

**REPORT FOR THE MEETING OF
THE ADVISORY WATER COMMISSION OF THE SAN JOAQUIN COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT
FOR AUGUST 20, 2008**

The regular meeting of the Advisory Water Commission of the San Joaquin County Flood Control and Water Conservation District was held on Wednesday, August 20, 2008, beginning at 1:00 p.m., at Public Health Services, 1601 E. Hazelton Avenue, Stockton, California.

Roll Call

Present were Commissioners Nomellini, Roberts, Taro, Gilmore, Edwards, McGurk, Alternates Conarroe, Holbrook and Williams, Vice-Chairman Price, and Chairman McGurk. Others present are listed on the Attendance Sheet.

Approval of Minutes for the Meeting of July 16, 2008.

Motion carried unanimously to approve the minutes of July 16, 2008 (Holbrook/Roberts).

Public Comment (Non-Agenda Items)

None.

SCHEDULED ITEMS

I. Discussion Items:

A. Update on Proposed California State Association of Counties Policy Direction on State Water Proposals (See Attached) – Karen Keene

Ms. Karen Keene was not able to attend. Mr. Tom Flinn, County Public Works Director, reported that the California State Association of Counties (CSAC) has recently been and will be more involved in water issues and will engage with the 5 Delta Counties (Sacramento, Yolo, Solano, Contra Costa, and San Joaquin). Mr. Flinn further reported that the CSAC Resource Committee crafted a water policy based on the regional self-sufficiency theme which local interests have pushed and has been tied in with the Delta Vision process.

B. Update on Recent Delta Activities & Next Steps (See Attached) – Tom Flinn

Mr. Terry Dermody, former County Counsel (retired) has been tasked with monitoring the myriad of activities concerning the Delta which could dramatically affect water rights, flood control, and economic development within the County. Mr. Dermody will be helping the Board develop strategies and policies that are in the best interest of the County. He is currently working on reviewing the third draft of the Delta Vision Blue Ribbon Task Force Strategic Plan. This third draft is due to be presented by the Blue Ribbon Task Force Staff on August 22nd to the Blue Ribbon Task Force. A commenting period and subsequent drafts will follow. The final draft is expected to be presented to the Blue Task Force for adoption by the end of October which will then be presented to the Legislature.

Mr. Dermody also reported on the Bay Delta Conservation Plan (BDCP) activities. The BDCP has become the process by which the State will conduct the environmental review and produce an EIR/EIS for the construction of a Peripheral Canal. Mr. Dermody stated that Shasta County has taken an opposing position to the Peripheral Canal. In addition, agencies such as counties, water advisory commissions, Board of Supervisors, reclamation districts, and water districts are becoming more critical of the State's plans.

Mr. Brent Williams, Alternate Vice-Chairman, asked Mr. Dermody what is the most paramount task at this point. Mr. Dermody stated understanding who the powers are, and whether they oppose or support

a peripheral canal, and understanding which issues are paramount to the Blue Ribbon Task Force is difficult. Mr. Williams also asked if the coalition of opposition will grow. Mr. Dermody replied, based on the protection of people's interests, opposition will grow. Once people realize they are being threatened, their interests will not be consistent with the existence of the Peripheral Canal.

C. Update on South Delta Water Agency's Request for Reconsideration Before the State Water Resource Control Board (See Attached) – Brandon Nakagawa/John Herrick

Mr. Brandon Nakagawa, County Water Resources Engineer, reported that South Delta's complaint against the U.S. Bureau of Reclamation and California Department of Water Resources concerns the operation of the Federal and State water Projects in violation of their water right permits. Specifically, the Central Valley Project and State Water Project have been operating and not meeting the South Delta salinity standards. Degraded water quality in the South Delta affect growers and prompts the Bureau to release water from New Melones Reservoir to dilute the salts which takes water away from County interests who rely on New Melones.

On Tuesday, August 19th, the County Board of Supervisors approved a letter to the State Water Resources Control Board in support of South Delta Water Agency request to have the water quality standards enforced. The letter urges enforcement of existing South Delta salinity standards and indicates the County's losses and position to protect water quality and reduce the reliance on New Melones to meet water quality.

Commissioner Dante Nomellini noted there are two specific legal issues. SDWA filed a request for reconsideration and a complaint according to State Board Procedure. The reconsideration request involves the approval of a temporary transfer by State Board where State Board Member Arthur Baggett eliminated transfer requirements to meet the South Delta agricultural standards. Commissioner John Herrick, on behalf of South Delta Water Agency, wants the State Water Resources Control Board (Board) to reconsider what was done by member Baggett which was not an action by the entire State Board. This was also subject of criticism by the California Sport Fishing Association. The complaint was filed on the same issue and is considered the next procedural step in the grievance process with the State Board.

D. Update on Flood Management, FEMA Map Update and SJAFCA Activities (See Attached) – Steve Winkler, Mark Connelly & Roger Churchwell

Mr. Steve Winkler, County Deputy Director, introduced Mark Connelly who is the new Engineering Services Manager for the Flood Management Division at County Public Works. Mr. Winkler offered an update on maintenance deficiencies on the Lower Calaveras River and Bear Creek. He reported that the County is working on solutions for urban encroachments with the Reclamation Board and the U.S. Army Corps of Engineers (USACE). The solutions consider standards for allowable acceptance and encroachment and mandatory removal. A public meeting was held by County Flood Management with all property owners with encroachments of concern along the lower Calaveras River. The meeting was hosted by the Central Valley Flood Protection Board and attended by USACE, County, SJAFCA, and other local interests. USACE has gotten upper management's approval to continue to recognize previous USACE commitments or State commitments involving easements of various standards granted 30 to 40 years ago.

Mr. Connelly also gave an update on the status of DWR's effective floodplain maps based on best available data/mapping and the issuance of DFIRMs (Digital Flood Insurance Rate Maps). DWR has pushed the release date of flood maps back to the end of August. At the County's end, the County sent a letter to DWR Project Manager requesting the correction of deficiencies and concerns regarding the maps. DWR has not committed to anything except to answer questions.

Chairman Tom McGurk asked if there are three sets of maps. Mr. Connelly reported there are two sets of maps which are the FEMA maps and the State issued Awareness maps required by SB 5 that are available to the public and community planners. Mr. Connelly added that the 100-year effective

floodplains should reflect on FEMA's maps, but FEMA also considers additional floodplain data such as those resulting from the 2002 Comprehensive Study. To avoid confusion, County recommended that FEMA states its criteria for the 100-year Effective Floodplain.

Chairman McGurk asked if there is an additional set for the Corps of Engineers, Mr. Connelly stated there is none.

Commissioner Nomellini stated that the Comprehensive Study being referred to is led by USACE with DWR working with them. Results of the Comprehensive Study reported water surface elevations within the channels which are different than the flood elevations used by FEMA.

Mr. Connelly reported that the final maps will be published approximately in October of 2009. Six months preceding the publication, the letter of final determination will be approved.

Mr. Roger Churchwell, for San Joaquin Area Flood Control Agency (SJAFCA), offered an update on Smith Canal. SJAFCA, Reclamation Districts 828 and 1614 met with FEMA in August to discuss the process for FEMA to incorporate a new closure structure. FEMA has offered to participate in the new technology and process of the operation. FEMA has agreed to review the conditional letter of map provision (CLOMAR) for Smith Canal. CLOMAR is a process by which an area will be removed on FEMA's maps as a floodplain. FEMA has also indicated that if the gate operates by offering flood protection for 100-year or above, the levees and waters behind the flood control gate will be considered as a detention basin and internal drainage. Kathy Schaeffer, FEMA Staff, was very supportive and indicated that she would help with the CLOMAR review before it is submitted. SJAFCA's next steps will be to meet with Reclamation Districts 828 and 1614 to incorporate a cost share agreement.

In other SJAFCA activities, Mr. Churchwell stated the Lower San Joaquin River Feasibility Study is on track. All agreements with the USACE and the State should be executed by the end of October, USACE's fiscal year end. Mr. Churchwell also added that SJAFCA is preparing an update on PAL submittal reports; geotechnical engineers are making their analysis for submittals; the engineering firm of KSN is performing surveys for Freeport requirements; and the SJAFCA Board adopted, on August 13th, a resolution opposing the Peripheral Canal or any DWR isolated conveyance.

II. Action Items:

A. Discussion and Possible Action on Support for Delta Vision Draft Strategic Plan Comments and Other Activities (See Attached) – Tom Flinn

Mr. Nakagawa informed the Commission that staff has been monitoring and commenting on the activities of the Delta Vision Blue Ribbon Task Force including the Delta Vision Report and the Draft Strategic Plan.

Mr. Tom Gau, County Public Works Chief Deputy Director, proposed that the Commission consider directing staff to continue with their efforts. Commissioner Nomellini moved that County Staff should continue with monitoring and commenting on the Delta Vision Draft Strategic Plan and to accept Staff's comments on the current Draft to be submitted. Commissioner J. Edwards seconded the motion. Motion received unanimous approval.

III. Communications (See Attached):

- A. Contra Costa Times Article (08/09/08) – "Harvest of Cash: Kern County Agency Buys Public Water Low, Sells High"
- B. State Resources Agency Notice for Delta Vision Strategic Plan Outreach Meeting
- C. Department of Water Resources Meeting Notice on Bay Delta Conservation Plan Activities
- D. State Water Resources Control Board Notice of Public Workshop on San Joaquin River Flow Objectives and South Delta Salinity

Public Comment:

Randy Sutphin stated his opposition to build the Peripheral Canal.

Possible Future Agenda Items: None

Adjournment 2:00 pm

Next Regular Meeting: September 17, 2008, 1:00 p.m.

CM

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