

**REPORT FOR THE MEETING OF
THE ADVISORY WATER COMMISSION OF THE SAN JOAQUIN COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT
FOR JULY 18, 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 Fox, Kamper, Nomellini, Robinson, Edwards, Gau for Secretary Lytle, Williams for Vice-Chairman Price, and Chairman McGurk. Others present are listed on the Attendance Sheet.

Approval of Minutes for the Meeting of May 16, 2007 and June 20, 2007.

Chairman McGurk motioned and Commissioner Edwards seconded to delay approval of the May 16, 2007 minutes to the August Advisory Water Commission meeting. The delay is to allow the Commissioners time to review the transcription of the discussion concerning East Bay Municipal Utility District Principles of Agreement. Motion approved by unanimous vote.

Commissioner Edwards moved and Alternate Williams seconded to approve the June 20, 2007 minutes. Motion approved by unanimous vote.

Public Comment (Non-Agenda Items)

None.

SCHEDULED ITEMS

I. **Discussion Items:**

A. *Update on North San Joaquin Water Conservation District State Water Board Hearing*

Ms. DeeAnne Gillick, County Special Water Counsel of Neumiller & Beardslee, reported that the State Water Resources Control Board (SWRCB) held two hearings for the North San Joaquin Water Conservation District (NSJWCD). The first hearing was to determine whether to grant NSJWCD the time extension it needed to perfect water usage under the Mokelumne River water right permit. Ms. Gillick believed that t NSJWCD's proposed groundwater charge to fund water projects will largely help support NSJWCD's case. Closing legal briefs for the hearing are due August 7th.

The second hearing concerned the enforcement against NSJWCD for alleged violations of two permit terms: 1) the installation of fish screens at pumping facilities and 2) the need to have an agreement with the Dept of Fish & Game (DFG) regarding bypass flows for fish purposes. Mrs. Gillick argued that there is evidence of an agreement between NSJWCD and DFG to delay the fish screens and bypass flow requirement. The delay was due to pending SWRCB hearings that could have impacted NSJWCD and water flows. One of those hearings, D 1641, did not conclude until March 2000 and was in mitigation until last year. The legal brief for the enforcement hearing is July 31st.

SWRCB's decision in each of the hearings will be released for comment and, thereafter, will go to the full SWRCB for ratification.

B. Update on Flood Control Technical Advisory Committee Activities

Mr. Roger Churchwell, County Senior Civil Engineer, indicated that the County is having consistent communication with the Federal Emergency Management Agency (FEMA) in getting FEMA's mapping of County levees corrected.

In other activities, Mr. Churchwell reported of the next State Reclamation Board's meeting will include a discussion of whether the State Reclamation Board or DWR would sign off on a Provisionally Accredited Levees (PAL) status. The determination of which agency will sign on behalf of the State may not be in time to support levees offered a PAL.

With the latest map the County received from FEMA, Mr. Churchwell indicated that levees in the Bear Creek and Lower Calaveras areas have maintenance deficiencies that concern encroachments. The County is currently working with FEMA and the US Army Corp of Engineers to resolve the issue. Other details Mr. Churchwell gave concerning the map include levees in the Mosier are will be accredited; levee P 124 on 14 Mile Slough is offered a PAL; the engineer for Reclamation District 1614 will not sign off on PAL for levees on the Smith Canal because of stretches of erosion; Reclamation District 828 on Smith Canal will be discredited; Reclamation District 404 will be requesting to have their levees determined to have maintenance deficiencies, thus not requiring PAL for another year; Reclamation District 17 appears that it will be accredited; and the County requested that FEMA add a critical flood structure that is not shown on the map. The structure is essential to prevent flooding as it spans two levees, provides free board, and has pump structures to equalize water levels.

Chairman Tom McGurk inquired which segments of levees are known to be deficient. Steve Winkler, County Public Works Deputy Director, stated that the USACE, as the certifying agency, designates which project levees are deficient. Mr. Winkler added that USACE are inspecting levees from a project perspective. For example Bear Creek is a forty-mile project and any deficiency in the forty-mile stretch would cause USACE to declare the entire project as deficient.

C. Update on MORE WATER Project Work Plan & Phase 3 Feasibility Study Activities

Mr. Brandon Nakagawa, County Water Resources Engineer, reported that the County's water right on the Mokelumne River was cancelled last March to which the County responded with its Petition for Reconsideration. Following in May, the County received a letter from SWRCB indicating that the County's water right would be reinstated with the condition that the County submit a work plan that details how it would perfect its water right. A work plan was submitted and the County is currently awaiting feedback.

In 2005, Phase 1 of the MORE WATER Project was completed with the development of the Reconnaissance Study report. Phase 2 is also completed and involved the development of a model of the Mokelumne River system. For Phase 3, the County is currently in negotiations with HDR Engineering to develop the scope of work to complete the reconnaissance level ground work and tasks necessary to assess feasibility and engineering. Phase 4 concerns the development of an integrated regional water management plan for which a hearing will be conducted by the Northeastern San Joaquin County Groundwater Banking Authority to consider adoption. Phase 4 will also follow with a programmatic environmental impact report which will take place with eighteen to twenty-four months. Phase 5 entails the production of a project specific CEQA that is needed by SWRCB to determine if they will issue a water right on the Mokelumne River to the County. Lastly, Phase 6 involves a NEPA analysis that is needed to acquire federal funding through BOR.

II. Action Items:

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

Mr. John Herrick, Counsel for South Delta Water Agency (SDWA), reported that there are four monitoring points for salinity important to the South Delta, Vernalis, Brandt Bridge on the San Joaquin River, Head of Middle River, and Old River at Tracy Boulevard Bridge. The water quality

objective at these points are 0.7 EC from the beginning of April through the end of August and 1.0 EC from September through March.

The South Delta Water Agency (SDWA) expressed its concern to the State Water Resources Control Board, Bureau of Reclamation, and Dept of Water Resources because of information indicating that this year's operations would not meet the salinity standards. Last year, SDWA sent a letter asking the BOR and DWR will they would do to avoid violations. BOR and DWR responded that they would just meet the standard at Vernalis and install temporary barriers. BOR and DWR's analysis of these actions show poor water quality in the South Delta. There had been no violations in the South Delta since June because of releases made to protect the endangered Delta Smelt. These releases were made through the San Joaquin River from purchases from upstream providers. At the Old River Bridge compliance point, the water quality standard had been violated since July 9th. Currently, the standard at Brandt Bridge is being violated.

In addition to the standard violations, BOR and DWR are currently exporting additional supplies despite a Cease and Desist Order implemented about a year ago. The Cease and Desist Order specified that if the standards were not met, BOR and DWR should not be able to do additional pumping. BOR and DWR argue that they have met the water quality standard at Vernalis and cannot control the water quality downstream.

SDWA has urged the SWRCB to act. Mr. Herrick added that Federal legislation, HR 2828, directs the BOR to specifically perform recirculation, make releases to the San Joaquin River from purchases upstream, and decrease its reliance on New Melones River to meet salinity standards.

Commissioner Nomellini motioned and Commissioner Robinson seconded to recommend to the County Board of Supervisors to support SDWA in their pursuit of requiring BOR and DWR meet water quality standards in the Delta in a manner that is consistent with HR 2828. Motion received unanimous approval.

B. Discussion and Possible Action of Submission of a Letter of Support on behalf of the GBA's IRWMP Proposition 50 Grant Application

Mr. Nakagawa indicated that if the Northeastern San Joaquin Groundwater Banking Authority's IRWMP is adopted by its Board on July 25th, the County will be eligible to apply for Prop 50 funding. Application for Prop 50 funding is due August 1st. Commissioner Nomellini motioned and Commissioner Williams seconded to produce a letter by the Advisory Water Commission to support the IRWMP grant application. Motion received unanimous approval.

III. Communications:

A. Bureau of Reclamation New Release – Proposed Lower Yuba River Accord Draft EIR/EIS

Public Comment: None.

Possible Future Agenda Items:

- Update on Delta Water Supply Project

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

Next Regular Meeting: **September 19, 2007, 1:00 p.m.**

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