

**REPORT FOR THE MEETING OF
THE ADVISORY WATER COMMISSION OF THE SAN JOAQUIN COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT
FOR MARCH 17, 2004**

The regular meeting of the Advisory Water Commission of the San Joaquin County Flood Control and Water Conservation District was held on Wednesday, March 17, 2004, beginning at 1:00 p.m., at Public Health Services, 1601 E. Hazelton Avenue, Stockton, California.

Roll Call.

Present were Commissioners Gilmore, Giovanetti, Nomellini, Roberts, Taro, Weybret, Alternate Williams, Chairman McGurk, and Secretary Lytle. Others present are listed on the Attendance Sheet.

Approval of Minutes for the Meeting of February 18, 2004.

Motion carried to approve the minutes (Gilmore/Nomellini).

SCHEDULED ITEMS

I. **Discussion Items:**

A. Update on San Joaquin River Salt & Boron TMDL Staff Workshop

Mel Lytle, Water Resource Coordinator, reported on the Regional Water Quality Control Board's (Regional Board) workshop held the previous week in Sacramento. The workshop was held to share the Regional Board's preliminary response to major issues raised by South Delta interests concerning the development of a Total Maximum Daily Load Program (TMDL) for the salt and boron management on the San Joaquin River. Rather than a formal meeting, Mr. Lytle described it as being more of a discussion with the Regional Board staff concerning their response to the issues that were raised by the Delta interests. In addition to Regional Board staff, he identified those in attendance as representatives from the State Water Resource Control Board (SWRCB), Stockton East Water District (SEWD), South Delta Water District, Contra Costa Water District, and San Joaquin County with special water counsel.

Comments had been submitted by local agencies and the County in response to the Regional Board's proposed San Joaquin River Salt and Boron TMDL Basin Plan Amendments. The local agencies wanted their concerns heard prior to implementation, believing the proposed actions will have a very significant impact on the Delta. In fact, these same concerns have been expressed before -- Mr. Lytle explained that there has been an historic battle with the Regional Board over these issues. Water quality, compliance, and setting a new objective standard to protect beneficial uses upstream of Vernalis are some of the major concerns that San Joaquin County and other local agencies have asked the State and Regional Boards to address. In 1999 with Decision 1641, the State Board directed the Regional Board to "promptly develop and adopt salinity objectives and a program of implementation for the main stem of the San Joaquin River upstream of Vernalis." However, these objectives have yet to be established. Both Boards have acknowledged the serious degradation of the San Joaquin River for many years, and local agencies would like to see the problems finally dealt with appropriately and simultaneously with the Regional Board's Amendment Plan.

A question was raised by Commissioner Taro as to why the Board has been balking about testing farther up stream. Commissioner Nomellini responded that a beneficial use analysis would have to be done, which would be costly, and that it's also being road blocked politically. Mr. Lytle finished the discussion by telling the Commission that the Regional Board staff was taking the comments from this workshop back for review, and assured the Commission they would be updated as things progressed.

B. Update on UOP Negotiations Regarding the Napa Proposition

Mel Lytle presented some brief historical highlights regarding the Napa Proposition before turning the discussion over to Commissioner Nomellini to bring the Commission up-to-date on current activities. It was explained that San Joaquin County, City of Stockton, Central and South Delta Water Agencies, and Stockton East Water District have been participating in negotiations with State and Federal Water Contractors at UOP since September 2003. The Water Contractors were identified as the Metropolitan Water District of Southern California, Kern County Water Agency, Westlands Water District, and the San Luis and Delta Mendota Water Authority. Several issues are under discussion for negotiations regarding the Napa Proposition, with one of the major concerns for our local agencies being the proposal to increase the State pumping rate to 8,500 cfs at the pumping stations in the Delta. Many look at these issues as purely "Delta" problems, but Mr. Lytle stated they hold wider ramifications. He believes that the County as a whole, not just the Delta and its surrounding communities, would be impacted.

Commissioner Nomellini spoke of the back and forth negotiating that has been going on, but said they made it clear to the water contractors that the bottom line for us had to be a firm and enforceable commitment to meet the existing water quality standards. Their position is no increase in exports from the Delta until there's a solution to the San Joaquin River problem. In particular, they don't want any increased deliveries to the San Joaquin Valley that would contribute to the drainage in the San Joaquin River. Their positions are not too different than what has been advocated by U.S. Representative Pombo and State Senator Machado, they agree that nothing should go forward until the Delta is taken care of and the standards are met.

After the UOP meeting of March 3rd, a meeting was scheduled for the next weekend in Los Banos to wrap up the discussions, thinking that they were close to finalizing the negotiations. However, Nomellini described the draft produced by the contractors as a "red-line" draft – they had marked out all the Delta Agencies' requests and put back into the document what had been the water contractors' concessions. He also stated that one of the provisions included in their draft allowed them to terminate whatever deal is made after 10 years, without giving a reason. Of course, the Delta supporters couldn't agree to a deal that could be terminated at the time that everything would go into effect, so the meeting ended with an impasse. However, he described it as being "technically" at an impasse because the discussions haven't stopped.

Commissioner Nomellini asserts that a lot of good and supportable things have come out of the discussions, like recirculation and permanent barriers. He believes this could be an opportunity, as long as we stay the course and don't abandon principles. The principle issue being one of meeting Delta water quality standards, and that includes the San Joaquin River. He informed the Commission that Michael Chrisman, State Resources Secretary, has assigned Lester Snow, Director of DWR, and Ryan Broddrick, Director of the Department of Fish and Game, to meet with both sides for mediation. Their first mediation meeting was scheduled for the following Monday.

II. Action Items:

A. Discussion and Action on Draft Letter to the Department of Water Resources Concerning Bulletin 160 Activities

At the February 18, 2004, meeting, the Commission directed staff to draft a letter to the Department of Water Resources to comment on Bulletin 160 activities and to support concerns in a letter received from Alex Hildebrand, Director and Secretary to the Board of the South Delta Water Agency. After asking for the correction of the header on page 2, a motion was made to approve the draft letter; it was seconded and passed unanimously. (Gilmore/Roberts)

B. *Discussion and Possible Action on Agricultural Waiver Drainage Activities*

Last month a motion was made and passed that a recommendation be made that the Board of Supervisors (Board) support the draft legislation regarding the Agricultural Drainage Waiver worked on by the San Joaquin County & Delta Water Quality Coalition (Coalition). This was the development of a fee process whereby agricultural landowners could be charged \$1 per acre to help support the Monitoring Program. Included in the plan was emergency legislation to have it put into effect by August 1 to be able to get it on the tax bill. Mel Lytle advised the Commission that since that time there've been a number of changes regarding the subject and staff hasn't taken this issue before the Board. He asked Commissioner Nomellini to give an update on that legislation.

Commissioner Nomellini stated that the Coalition had wanted to have all of the local representatives attached to the bill when they started the process, but within the last month they've come to view the legislation as possibly being too difficult to pass. The Republican contingent is not receptive to any new fees right now, and the State Farm Bureau also has a problem with a fee like this, even though the landowners would have the ability to opt out. So now what will happen is, a letter will be sent to all the landowners of irrigated lands in San Joaquin County; and, as required by the Regional Board's regulation, they will be given the opportunity to sign up for the Coalition. Upon signing up with the Coalition, they must also commit to the payment of \$1 an acre. State coalitions in other areas are handling funding differently. Those that sign on will clearly be on the Waiver; those that don't will be outside the Waiver and will have to take care of themselves with regards to any discharging problems.

No one is sure whether or not the \$1 fee will be an adequate amount of money because they don't know how many landowners will participate in the Coalition. They don't even know what the actual requirements of the Monitoring Program are going to be. The Coalition's preference has been to negotiate with the Regional Board so the Regional Board would conduct the monitoring and accept whatever money is collected. They're trying to form other contingency plans, but currently there are too many unknowns. The Commission spent some time discussing some of those ramifications. Mr. Lytle asked the Commissioners to think about whether or not they think the San Joaquin County Flood Control and Water Conservation District should play a larger role in this issue, suggesting that it will be brought up as a possible discussion item at a later date.

III. **Communications:**

- A. *San Luis Drainage Feature Re-Evaluation*
- B. *Science Magazine Article "As the West Goes Dry"*

Public Comment:

None.

Possible Future Agenda Items:

- Update on the San Joaquin Valley Water Coalition
- Presentation on Gill Creek & Woodbridge Roads Watershed Reconnaissance Study Draft Report
- Coral Hollow Creek Off-Channel Detention Feasibility Study

Next Regular Meeting: April 21, 2004, 1:00 p.m.

Adjournment:

Meeting adjourned at 2:15 p.m.

JS

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