

**REPORT FOR THE MEETING OF
THE ADVISORY WATER COMMISSION OF THE SAN JOAQUIN COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT
FOR MARCH 19, 2008**

The regular meeting of the Advisory Water Commission of the San Joaquin County Flood Control and Water Conservation District was held on Wednesday, March 19, 2008, beginning at 1:00 p.m., at Public Health Services, 1601 E. Hazelton Avenue, Stockton, California.

Roll Call

Present were Commissioners Nomellini, Taro, Edwards, Alternates Conarroe and Bestolarides, Secretary Lytle, Vice-Chairman Alternate Williams, and Chairman McGurk. Others present are listed on the Attendance Sheet.

Approval of Minutes for the Meeting of February 20, 2008.

Motion carried to approve the minutes of February 20, 2008 (Williams/Taro).

Public Comment (Non-Agenda Items)

None.

SCHEDULED ITEMS

I. Discussion Items:

A. Update on California Partnership for the San Joaquin Valley Activities

Dr. Mel Lytle, Water Resources Coordinator, stated that the California Partnership for the San Joaquin Valley, established by Executive Order, was developed to improve the Central Valley in areas such as housing, education, healthcare, transportation, energy, and water. Dr. Lytle further reported that Public Works Staff was invited by the Partnership to participate in technical meetings for the development of a position on water issues in the Central Valley. County Supervisor Ken Vogel approved staff's participation in such meetings and stressed that the County's participation include other members in the community. Dr. Lytle added that it seems that the primary focus of these meetings is to find how to persuade northern California to build the peripheral canal. In addition, other participants in the meetings will also include Metropolitan Water District and Kern County Water Agency.

B. Update on Flood Management, FEMA Map Update and SJAFCA Activities

Mr. Steve Winkler, County Public Works Deputy Director, reported that the County has been working with the US Army Corp of Engineers, State Reclamation Board, and the Dept of Water Resources to resolve deficiencies on the Lower Calaveras flood control system. They are also re-examining protocols to get a new minimally acceptable rating that would erase deficiencies and eliminate the need for the time extension requested last February to FEMA.

Mr. Winkler also reported on a conference call he participated in with DWR and the USACE regarding the health of the levees on Bear Creek. After they DWR performed their inspections last December, the USACE disagreed with DWR's findings and had issues with encroachments such as docks and fences. USACE also expressed its issues with vegetation, debris, and trailers on the Lower Calaveras. The issue of yacht harbors were not addressed because some have reclamation issued permits and others were grandfathered in. The County will pursue a time extension regarding the yacht harbors.

Commissioner Dante Nomellini reported that Reclamation District 17, which includes the Weston Ranch and parts of Lathrop and Manteca, is proceeding with a levee project to address seepage. The engineering fix will involve placing seepage berms behind the levees. RD 17 will soon submit its project application to the Central Valley Reclamation Board and has set a tentative date of June 19 to

proceed with a Prop 218 assessment ballot to fund the improvements. RD 17 will seek at least one other agency to form a joint powers authority as a strategy for a favorable bond rating.

Mr. Roger Churchwell, Engineering Services Manager for the San Joaquin Area Flood Control Agency (SJAFCA), reported that SJAFCA is partnering on USACE feasibility study on the lower San Joaquin River to address the State mandated 200-year level of protection requirement. In addition, SJAFCA is working with the City of Stockton and the County to address Provisional Accredited Levee (PAL) requirements due to the Federal Emergency Management Agency (FEMA) by April 2009. These requirements include documentation of geotechnical analysis, surveys, free board, and slope protection. Much of the needed documentation will come from DWR who is performing subsurface investigations on several levees.

Among the PAL eligible levees include the Calaveras in which SJAFCA is currently processing contracts with consultants to do survey work. Other PAL eligible levees include the 14 Mile Slough area, where SJAFCA has submitted a survey request to examine free board requirements. SJAFCA is also contemplating a feasibility study for structural solutions at the mouth of Smith Canal in Central Stockton.

C. Update on Recent Communications and Activities Surrounding California's Water Crisis

The first communication Dr. Lytle introduced is the Dept of Water Resources' (DWR) news release which announces that it would further reduce export pumping in compliance with the Wanger Decision to protect Delta Smelt. Exports will be reduced from 2,000 cfs to 1,500 cfs.

Capitol Weekly featured Senator Michael Machado's article regarding the proposed peripheral canal for which he described as a costly environmental mistake. Dr. Lytle stated that the article may be a reaction to Governor Arnold Schwarzenegger's threat of an executive order to move forward with implementation of the peripheral canal concept.

Also included in the communications is Governor Schwarzenegger's letter to Senators Don Perata, Darrell Steinberg, and Mike Machado. The letter outlines elements in development to address the Delta. These elements include a 20% reduction statewide by the year 2020; protection of floodplains in the Delta; Delta disaster planning; water quality; improvements to Delta water conveyance that will consider alternatives that include an isolated facility; and, water storage. In the letter, Governor Schwarzenegger also indicates that he will direct DWR to expedite funding for groundwater storage. Dr. Lytle commented that it contradicts with what has been happening with Prop 84 which sets aside \$1 billion for integrated regional water management plan type projects that includes groundwater projects. Prop 84 has been stalled for the last couple years and again may be stalled this year.

Central Delta Water Agency (CDWA) reacted to the Governor's letter by submitting a letter to Senator Machado bolstering the Senator's arguments against a Peripheral Canal. CDWA's letter indicated that the State Water Project has never provided the 5 million acre-feet of water it agreed to add to the Delta from North Coast Rivers by the year 2000. The 5 million acre-feet is based on amount of water needed to meet local requirements in the area of origin and exports in drought years. Despite failing to provide the additional 5 million acre-feet, the State is pumping water out of the Delta at record rates while fisheries including Chinook salmon, Delta Smelt, and Threadfin Shad are in endangered and in unprecedented decline. CDWA's letter also indicated that the State Water Resources Control Board made a finding in 1979 that in order to mitigate project impacts on all fish species in the Delta, the water exports need to be reduced to zero. Since 1979, water exports have been steadily climbing to record numbers in 2004.

II. **Action Items:**

A. *Discussion and Possible Action on Recommendation to Approve American River Authority Amendment No. 4*

Dr. Lytle reported that the American River Authority was established in 1982 to support continued development of the Federally Authorized Auburn Dam Project. Member agencies of the Authority include Placer County, Placer County Water Agency, El Dorado County, and El Dorado County Water Agency. In 1995, the County joined the Authority.

Of recent, the County Board of Supervisors was requested by the American River Authority to take action on Amendment No. 4., which proposes changes to Sections 2.03 and 2.04 of the Joint Powers Agreement. The proposed changes express the Authority's support for American River water rights of Authority member agencies and the activities, under the Authority Board's approval, to protect those water rights. Considering that the County is actively pursuing its American River Water Right filing and is currently performing a feasibility study on how to implement that water right, County Counsel recommended that the County move forward with the amendment.

Under Staff's recommendation, Commissioner John Edwards motioned to support the County Board of Supervisors to move forward and sign Amendment No. 4 of the Joint Powers Agreement. Commissioner Nomellini further added that the motion include a proviso that the other Authority member agencies support or are not opposed the County's water right filing. With the addition, Commissioner Nomellini seconded the motion. Motion received unanimous approval.

B. *Discussion and Possible Action on Recommendation to Approve Resolution on the Blue Ribbon Task Force Vision for the Delta*

At last month's Commission meeting, Dr. Lytle had encouraged comments on a draft resolution proposing the County's position on the Blue Ribbon Task Force Vision for the Delta. Since last month's meeting, Dr. Lytle received comments from the South San Joaquin Irrigation District (SSJID) by letter and from the City of Stockton Staff during the Brown Bag meeting.

SSJID's fundamental concern is that the resolution lacks in addressing prior senior water rights and how it is addressed in State Water Law. It appears that the State is alluding to re-shuffling of water right priorities in the State. The County is opposed to this activity, therefore this issue will be addressed in the resolution. Another comment SSJID expressed is that the County is premature in moving forward with positions that oppose the peripheral canal option because of potential benefits that may be receive. SSJID stated that one potential benefit would be to reduce the number of fish killed at the export pumps which has the potential to reduce in-stream flow requirements. Dr. Lytle argued that there is no proof that the peripheral canal project would not kill fish as well and that it would definitely not improve Delta water quality.

With regard to the Resolution's 7th and 8th clauses, SSJID commented that the County only enlisted the support of Delta agencies for the promotion of the idea of regional self-sufficiency. Dr. Lytle stated that he was not clear on SSJID's comment because the principles were written in general detail and makes no reference to Delta agencies.

SSJID concluded its letter by making three recommendations which are to give support to the Delta Vision plan which recognizes the need for more water storage; amending the Resolution to oppose the recommendation that a single agency should have the power to regulate land planning and to re-allocate the State's water resources with regard to existing water and other property rights. SSJID also suggested that the County should seek broader support to protect all of its water interests.

Commissioner Nomellini motioned and Commissioner Edwards seconded that County Staff continue to refine the resolution. Motion received unanimous approval.

III. **Communications:**

A. *Letter from Congressman Dennis Cardoza on Issues Facing California*

B. *Letter to Governor Arnold Schwarzenegger from Congressional Coalition*

C. *Bureau of Reclamation Mid-Pacific News Release*

Public Comment: None

Possible Future Agenda Items: None

Adjournment: Meeting adjourned at 2:20 p.m.

Next Regular Meeting: **April 16, 2008, 1:00 p.m.**

RV

You may access AWC Agendas and Minutes at: http://www.sjwater.org/AWC_Agendas_Minutes.htm