

**REPORT FOR THE MEETING OF  
THE ADVISORY WATER COMMISSION OF THE SAN JOAQUIN COUNTY FLOOD CONTROL  
AND WATER CONSERVATION DISTRICT  
FOR SEPTEMBER 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, September 20, 2008, beginning at 1:00 p.m., at Public Health Services, 1601 E. Hazelton Avenue, Stockton, California.

**Roll Call**

Present were Commissioners Nomellini, Alternate Conarro, Vice-Chairman Price, and Chairman McGurk. Others present are listed on the Attendance Sheet. The Commission did not have a quorum.

**Approval of Minutes for the Meeting of August 20, 2008.**

The Commission did not have a quorum, therefore was unable to take action to approve the August 20, 2008 minutes. The minutes will be brought forth to next month's meeting for approval.

**Public Comment (Non-Agenda Items)**

None.

**SCHEDULED ITEMS**

**I. Discussion Items:**

*A. Update on State Board Water Right Hearing Regarding Proposed Revocation of Auburn Dam Project Permits*

Dr. Mel Lytle, County Water Resources Coordinator, reported that the State Water Resources Control Board (State Board) held a hearing regarding the revocation of water rights from the Bureau of Reclamation (Bureau) for the Auburn Dam Project. Dr. Lytle and Jim Hanson, County Water Rights Engineer, provided testimony on behalf of San Joaquin County and requested that the State do not revoke the permits. As the intended beneficiaries of the Auburn Dam Project, a transfer of water rights to the County could potentially increase the amount of water diverted through East Bay Municipal Utility District's portion of the Freeport Project, which is currently in development.

Attached to the Commission Agenda, the County's closing brief details the County's 50-year history with the State Board and the Bureau. The history involves promises by both the State Board and the Bureau for the County to seek water from the American River. In 1956, State Board Decision 858 denied North San Joaquin Water Conservation District priority rights on the Mokelumne River citing the American River as a cheaper alternative. Following in 1958, State Board Decision 893 placed restrictions on American River water deliveries to areas outside Placer, Sacramento, and San Joaquin Counties. In 1970, State Board Decision 1356 identified Placer, Sacramento, and San Joaquin Counties as the intended beneficiaries of American River water from the Bureau's Auburn Dam Project.

Dr. Lytle noted that during his testimony, the Board Chairman expressed his sympathy for the County's situation and requested that the County provide information concerning how much water the County could potentially divert from the Bureau's permits.

Dr. Lytle added that Sacramento County is also against revoking the permits, while Placer County has taken a neutral stance.

*B. Update on Local and State Drought Declaration Activities*

Dr. Lytle reported that Governor Arnold Schwarzenegger had proclaimed a State of Emergency in the Central Valley due to persistent drought conditions. Within the Proclamation, Dr. Lytle noted that the Governor directed several State Departments to implement specific actions in response to the drought.

Governor Arnold Schwarzenegger had also declared a Statewide drought earlier in the year due to dry spring conditions and two consecutive years of below average rainfall. The 2008 drought declaration brought about the largest court-ordered water transfer restrictions in the State's history in addition to communities already scrambling to ration and conserve. The drought declaration has also spawned other activities, such as the 2009 drought water bank program by DWR which is intended to help supply agricultural and urban water uses during times of drought. Other activities include the adoption of near-term/emergency response actions by the California Urban Water Agencies (CUWA). Actions include implementation of the Franks Tracts-Middle River Corridor/Two Barrier Pilot Project; and the Franks Tract/Three Mile Slough which will help to reduce salinity and protect Delta smelt. The Association of California Water Agencies has also submitted to the Governor their suggestions of how to respond to the drought including support of DWR's drought water bank concept and federal assistance for the Central Valley Project.

At the local level, the Stockton Area Water Suppliers (SAWS) and the City of Stockton have historically implemented a water conservation program since the early '90s. Since the late '80s, there also have been improved water coordination and planning, agricultural water efficiency and water banking, land fallowing, and established temporary barriers to control salinity intrusion. Dr. Lytle also summed up current local conditions that consist of poor reservoir storage; New Melones is approximately 50% full; New Hogan Reservoir is critically low; no new projects are in place such as the Delta Water Supply Project, the MORE Water Project, and the American River Project; and there is continued groundwater overdraft.

Bob Granberg, Deputy Director Stockton Municipal Utilities, explained the various drought stages and levels of voluntary and mandatory cutbacks. He also listed the conservation programs being implemented as part of the SAWS group and independently.

### *C. Update on Recent Delta Vision, 5-Delta Counties Coalition and BDCP Activities & Next Steps*

Dr. Lytle reported that the fourth draft of the Delta Vision Strategic Plan was recently released. Whether a new draft or final draft is to follow is unknown.

In response to the third draft of the Strategic Plan, the Association of California Water Agencies (ACWA) submitted comments that indicated that ACWA is in favor of the co-equal goals of the plan (ecosystem vitality and water supply reliability for California) and the physical vision. However, ACWA does not support the implementation strategy and stated in its comment letter that the "... Plan relies far too heavily on adversarial implementation approaches rather than collaborative approaches." ACWA also encouraged a strong enforcement of water rights and the State's water right priority system.

In other updates, Dr. Lytle reported that the 5-Delta Counties Coalition is meeting every other week and is currently trying to coordinate reactions to the Delta Vision and developing a joint platform on various issues.

Vice-Chairman Willard Price inquired about Governor Arnold Schwarzenegger's executive order to move the proposed peripheral canal forward. Mr. Terry Dermody, Special Water Counsel to the County, responded that the Governor cannot execute the order counter to State laws. Moreover, he stated that talk building the peripheral canal through an executive order has dropped.

Mr. Dermody further updated that the strategy is to ensure that the County's comments are on record for the final draft of Strategic Plan. When the Delta Vision Strategic Plan moves up to the cabinet level of the State and is then forwarded to the legislature, the County will also react. Mr. Dermody added that he does not think that Strategic Plan will not be implemented soon because of the aggressive timeline that the fourth plan draft has. The draft calls for action that is too soon to be executed in 2009.

Mr. Dermody added that Bay-Delta Conservation Plan (BDCP) activities have gone under the radar. The BDCP is necessary in order to have environmental documentation in support of the peripheral canal proposal. Currently, Mr. Dermody is monitoring changes in governance proposed by the BDCP strategic plan which appears to be shifting away from local agencies. Mr. Dermody noted proposals that include significant changes to the structure of the Delta Protection Commission. The proposal to install commissioners who are not necessarily local public elected officials will take away local participation and will diminish the accountability of the Commission.

*D. Update on Flood Management, FEMA Map Update and SJAFCA Activities*

Mr. Steve Winker, County Deputy Director of Public Works, reported that the new date for release of the final FEMA flood maps is October 2009. Prior to the release, letters of final determination will be sent in April 2009.

Mr. Winkler also reported that the Department of Water Resources (DWR) recently released new Best Available Data/Best Available Mapping (BAD/BAM) maps which can be found on DWR's website. The County had already submitted comments on the BAD/BAM maps that noted major deficiencies that include an overstatement of 100 year floodplains and an understatement of 200 year floodplains within the County.

Mr. Winker also reported that in August, the Central Valley Flood Protection Board sent questionnaires to property owners on Bear Creek and the Lower Calaveras River with levee encroachment issues that would affect levee accreditation. The questionnaires asked whether the property owners intended to apply for permits or remove encroachments. As a result, 2/3 of the property owners responded and indicated that they were willing to help address deficiency issues. In dealing with the property owners who did not respond, the County is determining whether their encroachments are permitted and is determining what formal actions are needed to clear encroachment deficiencies.

In other County activities, the County has submitted appropriation requests to be placed under Federal Water Resources Development Act legislation to support Flood Control Projects.

Mr. Roger Churchwell, for San Joaquin Area Flood Control Agency (SJAFCA), added that the US Army Corps of Engineers circulated a three-way cost-share agreement with the State and SJAFCA. The Agreement is currently under review by the State. He further added that all member agencies in SJAFCA agreed to participate in the cost agreement.

**II. Action Items:**

*A. Discussion and Possible Action to Support Participation in Amador Water Agency's Raise Lower Bear River Reservoir Feasibility Study*

Action Item A. was not discussed due to the lack of a quorum. This item will be place on the next Advisory Water Commission Agenda.

**III. Communications (See Attached):**

- A. Regional Water Quality Control Board Request for a Report of Waste Discharge, Delta-Mendota Canal, United States Bureau of Reclamation
- B. State Water Board Notice of Workshop – Development of an Urban Water Conservation Regulatory Program
- C. East Bay Municipal Utility District – Freeport Regional Water Project Construction Update

**Public Comment:** None

**Possible Future Agenda Items:** None

**Adjournment:** 2:40 pm

**Next Regular Meeting:** October 15, 2008, 1:00 p.m.

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