

**REPORT FOR THE MEETING OF
THE ADVISORY WATER COMMISSION OF THE SAN JOAQUIN COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT
FOR SEPTEMBER 19, 2007**

The regular meeting of the Advisory Water Commission of the San Joaquin County Flood Control and Water Conservation District was held on Wednesday, September 19th, 2007, beginning at 1:00 p.m., at Public Health Services, 1601 E. Hazelton Avenue, Stockton, California.

Roll Call

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

Approval of Minutes for the Meeting of August 15th, 2007.

Motion carried to approve the minutes of August 15th, 2007 (Nomellini/Weybret).

Public Comment (Non-Agenda Items)

None.

SCHEDULED ITEMS

I. **Discussion Items:**

- A. *Update on Request for Proposals for the Freeport Element of the American River Use Strategy Feasibility Study & Environmental Analysis (See Attached) – Mel Lytle*

Dr. Lytle, Water Resources Coordinator, gave an update on the release of the Request for Proposal by County Public Works for the Freeport Element of the American River Use Strategy. This scope of work addresses the engineering and feasibility analysis in the Phase I component as well as the environmental CEQA and NEQA analysis in Phase II. The Request for Proposals was released the week of September 10th, 2007. Dr. Lytle expects to have a list of qualified consultants by mid October with interviews commencing in November. The goal is to have a signed contract in place by the end of December 2007.

- B. *Update on Flood Control Technical Advisory Committee Activities – Steve Winkler/Roger Churchwell*

Mr. Steven Winkler, County Deputy Director, reported that to date, the governor did not sign any flood protection initiatives. Among them is AB 5 authored by Assemblymember Lois Wolk which proposes amendments to SB 5, AB 156, and AB 162. SB 5, authored by Senator Mike Machado, provides the framework for an enhanced flood protection plan for the Central Valley. The bill also contains provisions to provide a minimum of two hundred year level of flood protection. AB 156 by Assemblyman John Laird, re-organizes the Reclamation Board and creates some distance between the Reclamation Board and the Dept of Water Resources (DWR). AB 162, authored by Assemblymember Lois Wolk, proposes to further mandate City and County general plans to address, among other issues, flood mitigation factors.

Of interest to the County is SB 5 by Senator Machado which proposes that the State perform investigations of non-project levees protecting urban areas such as Stockton, Lathrop, and Manteca. SB 85 also provides that the investigations be of no or significant cost to the local communities. Commissioner Dante Nomellini added that SB 5 requires that the State develop a Central Valley flood control plan by 2012; land use communities will have three years to incorporate features of the plan

after its completion; and levees protecting an urban or residential development will also be required to follow standards according to the plan.

Mr. Churchwell, County Senior Civil Engineer, reported a number of levees that are PAL eligible which include County owned, Section P 124 on 14 Mile Slough; the Rough and Ready Port area under Reclamation District (RD) 403; and, levees through Lathrop, Manteca, and Stockton under RD 17. Mr. Churchwell also informed that the County provided FEMA information on levees along Bear Creek to the West of Interstate 5. The information concerned a study performed on the levees that indicated that the levees are not deficient. Because of the study, the County was advised that the area will be accredited on the next map to be released. Mr. Churchwell further added that preliminary maps are to be released in November.

In other news, Mr. Churchwell advised that for about a month, DWR will perform surface investigations of levees in Stockton with a priority placed on urban levees. On Oct. 8th, DWR will investigate levees on the Calaveras River and Bear Creek.

A. Update on California Water Plan Update 2009 Regional Workshop – Mel Lytle

Dr. Lytle and Tom Flinn, San Joaquin County Director of Public Works, participated in a California Water Plan Update Regional Workshop on September 13th, 2007 at the University of Pacific. The California Water Plan requires by law that the California Department of Water Resources, with input from a public advisory committee, develop and update a plan that describes how California will meet its water demands in the future.

Dr. Lytle voiced concern that the public advisory committee, made up mostly of seemingly unrelated bureaucracies and non-government organizations, lacked representation from water districts throughout the State. Dr. Lytle encouraged attendance to future California Water Plan Outreach Workshops which will be scheduled in early 2008.

A. Discussion on New Board Resolution in Opposition to the Peripheral Canal – Mel Lytle

Dr. Lytle reported on Board of Supervisors Resolution R-07-534 Opposing the Peripheral Canal. Dr. Lytle stated that the proposed resolution was going to be brought before the Advisory Water Commission for input prior to adoption, however, the Board of Supervisors felt that the solidifying an opposing position to the Peripheral Canal warranted action at the Tuesday, September 25th, 2007 meeting of the Board prior to the regularly scheduled AWC meeting.

Dr. Lytle provided the Commission with a PowerPoint presentation explaining the Board's position regarding the Peripheral Canal. The Peripheral Canal would impact water quantity and quality, agriculture, businesses, infrastructures, recreation, fisheries and habitat, flood control and seepage, rights of ways, and water conservation. The Board's adopted position is that the peripheral canal should not be approved and alternative solutions to the Peripheral Canal should be researched and made available.

At the close of Dr. Lytle's presentation Vice Chairman Price urged the Commission to support the County Board of Supervisor's decision to sign a resolution opposing the Peripheral Canal. Commissioner Weybret voiced his concern that the wording of the Resolution opposing the Peripheral Canal could potentially be interpreted to exclude support for other projects that may be of benefit to portions of San Joaquin County. Commissioner Weybret expressed concern that if the Commission supported the Resolution then future Delta Water Projects would also be in jeopardy. Commissioners Herrick and Nomellini addressed Weybret's concerns by clarifying the intent of the Resolution was to oppose water projects in association with the Peripheral Canal and would not hinder local Delta water projects that may be proposed in the future.

Commissioner Weybret, after having discussion amongst Commissioners Herrick, Nomellini, and Vice Chairman Price, did agree that supporting the Board's decision to sign a resolution would be the right thing to do as long as it did not preclude any other water supply projects.

Kevin Kauffman also made a public comment urging the Advisory Water Commission to not take any action in regards to the Board's action. Mr. Kauffman stated that the AWC is an Advisory Board that was not consulted in the County's decision and that to support or oppose their decision is a form of covering to the County Board of Supervisors. His recommendation was to not respond at all to the resolution. Kauffman sited that process was not followed when the County Board of Supervisor's signed the resolution prior to consulting the Advisory Water Commission and felt that method of operation would set precedence for future political moves by the County Board of Supervisors.

Vice Chairman Price acknowledged that the Commission heard the argument brought forward by Kauffman. Further discussion ensued to clarify that Advisory Water Commission may have future input in regard to the Peripheral Canal, but at this juncture it was appropriate to at least support the County Board of Supervisor's decision to publicly oppose the Peripheral Canal by signing a Resolution.

Kevin Kauffman restated his opinion that the Advisory Water Commission should not support the Board of Supervisors position to oppose the Peripheral Canal.

Upon hearing public comments and after discussion Vice Chairman Willard Price proceeded with a motion to support the County Board of Supervisor's decision to sign a Board Resolution opposing the Peripheral Canal. Motion approved by unanimous vote.

II. **Communications:**

- A. Letter from Congressman Dennis Cardoza on passage of HR 2419 "The Farm, Nutrition and Bioenergy Act of 2007"
- B. Letter from Senator Don Perata on Issues Regarding the State Water Resources Control Board
- C. California Water Law and Policy Article, "Recent Events Spark Optimism for Water Agencies with Interests in the Mokelumne River"
- D. Notice of Preparation of Program Environmental Documents for the San Joaquin River Restoration Program

Public Comment: None.

Possible Future Agenda Items: None

Adjournment: Meeting adjourned at 2:45 p.m.

Next Regular Meeting: **October 17, 2007, 1:00 p.m.**

HM