

**REPORT FOR THE MEETING OF
THE ADVISORY WATER COMMISSION OF THE SAN JOAQUIN COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT
FOR JUNE 20, 2007**

The regular meeting of the Advisory Water Commission of the San Joaquin County Flood Control and Water Conservation District was held on Wednesday, June 20, 2007, beginning at 1:00 p.m., at Public Health Services, 1601 E. Hazelton Avenue, Stockton, California.

Roll Call

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

Approval of Minutes for the Meeting of May 16, 2007.

Chairman Mike McGurk commented that Action Item 2.B. regarding the discussion of the Eastern Water Alliance needed to be re-worked. Specifically, the bottom half of the first paragraph and entire second paragraph needed revision. Dr. Lytle added that he spoke with Kevin Kauffman, Manager of Stockton East District, who stated that the second sentence of the second paragraph is incorrect. Dr. Lytle further stated that the May 16th recording of the meeting will be checked. Chairman McGurk postponed approval of minutes until the July Advisory Water Commission meeting.

Public Comment (Non-Agenda Items)

None.

SCHEDULED ITEMS

I. **Discussion Items:**

A. *Update on Reinstatement of Mokelumne River Water Right Filing 29835 by State Water Resources Control Board*

Dr. Mel Lytle, Water Resources Coordinator, informed that the County received a letter from the State Water Resources Control Board (SWRCB) stating that the SWRCB would withdraw its order of cancellation on Water Right Filing 29835. In addition, the SWRCB directed the County to submit an updated work plan due during the last week of June.

In other related activities, the County is also working with the Bureau of Reclamation (BOR) on the MORE WATER Project. The BOR had earlier completed an appraisal study and determined that the Project captures federal interest. Generally, a project can acquire federal interest if it demonstrates any benefit to federal interests such as agriculture, the environment, or education. The BOR had also completed a work plan for the MORE WATER Project to be implemented from the initial feasibility stage through the end with the environmental documentation of the Project. With the BOR as the federal lead agency, the BOR is authorized to contribute up to \$3.3 million towards the Project contingent upon the ability of the Mokelumne River and Water Power Authority to provide a 50% cost-share. The monies also cannot be spent until the contribution is 'Authorized' by the US Senate and the House of Representatives.

Local agency activities include the County's contract negotiations for MORE Water's Phase 3. Dr. Lytle described Phase 3 as including survey and geotechnical work. Currently, the County is negotiating a scope of work with HDR, Inc. The work is expected to be completed in approximately fourteen months. HDR, Inc. has performed Phases 1 and 2 of the MORE WATERr Project.

After the completion of Phase 3, the next step is to perform a CEQA analysis and a project specific environmental impact report.

Vice-Chairman Willard Price questioned if MORE WATER would require the cooperation of the East Bay Municipal Utility District (EBMUD). Dr. Lytle responded, yes, and that EBMUD is, in fact, a protesting party of the County's Water Right Filing.

B. Update on Flood Control Technical Advisory Committee Activities

Mr. Roger Churchwell, County Senior Civil Engineer, reported that the Technical Advisory Committee developed an East Delta Urban Flood Protection Memorandum of Understanding (MOU) as a first step in the development of the San Joaquin County Urban Flood Protection Project. Currently, ten agencies have signed the MOU which include the Cities of Stockton, Manteca, Lathrop, San Joaquin County, San Joaquin County Flood Control and Water Conservation District, San Joaquin Area Flood Control Agency, and Reclamation Districts 403, 1608, 2074, and 17. Commissioner Dante Nomellini added that Reclamation District 1917 signed the MOU. Conversely, Mr. Churchwell indicated that they have yet to hear from Reclamation Districts 404, 1614, 2042, 2115, 2119, and 2126.

In other activities, the Technical Advisory Committee is currently developing an expenditure plan for Prop 1E and 84 funding. Furthermore, members of the TAC have discussed with DWR staff the potential for an equitable distribution of bond funds.

Other discussions the Technical Committee has had with DWR Staff include the possibility of bifurcating the Urban Flood Protection Project. Bifurcating the Project may help to expedite needed work in Reclamation District 17 and/or Boggs Tract. Mr. Churchwell and others were disappointed and surprised to find that DWR Staff was somewhat reluctant to expedite any work, given its history of being sued for levee failure. DWR has also indicated that levee improvement projects would take up to ten years to complete.

C. Presentation of FEMA Provisional Accredited Levee Information

Mr. Churchwell informed the Commission that the County, in association with other area agencies and districts, has been in contact with Federal Emergency Management Agency (FEMA) providing them updated levee information. The levee information is required by FEMA to determine whether a levee receives accreditation under its nationwide map modernization project. Because of recent events such as Katrina, FEMA is re-examining levee systems to determine whether levees provide a level of flood protection according to an established criteria developed in 1986. If a levee is determined to meet the criteria, the levee will receive accreditation. Conversely, if a levee fails to meet the criteria, flood insurance will be required by residence within the affected map area.

FEMA will provisionally accredit a levee (PAL) for a two-year period. Agencies have 90 days to sign an agreement with FEMA for a PAL. Within two years, an agency must provide the necessary documentation that indicates that a levee meets flood protection standards. If the levee information provided in the following two years is found satisfactory by FEMA, FEMA will accredit the levee.

FEMA provided the County with a map indicating whether levees in the County receive full accreditation, accreditation is pending, PAL status is possible or pending, or a levee is not certifiable against a 1% annual chance of flood. Mr. Churchwell indicated that the map contained errors for which the Technical Committee is submitting corrections to FEMA. County Public Works Director, Thomas Flinn sent a letter to FEMA to request that the ninety-day period to acquire signatures for PAL agreements stop because of errors or inconsistencies on the map. Such errors include high grounds mistaken as levees and deemed not certifiable against a 1% annual chance of flood. Mr. Churchwell indicated another error concerning encroachments such as patios, trees, or docks. These encroachments may have been permitted by the State Reclamation Board. The County is currently working with the State Reclamation Board and DWR to investigate whether the encroachments are legal.

Mr. Churchwell stated that preliminary maps may be released in early Fall.

D. Update on Release of Draft Integrated Regional Water Management Plan by the Groundwater Banking Authority

Dr. Lytle reported that on June 13th, the Northeastern San Joaquin County Groundwater Banking Authority (GBA) Board approved the submittal of a press release indicating the GBA's Draft Integrated

Regional Water Management Plan (IRWMP) is available for public review. The development of the IRWMP began about two and a half years ago following the adoption of the Groundwater Management Plan in 2004 and the County Water Management Plan earlier in 2000. Those who developed a groundwater management plan were further required to develop an IRWMP in order to be eligible for Prop 50 funding.

The GBA's IRWMP includes ten chapters that begin with the County's background and attributes. Generally, other chapters of the IRWMP include groundwater management and other groundwater issues, details of strategies to conserve water sources and improve water quality; regional partnerships; and formulation of project alternatives.

The tentative date for the adoption hearing of the IRWMP is July 11th. Adoption of the IRWMP will allow the GBA to be eligible to submit a Prop 50 funding application on August 1st. Pending the adoption of the IRWMP, the GBA will follow with a Notice of Preparation of and environmental document approximately in mid-August.

Hard copies and CD's of the Draft IRWMP are available to the public by request. The Draft IRWMP can also be viewed at the GBA's website at www.gbawater.org.

Commissioner Tony Taro inquired if the IRWMP took into consideration the San Francisco Public Utilities Commission's proposal to buy water from Oakdale Irrigation District (OID), take it across the Stanislaus River to bring to the Tuolumne River in order to send more water to the bay area. All commission members appear to be unaware of the issue. Commissioner Taro further advised that there would be no volume restriction and that the OID Board took a preliminary vote on the issue which resulted in a majority vote for the big profit proposal. Commissioner Taro stated that he had voted against the issue and expressed that other Board members fail to see the loss in agricultural land and economy.

Commissioner Nomellini suggested that the issue be place on next month's Commission Agenda and requested that County Staff investigate more into the issue.

II. **Action Items:**

A. *Discussion and Possible Action on DWR/USBR Proposed Intent to Violate South Delta Water Quality Standards*

Mr. John Herrick was unavailable to lead the discussion. This item may appear in a future Commission Agenda.

III. **Communications:**

A.

Public Comment: None.

Possible Future Agenda Items:

- Update on Delta Water Supply Project

Adjournment: Meeting adjourned at 2:25 p.m.

Next Regular Meeting: July 18, 2007, 1:00 p.m.

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