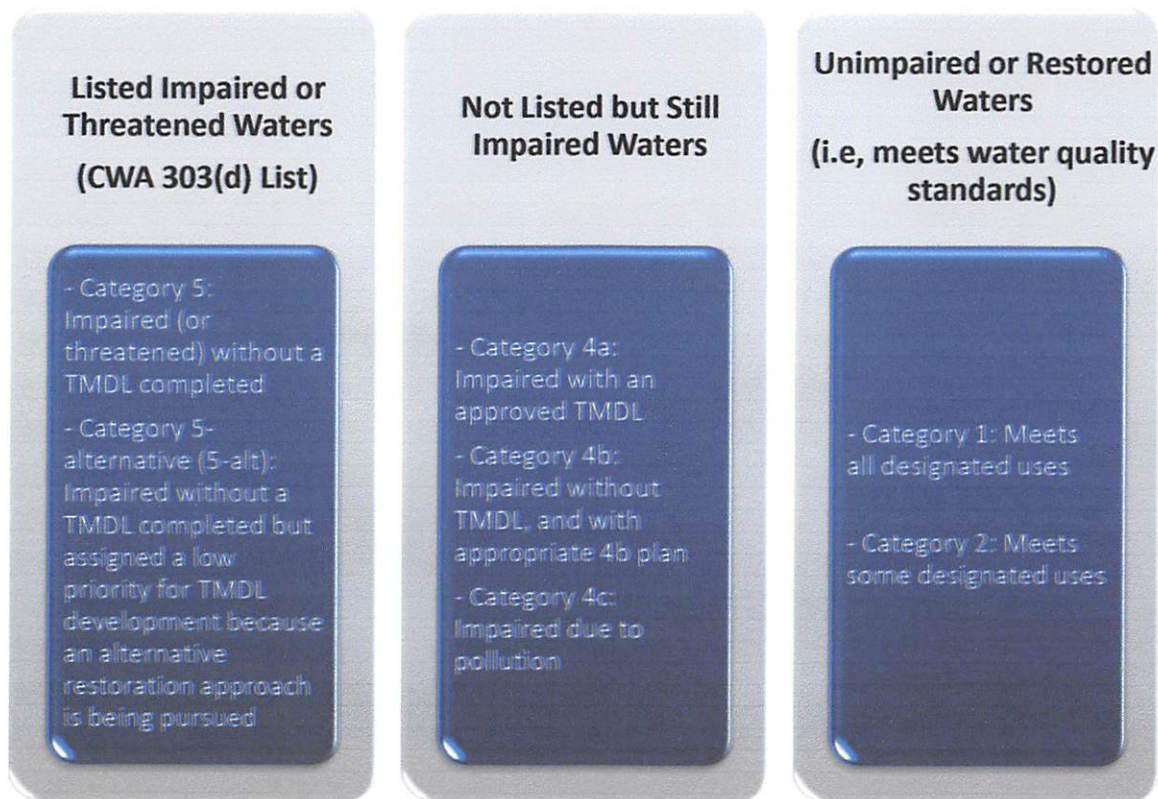


Figure 1: Categories of impaired waters when: 1) a TMDL is still needed; 2) a TMDL or Category 4b demonstration has been developed, or the impairment is due to pollution and not a pollutant; or, 3) it is now attaining WQS for assessed designated uses.

2. *Continue identifying waters impacted by nutrients for the Section 303(d) list for States without numeric nutrient water quality criteria*

Addressing nutrient pollution in our nation's waters continues to be one of EPA's top priorities, and identifying nutrient-impaired waters is an important step in a State's process to prioritize and accelerate nutrient reduction efforts. The CWA and EPA's implementing regulations require States to identify water-quality limited segments still requiring TMDLs where pollution controls are not stringent enough to meet any applicable water quality standard. Applicable WQS include designated use, water quality criteria (numeric and narrative), and antidegradation requirements.

To assist States with identifying nutrient-impaired waters, in the 2014 Integrated Reporting Memorandum (IR Memo),¹² EPA provided examples of approaches that can be used for assessing whether waters are attaining nutrient-related narrative criteria and/or supporting designated uses. Collectively, the examples address a number of different designated uses, are based on causal and nutrient response parameters, and rely on various types of assessment information such as the evaluation of water column data against nutrient targets, visual

¹² Information Concerning 2014 Clean Water Act Sections 303(d), 305(b) and 314 Integrated Reporting and Listing Decisions available at <http://water.epa.gov/lawsregs/lawsguidance/cwa/tmdl/2014-memo.cfm>.

observations, field surveys, stressor identification analysis, biological information, and public feedback and comments. The 2014 IR Memo also provided recommendations to facilitate stakeholder input and EPA review of States' CWA 303(d) lists, such as States describing in their assessment methods applicable data quantity, quality, and representativeness expectations for making water quality attainment determinations.

EPA continues to expect States to evaluate the status of their waters with respect to nutrient-related impairments and to add to their CWA 303(d) list waters failing to meet any applicable water quality standard. For those States that have developed nutrient-related assessment methodologies, EPA encourages States to continually refine their nutrient-related assessment methodologies and to share them with neighboring States to collaboratively bolster nutrient assessment programs, as needed. For States without nutrient-related assessment methodologies, there is still a requirement to assemble and evaluate all existing and readily available water quality-related data and information against all applicable numeric and narrative WQS to develop the CWA 303(d) list.

3. Implementation of the Water Quality Framework: Assessment and Total Maximum Daily Load (TMDL) Tracking and Implementation System (ATTAINS)

A. Water Quality Framework

In 2014, EPA introduced the Water Quality Framework, which is a new way of integrating EPA's data and information systems (e.g., STORET/WQX, ATTAINS, NHDPlus, GRTS)¹³ to streamline water quality assessment and reporting while providing a more complete picture of the nation's water quality. Benefits of this approach include:

- Reduces State burden by streamlining the CWA assessment and reporting process;
- Provides the means to link monitoring data to assessment decisions and action plans to restoration success;
- Links the broader water quality context provided by national and statewide statistical surveys to the localized assessment decisions;
- Provides better measurement and reporting of water quality improvements;
- Provides more transparency in reporting water quality actions and supporting water quality decision making;
- Allows for tools that can be used to identify relevant monitoring data for water quality assessments;
- Supports State development of tools to automate the screening of monitoring data against WQS; and
- Connects data, decisions, and actions geospatially.

¹³ STORage and RETrieval Data Warehouse (STORET)/Water Quality Exchange (WQX); Assessment TMDL Tracking and Implementation System (ATTAINS); National Hydrography Dataset *Plus* (NHD*Plus*), Grants Reporting and Tracking System (GRTS)

B. Water Quality Framework: ATTAINS Redesign

As discussed in the 2012 IR Memo,¹⁴ IR data include State water quality assessment decisions, attribute data, and the geospatial data representing the geographic locations of those assessed waters. This information is needed in order for the public to better understand the status of the nation's waters. EPA's ATTAINS database¹⁵ is the repository for State IR attribute data, and the Reach Address Database¹⁶ contains State IR geospatial data. EPA compiles State-submitted IR data to develop and publish the National Water Quality Inventory Report to Congress (CWA Section 305(b) Report), determine States' variable portion of the Section 106 grant allocation formula, inform water quality decisions, and to conduct and support analyses to help restore the nation's waters.

In 2013, EPA worked with States to complete a retrospective review of the IR process and identified several opportunities to reduce workload and to improve the timeliness of State submittals of Integrated Reports, and the timeliness of EPA review of the Integrated Report. Although the 2002 IR guidance encouraged electronic reporting, many States and Regions continue to use paper reports as the official record creating discrepancies between the paper version and the corresponding electronic data. In 2014, work on the Water Quality Framework identified a number of improvements to the IR process, with a specific focus on moving from paper to electronic processes. This effort will enable the ATTAINS system to be a more valuable tool throughout the IR process, reducing time and costs for States and EPA through the use of automated processes, electronic reporting and review capabilities, and validation checks.

The ATTAINS updates will occur in two Phases:

- **Phase 1:** For the 2016 IR cycle, all States will use the existing systems¹⁷ for tracking assessment decisions and submitting the official electronic IR submission. Some States may also pilot the new system using their 2016 IR information to identify improvements for the 2018 IR cycle.
- **Phase 2:** The 2018 IR cycle¹⁸ will serve as the transition to the new ATTAINS for all States. EPA encourages States to utilize resources available under the Exchange Network to make this transition.¹⁹ The data systems outlined in the 2014 IR Memo will no longer be supported beginning in the summer of 2017.

¹⁴ *Information Concerning 2012 Clean Water Act Sections 303(d), 305(b) and 314 Integrated Reporting and Listing Decisions* available at http://water.epa.gov/lawsregs/lawsguidance/cwa/tmdl/ir_memo_2012.cfm

¹⁵ Assessment and Total Maximum Daily Load (TMDL) Tracking and Implementation System (ATTAINS) available at <http://www.epa.gov/waters/ir>

¹⁶ Geospatial Data Downloads available at <http://www.epa.gov/waters/data/downloads.html>

¹⁷ During the 2016 IR cycle, EPA will continue to support the existing data systems outlined in the *Information Concerning 2014 Clean Water Act Sections 303(d), 305(b) and 314 Integrated Reporting and Listing Decisions* available at <http://water.epa.gov/lawsregs/lawsguidance/cwa/tmdl/2014-memo.cfm>

¹⁸ For the 2018 IR cycle, the new ATTAINS system will replace the existing NTIS and ADB systems, OWIR-ATT data flow that exists within the Exchange Network, as well as incorporate the ATTAINS Web Express system that is used for submitting data to EPA and entering State statistical survey summary information. This new system will provide one interface and data model for all of the integrated reporting and TMDL information.

¹⁹ For additional information about the Exchange Network, visit <http://www.exchangenetwork.net/>

C. Statewide Statistical Survey Data in ATTAINS

EPA continues to support both statewide statistical surveys and site-specific targeted monitoring to meet the reporting requirements under CWA Sections 303(d) and 305(b). Statistical surveys enable States to report on the condition of the broad population of waters using a representative sample, and targeted monitoring supports identification and listing of specific impaired waters. For the 2016 IR cycle, EPA will again incorporate statewide statistical survey findings reported to EPA into the state-level water quality summaries displayed on the ATTAINS website and to use both survey and site-specific results in its national water quality summary. To assist States with reporting statewide statistical survey data results to EPA, the statewide statistical survey web data entry tool is available at: <https://attainsweb.epa.gov>.

4. Use of Water Quality Impairment Data to Update the Variable Portion of the Fiscal Year 2017 Clean Water Act Section 106 Grant Allocation Formula

The CWA Section 106 regulations (40 CFR Part 35.162) set out the allocation formula for grants to States and Interstate Compact Commissions. The CWA requires EPA to allocate funds to States and interstate agencies “on the basis of the extent of the pollution problem in the respective States.” The formula includes a base and six variable components. The variable components of the CWA Section 106 grant allocation formula currently include: surface water area, ground water use, point sources, nonpoint sources, water quality impairment, and population of urban areas. Water quality impairment accounts for 35% of the variable portion.

The data in the CWA Section 106 grant allocation formula will be updated in calendar year 2016 for use in the Fiscal Year 2017 Section 106 grant allocation. The water quality impairment variable component of the CWA Section 106 grant allocation formula will be included in this update. The water quality impairment data include: river and stream miles; lake, pond, and reservoir acres; estuary square miles; ocean shoreline miles; wetland acres; and Great Lakes shoreline miles (40 CFR Part 35.162 Table 1).

To support the formula data update, EPA will use the most current and complete assessment results from States available to the public in ATTAINS.²⁰ EPA will use the data source that represents the most comprehensive designation of impaired waters including Integrated Report categories 4a, 4b, 4c, 5, 5-alt, and 5m; separate 305(b) report categories “not supporting” or “impaired;” or statewide statistical survey result categories included in the State’s definition of “not supporting” or “impaired.” For State water quality impairment data to be used in the CWA Section 106 grant allocation formula, the data needs to be available to the public in ATTAINS by September 1, 2016.

²⁰ EPA recommends that States visit the ATTAINS website at <http://www.epa.gov/waters/ir> to see what data is available. If a State would like more recent data to be included in the variable component of the CWA Section 106 grant allocation formula, contact EPA to discuss the process to submit the data files to EPA. In this instance, EPA will need the State’s data no later than July 1, 2016 in order to allow for EPA contractors to process the data and for the State to review and allow for EPA to release the data to the public. The CWA Section 106 grant allocation formula is not contingent on an approved CWA 303(d) list.

5. Clarification on the assessment and assignment of waters to Category 4C

As the nation's waters face an increasing degree of stress from anthropogenic influences, and the effects of climate change and extreme weather events, it will become important to more fully understand the impacts and causes of all types of pollution on our nation's waters. While the focus of previous IR Guidance has predominantly been on the assessment and listing of impairments caused by pollutants and waters assigned to Category 5 (i.e., a State's CWA 303(d) list of impaired and threatened waters needing a TMDL), the assessment and categorization of impairments caused by pollution²¹ not caused by a pollutant have not been covered as extensively. However, the effects of such pollution can be significant, including the effects of hydrologic alteration²² or habitat alteration. A 2010 study by the U.S. Geological Survey²³ found that anthropogenic hydrologic alteration is extensive in the U.S. and may be a primary cause of ecological impairment in river and stream ecosystems. Examples of such alteration include: water withdrawals, impoundments, or extreme high flows that scour out stream beds, destabilize stream banks and cause a loss of habitat. Climate change is expected to exacerbate these effects. Recognizing the interplay between pollutants and pollution, EPA encourages States to more fully monitor, assess, and report the impacts of all types of pollution, thereby improving the opportunities for increasing resilience and restoration of these waters. To assist States with this effort, EPA is clarifying previous guidance about the assessment and categorization of waters into Category 4C when a State demonstrates that the failure to meet an applicable water quality standard is not caused by a pollutant, but instead is caused by other types of pollution.²⁴

Assessment of waters impaired by pollution not caused by a pollutant

It is important to recognize that a water body segment is considered impaired when the applicable WQS²⁵ are not met or not expected to be met (i.e., threatened). States typically focus assessments on determining whether narrative or numeric water quality criteria are met. When assessing for impacts caused by hydrologic or habitat alteration, States can assess whether the

²¹ Defined under the CWA as "the man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water" (Section 502(19))

²² In discussing causes that contribute to the actual or threatened impairment of a designated use in a waterbody, EPA defines "flow alteration" as "frequent changes in flow or chronic reductions in flow that impact aquatic life" U.S. EPA, *Guidelines for Preparation of the Comprehensive State Water Quality Assessments (305(b) Reports) and Electronic Updates*, EPA Doc. No. 841-B-97-002A, 4-14 (1997). Hydrologic alteration is the current term in the state of the science for flow alteration, which also now includes impacts to aquatic life as well as recreation, drinking water, etc.

²³ Carlisle, Wolock and Meador, "Alteration of stream flow magnitudes and potential ecological consequences: a multiregional assessment," *Front Ecol Environ* 2010; doi:10.1890/100053.

²⁴ See U.S. EPA, *Guidance for 2006 Assessment, Listing and Reporting Requirements Pursuant to Sections 303(d), 305(b) and 314 of the Clean Water Act*, available at http://water.epa.gov/lawsregs/lawsguidance/cwa/tmdl/2006IRG_index.cfm

²⁵ EPA's 303(d) listing regulations at 40 CFR § 130.7(b)(3) define a "water quality standard applicable to such waters" and "applicable water quality standards" as "those water quality standards established under section 303 of the Act, including numeric criteria, narrative criteria, waterbody uses and antidegradation requirements." Also see, *Information Concerning 2014 Clean Water Act Sections 303(d), 305(b) and 314 Integrated Reporting and Listing Decisions* available at <http://water.epa.gov/lawsregs/lawsguidance/cwa/tmdl/2014-memo.cfm>

narrative criteria are met, for example, by using a biological narrative²⁶ or numeric flow criteria.²⁷ However, EPA recognizes that it is possible to have an impaired or threatened designated use that may not be determined through the assessment of available numeric and narrative criteria alone.²⁸ For example, if a perennial stream is dry or has no flow and field staff are not able to collect a sample, then assessment of the designated use based solely on the sample results of an evaluation of narrative or numeric criteria may not be possible. However, data or information based on visual observations of no water in a perennial stream would be information on the physical condition of the stream, and would demonstrate the aquatic life or recreational use is most likely not being attained and a State may conclude that the designated use is impaired. EPA encourages States to evaluate all existing and readily available data and/or *information* when determining the attainment status of a water. Thus, data and/or *information* documenting significant hydrologic or habitat alteration could be used to make a use attainment decision for an impairment due to pollution not caused by a pollutant and should be collected, evaluated, and reported as appropriate.

There are many types of information that could be readily used to identify threatened or impaired waters. This includes basic visual assessments of habitat alteration or flow alteration by field personnel. For instance, some States already report on “flow severity,” an observation on the presence of no flows, low flows, stand-alone pools, or extreme high flows. In addition, States may already have access to, and rely on, other readily available information, such as USGS StreamStats, gage data, remote sensing or dam inventories.²⁹ The use of these data sources to document changes to the flow regime over time could independently indicate designated use impairment by pollution not caused by a pollutant. Other States have sought clarity on how to interpret these types of data and information. For example, there were some cases where remote observations of gage data may have led States to not travel to a site when there were extreme conditions and subsequently no data or *information* were captured to document the stream condition. Where States could not sample, States may have simply recorded “no data” or “more information needed” in site visit records because they could not obtain physical, chemical or biological sampling data. However, EPA recommends that, rather than recording this as “no data,” this information be documented and considered in the assessment determination for that

²⁶ For instance, several States have biological narratives that require an aquatic ecosystem to support and maintain a balanced and indigenous community of organisms, having species composition, diversity, population densities and functional organization similar to that of reference conditions. Such narratives can evaluate whether the hydrology or habitat needed to support those requirements is present.

²⁷ As of 2014, ten States and six tribes with Treatment as a State status have adopted flow criteria.

²⁸ See Wilcher, LaJuana, EPA to Cashell, Lois, FERC. (January 18, 1991), for EPA’s interpretation of protecting water quality beyond only criteria; Also see, *Information Concerning 2014 Clean Water Act Sections 303(d), 305(b) and 314 Integrated Reporting and Listing Decisions* available at

<http://water.epa.gov/lawsregs/lawsguidance/cwa/tmdl/2014-memo.cfm>

²⁹ See U.S. EPA, *Guidance for 2006 Assessment, Listing and Reporting Requirements Pursuant to Sections 303(d), 305(b) and 314 of the Clean Water Act*, available at

http://water.epa.gov/lawsregs/lawsguidance/cwa/tmdl/2006IRG_index.cfm for a further discussion with additional information types to be considered. Appendix L of the 1997 305(b) Guidelines includes example types of information for source categories specifically for hydromodification, modeling analysis using PHABSIM or other instream flow models to document adverse impacts. U.S. EPA, *Guidelines for Preparation of the Comprehensive State Water Quality Assessments (305(b) Reports) and Electronic Updates*, EPA Doc. No. 841-B-97-002A. (1997).

water body segment. This will allow managers to be more fully informed for setting priorities and developing plans for restoration of these waters.

Categorization of waters impaired by pollution

EPA continues to recommend that States assign all of their surface water segments to one or more of five reporting categories.³⁰ Regarding waters impaired by pollution not caused by pollutants, EPA encourages States to use data and/or information to assign waters consistent with the category descriptions below. If pollution impairment is identified, EPA continues to expect regular monitoring to occur when samples can be collected and continued identification of potential pollutant impairments for listing in Category 5.

Category 3 Assessment units should be reported here when there are not enough data and/or information to determine if WQS are impaired. This category should not be used when data and/or information is available about impairments due to pollution not caused by a pollutant, including for instance, where hydrologic alteration or impacts from habitat alteration impairs a designated use but no narrative or numeric water quality criteria can be assessed; such waters should be placed in Category 4C.

Category 4C If States have data and/or information that a water is impaired due to pollution not caused by a pollutant (e.g., aquatic life use is not supported due to hydrologic alteration or habitat alteration), those causes should be identified and that water should be assigned to Category 4C. Examples of hydrologic alteration include: a perennial water is dry; no longer has flow; has low flow; has stand-alone pools; has extreme high flows; or has other significant alteration of the frequency, magnitude, duration or rate-of-change of natural flows in a water; or a water is characterized by entrenchment, bank destabilization, or channelization. Where circumstances such as unnatural low flow, no flow or stand-alone pools prevent sampling, it may be appropriate to place that water in Category 4C for impairment due to pollution not caused by a pollutant. In order to simplify and clarify the identification of waters impaired by pollution not caused by a pollutant, States may create further sub-categories to distinguish such waters. While TMDLs are not required for waterbody impairments assigned to Category 4C, States can employ a variety of watershed restoration tools and approaches to address the source(s) of the impairment.

Category 5 If States have data and/or information that a water is impaired due to a pollutant, it would need to be reported in Category 5. This is true even if this segment is also in Category 4C for an impairment due to pollution not caused by a pollutant. In that case, the State should list that water in Category 5 and identify the pollutant causing the impairment (e.g., nutrients) and should also indicate the nature of the pollution (e.g., hydrologic alteration) as a cause of impairment under Category 4C. If the water is later delisted for the pollutant (e.g., nutrients), but pollution (e.g., hydrologic alteration) is still impairing the water's use, then the water should remain in Category 4C. Consistent with previous IR Guidance, if a waterbody is impaired or

³⁰ See U.S. EPA, *Guidance for 2006 Assessment, Listing and Reporting Requirements Pursuant to Sections 303(d), 305(b) and 314 of the Clean Water Act*, available at http://water.epa.gov/lawsregs/lawsguidance/cwa/tmdl/2006IRG_index.cfm

threatened, and the State does not have data and/or information on whether a pollutant is causing the impairment, States would need to assign such waters to Category 5.³¹ If assessment of new data and/or information subsequently demonstrates that the impairment is not associated with a pollutant and is due to pollution not caused by a pollutant, the waterbody-pollutant combination would no longer need to be assigned to Category 5 and may be placed into Category 4C.

³¹ Ibid.

Appendix – Considerations for setting State long-term priorities from 2016 to 2022

Consistent with the CWA 303(d) Program Vision, EPA expects each State to establish long-term CWA 303(d) priorities from 2016 to 2022 in the context of its broader, overall water quality goals. The CWA 303(d) Program is able to integrate other programs because it translates State WQS into pollution reduction targets for the point source permitting and nonpoint source management programs as well as other programs outside the CWA. Linking the CWA 303(d) Program priorities with those of other programs aids in strategically focusing limited resources to address priority waters through water quality assessments, TMDL or alternative restoration approaches, water quality protection strategies, implementation actions and/or follow-up monitoring.

EPA encourages States to consider various factors—ranging from public interest, environmental considerations as well as resource implications, in addition to the statutory factors of severity of the pollution and uses of impaired waters—to inform its priority setting consistent with the Vision. These factors include:

- number, extent and age of listing of segments on a State CWA 303(d) list;
- number of waters affected by a particular pollutant or impairment on a State CWA 303(d) list;
- proximity of listed waters to each other within a watershed;
- relative significance of the environmental harm, public health risk, or threat of the impaired waters based on severity of the impairment, results of state-wide statistical surveys, National Aquatic Resource Surveys, vulnerability of the aquatic resource, or other appropriate information;
- specific regional and national priorities;
- degree to which CWA 303(d) Program could be integrated with other programs such as WQS, nonpoint source management, monitoring, NPDES (including programmatic needs for wasteload allocations for permits that are coming up for revisions or for new or expanding discharges) and source water protection programs, to achieve those environmental results;
- particular pollutants, waters or designated uses of primary interest to the public;
- likelihood of success in restoring impaired waters;
- technical and data considerations such as availability of monitoring data or models;
- number and relative complexity of the TMDLs; and,
- number and extent of healthy waters identified for planning and protection.

Each State has flexibility in considering these and other appropriate factors in its prioritization. The consideration of these factors will be state-specific, and are likely to be shaped by what is important to its public and what resources and information are available to the State. As such, the extent to which these and other appropriate factors are addressed in the rationale submitted with the CWA 303(d) priorities in the Integrated Report will be unique to each State. In addition to explaining how the State arrived at the long-term priorities, the rationale for the CWA 303(d) priorities should also articulate the State plans to develop future TMDLs, alternative restoration approaches or protection plans and the extent to which they already exist in priority watersheds or water segments.

Notwithstanding this flexibility, EPA expects that States will identify priorities that reflect a meaningful plan (roadmap) on how best to meet their on-going CWA 303(d) Program requirements to address impaired waters over time. EPA plans to continue to work with States as they develop their CWA 303(d) Program priorities.

Additionally, recognizing there are different approaches to prioritizing waters, EPA offers several tools to assist States on prioritization. For example, EPA's Recovery Potential Screening Tool, available at www.epa.gov/recoverypotential, is useful for comparing restorability of impaired waters across various watersheds. Another tool from EPA is Waterscape, a GIS-based framework for identifying priority watersheds, wherein States choose the parameters and weigh the importance of each, and may compare various alternative prioritization scenarios. Also, the Nitrogen and Phosphorus Pollution Data Access Tool (NPDAT), at www.epa.gov/nutrientpollution/npdat, is a GIS-based tool designed to assist in identifying priority watersheds to address nutrient pollution.

States are presently identifying their priority areas to establish information for purposes of the WQ-27 performance measure (i.e., TMDLs, alternative restoration approaches for impaired waters, or protection approaches for unimpaired waters). States are encouraged to keep changes to their priority areas to a minimum to track progress toward the 2022 target. However, if a State changes its priority areas before 2022, the information for this performance measure would need to be updated to reflect these changes. Before changing their priority areas, States are encouraged to first consider reporting activities outside of priority areas in the WQ-28 performance measure.³²

³² See footnote 2 for more information on the WQ-27 and WQ-28 performance measures.

June 18, 2015

DRAFT FINAL
Process Plan for Identifying and
Addressing Impairments due to
Biostimulatory Substances in the
Santa Margarita River Watershed

submitted to:

San Diego Regional Water Quality Control Board

prepared by:

SANTA MARGARITA WATERSHED TECHNICAL ADVISORY COMMITTEE

on behalf of the:

SANTA MARGARITA RIVER WATERSHED NUTRIENT INITIATIVE
STAKEHOLDER GROUP

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Appendix 1. Task List and Project Schedule

Appendix 2. Estuary Modeling work plan

Appendix 3. River Monitoring work plan and QAPP

Appendix 4. River Modeling work plan

Appendix 5. Technical Memorandum on flow thresholds