

**REPORT FOR THE MEETING OF
THE ADVISORY WATER COMMISSION OF THE SAN JOAQUIN COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT
FOR JULY 21, 2004**

The regular meeting of the Advisory Water Commission of the San Joaquin County Flood Control and Water Conservation District was held on Wednesday, July 21, 2004, beginning at 1:00 p.m., at Public Health Services, 1601 E. Hazelton Avenue, Stockton, California.

Roll Call.

Present were Commissioners Giovanetti, Kamper, Nomellini, Roberts, Taro, Weybret, Alternate Herrick, Chairman McGurk, Vice-Chairman Price, and Secretary Lytle. Others present are listed on the Attendance Sheet.

Approval of Minutes for the Meeting of April 21, 2004.

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

SCHEDULED ITEMS

I. **Discussion Items:**

A. *Update on Farmington Pilot Project*

Kevin Kauffman was not in attendance to present the update. The item will be rescheduled for a future agenda.

B. *Presentation on Eastern San Joaquin Groundwater Basin Groundwater Management Plan*

Brandon Nakagawa, San Joaquin County Public Works/ Water Resources Engineer and author of the Eastern San Joaquin Groundwater Basin Groundwater Management Plan (Plan), gave an overview of the Plan's contents and future actions. He discussed AB 3030, the Groundwater Management Act of 1992, and SB 1938, amendments made to Water Code Section 10750 *et. seq.* in 2001 that give local government agencies the authority to manage groundwater through the development and implementation of a groundwater management plan and address various groundwater issues such as overdraft, contamination, recharge, well construction standards, and plan financing. Mr. Nakagawa explained the County faces numerous water supply challenges due to preemption of surface water supplies, competing water demands, lack of financial or political clout as individual water interests, continued decline of groundwater levels, degradation of surface water and groundwater quality, and population growth.

The purpose of the GWMP is "...to ensure the long-term sustainability of groundwater resources in Eastern San Joaquin County." Key objectives of the Plan include, develop groundwater management and conjunctive use projects, prevent further saline intrusion, increase understanding of basin dynamics, and formulate financing strategies.

Mr. Nakagawa noted that the Plan was developed by the GBA Coordinating Committee which met on the 4th Wednesday of the month over the past year under facilitation by the Center for Collaborative Policy. Participants from over 40 agencies and interest groups also participated in the development of the Plan. The Administrative Draft of the Plan was released May 2004. Agency comments were incorporated and the final draft released June 2004.

Mr. Nakagawa also discussed the heart of the Plan – the Integrated Regional Conjunctive Use Program. The Conjunctive Use Program consists of supply, major surface storage and conveyance, and groundwater recharge elements. Supply elements consist of the Mokelumne, Calaveras, Stanislaus, and American Rivers and the Sacramento-San Joaquin Delta. Surface storage and

major conveyance elements include the MORE WATER Project, Freeport Regional Water Project, South County Surface Water Supply Project, and the Woodbridge Dam Replacement/City of Lodi water Purchase. Groundwater recharge elements include the Farmington Program, City of Stockton Delta Water Supply Project, North San Joaquin Water Conservation District and Central San Joaquin Water Conservation District In-lieu and direct groundwater recharge programs.

Mr. Nakagawa communicated next steps for the Plan. The GBA will conduct a public hearing and consider formal adoption of the Plan on August 11, 2004. Following adoption, the GBA will continue to work to better define elements of the Integrated Regional Conjunctive Use Program, formulate Basin operations criteria, develop a programmatic California Environmental Quality Act document to support the Integrated Regional Conjunctive Use Program, annually report progress, and continue the efforts of the Groundwater Banking Authority as a regional voice for the Eastern San Joaquin County.

C. Update on MORE WATER Project

Mel Lytle, Water Resources Coordinator, presented an update on the MORE WATER Project (Project). Dr. Lytle presented a brief history beginning with the Water Right and FERC filings in 1990 to store water and generate hydropower at the proposed Middle Bar Dam and Reservoir. There were many delays over the past fourteen years due to issues at the local and State levels. In April 2003, an agreement was made with HDR, Inc. for the development of the MORE WATER Project Feasibility Analysis and Environmental Documentation.

Phase I Reconnaissance Study of the MORE WATER Project was just completed by HDR and is ready for acceptance by the Mokelumne River Water and Power Authority (MRWPA). The purpose of Phase I is to establish a purpose and need for the Project; designate a lead federal agency for the National environmental Policy Act (NEPA) process; screen and rank project options; identify state and federal agency and other non-governmental organization concerns; and establish a strategy for environmental compliance.

Dr. Lytle mentioned that during Phase I, concerns over the interim nature of available water on the Mokelumne River could affect the Project. Periods of drought where no water would be available for San Joaquin County could last for consecutive years. Prolonged periods of idle equipment are problematic due to depreciation, staffing, and fixed costs. Historic hydrologic records indicate that for a period of 13 years, no water was available for San Joaquin County. The interim nature of available supplies is could seriously hinder the MRWPA's ability to develop a project that would maximize the capture of flood water in a cost effective manner.

Dr. Lytle explained the project alternatives screening process for which approximately 20 alternatives were reviewed. The following six ranking criteria were used to rank the alternatives: regulatory, political, financial, and environmental feasibility, water quality, and benefits achieved. The top five alternatives in ranked order are:

1. The Duck Creek Dam and Reservoir Construction – Pardee Reservoir Diversion
2. Duck Creek Dam and Reservoir Construction – Camanche Reservoir Diversion
3. Lower Mokelumne River Diversion – Non-structural (Fully utilize existing diversions on the Lower Mokelumne River)
4. Lower Mokelumne River Diversion –Structural (New diversions on the Lower Mokelumne River)
5. Mokelumne River Storage Reparation (PG&E facilities, Pardee, and Camanche)

Dr. Lytle pointed out, that the Middle Bar Dam Alternative was eliminated early in the ranking process due to the current political and regulatory climate.

Dr. Lytle also explained that at preliminary regulatory agency meetings, there is concern that it would be difficult to justify a valid purpose and need statement for a surface storage or major diversion project without first addressing the potential for other less environmentally damaging practicable alternatives to be implemented. Common elements such as water conservation and growth inducing

impacts could be addressed more efficiently in a Programmatic CEQA document. Without a Programmatic EIR, there is a high potential for legal challenges and delay tactics, and would make it more difficult for a project to pass the federal regulatory permitting phase. The addition of the Programmatic EIR was not expected in the original scope and cost, but could potentially reduce costs down the road by preventing legal fees and re-doing past phases.

Commissioner Taro asked what kind of effect this project would have on the Delta because water is captured in the North. Dr. Lytle responded that the amount that would be captured is a fraction of what already exported from the region.

II. **Action Items:**

A. Discussion and Recommendation on Senate Bill 1155

Dr. Lytle brought to the Commission's attention to Senate Bill 1155 which was introduced by Senator Mike Machado. The SB 1155 would require the Department of Water Resources to formulate a plan that would fulfill existing State Water Project (SWP) permit and license conditions before the SWP can increase export rates from the Delta to 8500 cubic feet per second (cfs). Because this bill seeks to protect in-Delta interests, Commissioner Nomellini would like the Commission and the County to support SB 1155. Vice-Chairman Price asked if this bill would apply to the federal Central Valley Project (CVP). Commissioner Nomellini responded that this bill will not because the federal pumps are a maximum capacity. Commissioner Nomellini also further clarified that the reason for increasing the SWP is to integrate both the State and federal projects to by delivering water to CVP contractors and the wildlife refuges using State facilities. Commissioner Weybret voiced that SB 1155 seemed "wishy-washy." Commissioner Nomellini motioned that the Commission recommend that the County Board of Supervisors support SB 1155 and that stronger language should be added to further protect agency interests. Vice-Chairman Price seconded the motion. The motion was approved (unanimous).

B. Discussion and Recommendation on Mokelumne River Water Right Application 29855

Dr. Lytle brought to the Commission's attention a bill from State Board of Equalization for State Water Resource Control Board Water Right Application 29855 in the amount of approximately \$38,000. The Application was filed in 1990 purely for power generation purposes through the proposed Middle Bar Dam. Because Middle Bar is not an alternative that will not be pursued further as part of the MORE WATER Project, Dr. Lytle recommended to not pay the bill and have the Mokelumne River Water & Power Authority cancel the application.

Commissioner Herrick voiced that he was not comfortable with canceling the application and requested more time to review and understand the application and the consequences of canceling the filing. Dr. Lytle responded that the item be tabled to the next meeting pending further information from staff and the State Board. Commissioner Weybret asked if it would be possible to request that Senator Machado intervene on behalf of the County to request more time. Dr. Lytle offered to contact the State Board directly to request an extension. Vice-Chairman Price asked if the amount of the bill can be reduced. Mr. Lytle responded that it may possibly however; neither the State Board of Equalization nor the State Board has indicated how the charges are calculated so the degree to which the bill can be reduced is unknown. The commission did not take action on the item and will revisit the item at the next Commission meeting.

C. Discussion and Recommendation on Northeastern San Joaquin County Groundwater Banking Authority JPA Amendments

Mel Lytle described new amendments to the Northeastern San Joaquin County Groundwater Banking Authority Joint Exercise of Powers Agreement that allows California Water Service Company (Calwater) to be represented on the GBA Board of Directors and extends the sunset date of the GBA JPA from June 30, 2004 to June 30, 2006. Logistically, the City of Stockton would appoint a Calwater representative to the GBA Board of Director as a voting member. This would allow Calwater to participate financially in the activities of the GBA.

Dr. Lytle also described the second amendment as a two-year extension of the GBA as an organization. Staff is requesting that the Commission take action to recommend to the County Board of Supervisors to endorse the amendments. Commissioner Nomellini motioned to recommend the amendments.

Vice-Chairman Price asked why California Water Service Company should be included as a member. He stated Calwater has voiced in the past that it would not contribute to capital projects. Alternate Commissioner Madison voiced that the City is favorable to Calwater's membership as Calwater serves approximately 100,000 people in the Stockton Municipal Area. Commissioner Taro seconded Commissioner Nomellini's motion.

Commissioner Weybret proposed that the extension of the JPA be reduced to one year. He is discouraged by the progress of the Authority and felt that the 1 year extension will encourage the Authority to be more active and effective. Dr. Lytle stated that the 2-year extension was recommended by the GBA JPA Sub-committee to the GBA Board and subsequently unanimously approved by the GBA Board for further endorsement by its member agency Boards and Councils. The motion was approved (NO: Vice-Chairman Price; Abstention: Commissioner Weybret; Aye: All other Commissioners).

III. **Communications:**

A. *Stockton East Water District et al vs. United States Letter*

Public Comment:

None.

Possible Future Agenda Items:

- Coral Hollow Creek Off-Channel Detention Feasibility Study

Next Regular Meeting: September 18, 2004, 1:00 p.m.

Adjournment:

Meeting adjourned at 2:42 p.m.

RV