

**REPORT FOR THE MEETING OF  
THE ADVISORY WATER COMMISSION OF THE SAN JOAQUIN COUNTY FLOOD CONTROL  
AND WATER CONSERVATION DISTRICT  
FOR NOVEMBER 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, November 19, 2008, beginning at 1:00 p.m., at Public Health Services, 1601 E. Hazelton Avenue, Stockton, California.

**Roll Call**

Present were Commissioners Nomellini, Dhaliwal, Taro, Herrick, Kamper, Edwards, Secretary Lytle, Vice-Chairman Price, and Chairman McGurk. Others present are listed on the Attendance Sheet. The Commission had a quorum.

**Approval of Minutes for the Meeting(s) of August 20, and September 17, 2008.**

Motion carried unanimously to approve the minutes of Oct. 15, 2008 (Edwards/Herrick).

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

None.

**SCHEDULED ITEMS**

**I. Discussion Items:**

*A. Update on Recent Delta Resolution Adopted by the Board of Supervisors and Other Activities*

Mr. Tom Flinn, County Public Works Director, reported that the Blue Ribbon Task Force had approved the Delta Vision Strategic Plan by which the County reacted by developing a position on the plan that was recently adopted by the County Board of Supervisors. Moving forward, the plan will go to the Delta Vision Committee for review. The Committee's goal will be to approve and forward the plan to the Governor by early December. The 5-Delta Counties Coalition, for which the County is a member, has planned to meet with the Delta Vision Committee to discuss its concerns and position on the plan. Mr. Flinn also reported that legislation is being drafted for consideration soon.

Mr. Terry Dermody, County Water Counsel, added that the other counties of the Coalition, initially, did not take a strong opposed stance on the plan as San Joaquin County has. However, the recent release of the County's resolution which conveys its opposition to the plan may have sparked a stronger position with the other counties. Sacramento County has developed a similar resolution.

Mr. Dermody further reported that one of the concerns of the County Board of Supervisors is the issue of governance proposed in the plan. The plan proposes that the Resource Agency's Delta Plan would be developed by the (reconstituted) Delta Protection Commission and the California Delta Ecosystem and Water Council. The council, as described by the Strategic Plan, will consist of five to seven members appointed by the Governor. Mr. Dermody further stated that both groups will import Bay-Delta Conservation Plan concepts into the Delta Plan. Mr. Dermody added that in December, legislation will be introduced which will reveal the truth about what is proposed in order to construct the proposed dual conveyance facilities for the Delta.

While activities of the Strategic Plan are moving forward, development of the Bay-Delta Conservation Plan (BDCCP) continues to progress as well. The County is attempting to monitor the work of all the working groups involved in the development of the BDCCP. Next year, actual drafting of the BDCCP will take place and give details to the proposed peripheral canal.

*B. Presentation on MORE WATER Project Phase 3 Feasibility Study Duck Creek Reservoir Site Visit*

Dr. Mel Lytle, County Water Resources Coordinator, reported that the contract for MORE WATER Phase 3 was signed with the engineering firm of HDR as of last May. Phase 3 will consist of engineering work and geotechnical and environmental surveys that are necessary to find the preferred engineering alternative that will serve the MORE WATER Project purpose. The purpose is to develop a new water supply from the County's water right on the Mokelumne River. Currently, the County is working with consultants to gain access to project sites that include properties near Duck Creek Reservoir, located in the northeast portion of the County. In addition, formal project site visits were made with East Bay Municipal Utility District representatives to Pardee and Camanche Reservoirs.

From Dr. Lytle's visit to the project sites, he noted that the areas have hills, mixed vegetation, are impacted by cattle, and have shallow soils, including gray sandstone and loose cobblestone.

Phase 3 is expected to be completed within 24 months and will follow by the development of project environmental documents.

Commissioner John Edwards inquired whether Duck Creek releases into the Calaveras River above or below Stockton East Water District's intake facility. Dr. Lytle responded that it releases above SEWD's facility which is ideal because water can be supplied to Stockton and surrounding agricultural areas plus water can be supplied for recharge projects.

*C. Update on Flood Management, FEMA Mapping and SJAFCA Activities*

Mr. Mark Connelly, County Flood Management Division Head, reported that the County submitted two new Provisionally Accredited Levee (PAL) applications to FEMA that were subsequently approved with caveats to clear encroachments and maintenance issues. One application is for a stretch of levees on the south bank of the Calaveras River and the other for levees on Bear Creek, west of Interstate 5. These levees will not be mapped into a floodplain because of the approved PALs which are set to expire in March 2010. Conversely, Smith Canal in Stockton remains to have flood mapping issues.

Mr. Connelly also corrected himself on information he gave at last month's Commission meeting, whereas, he stated that all but six property owners along Bear Creek and the Calaveras River submitted permit applications for encroachments. The correct information is that all but one property owner along the Calaveras River have been in contact with the Central Valley Flood Protection Board, but none submitted permit applications. The County sent letters to these property owners to encourage them to acquire permits and warn them of upcoming visits from survey crews to inspect structures, such as fences, retaining walls, and pools, to collect information that are needed to fulfill PAL requirements.

Mr. Connelly advised of three partial permits the County received from additional residents along Bear Creek. He further explained that partial permits indicated the gap in requirements by the US Army Corp of Engineers as opposed to the State's requirements to fulfill permit applications. The County uncovered that the State did not fully inform property owners of structures or items on their property to be maintained, removed, or in need of a permit application. The State admitted the error in the information gaps and conveyed that letters would be send to property owners to disclose all information needed to correct encroachment and maintenance issues.

In other flood news, Mr. Connelly reported that Reclamation District 2039 issued an emergency declaration on Upper Jones Tract due to seepage issues. An emergency declaration may render emergency funding from AB 360. RD 2039 will meet with the State to discuss the emergency declaration and pending emergency funding.

Lastly, Mr. Connelly announced the upcoming visit of a US Army Corp of Engineers representative from the Sacramento district to the County on January 29<sup>th</sup>. County representatives will inform the visitor of

the County's flooding, water and Delta issues and arrange site visitations. The sites will include the Calaveras River and Smith Canal among others.

Mr. Roger Churchwell, for San Joaquin Area Flood Control Agency (SJAFCFA), further updated that at the Dec. 10<sup>th</sup> SJAFCFA meeting, approval of contracts for work on Smith Canal, the Lower San Joaquin Feasibility Study, and the collection of information for PALs will be discussed.

## **II. Action Items:**

### *A. Discussion and Possible Action on Reaction to the Delta Vision's Strategic Plan and the Legislative Analyst's Office Report Regarding the Reevaluation of the State's Water Right Permitting Process*

Dr. Lytle stated that the report proposes changes to the California water rights system which have been established for over one hundred years. The plan describes the water rights system as "outdated" and in need of re-alignment to better reflect modern needs and circumstances. Dr. Lytle viewed the proposed changes as an attempt to restructure the water rights priority system in the State Project's favor. In response to the proposed changes to the water rights system, Dr. Lytle proposed to bring the issue to the attention of the County Board of Supervisors as well as other agencies or stakeholders that have water rights in the area.

A second County concern is with regard to the report's proposed regulation and management of groundwater. Currently, groundwater rights are property rights which require permits from the State Water Resources Control Board. On the other hand, the report proposes that the legislature establish a state administered water rights system from groundwater.

To oppose the proposals, Dr. Lytle recommended the Commission convey support for preservation of water rights which may be incorporated into the County's legislative platform. Commissioner Dante Nomellini motioned and Commissioner John Edwards seconded to recommend to the County Board of Supervisors that they direct Staff to develop a statement of opposition to the report's recommendation of restructuring the California water rights system and, in addition, have letters indicating the County's opposition sent to the Legislative Analyst's Office and County area legislative representatives and have the County's lobbyists uphold the County's opposed position. Motion received unanimous approval.

### *B. Discussion and Possible Action on Reaction to SWRCB Draft Order Revoking Water Right Permits Authorizing the Bureau of Reclamation to Divert Water for the Auburn Dam Project*

Dr. Lytle reported that the SWRCB released a draft order in October in response to a hearing held months prior regarding the revocation of Auburn Dam water rights. The County participated in this hearing with Dr. Lytle providing testimony surrounding historic rulings that support maintaining the County's water right application. Moreover, the County requested at the hearing that permits continue to be upheld to allow the County to work with the Bureau of Reclamation to find an alternative to divert water to the reaches of San Joaquin County.

The State is seeking to cancel permits that were intended to be utilized in conjunction with the Auburn Dam which the Bureau of Reclamation failed to develop. Based on the draft order, the State planned to revoke permits in December.

Dr. Lytle also indicated that the County will provide comments on the Draft Order with the deadline soon approaching.

## **B. Communications (See Attached):**

### *A. Announcement for the University of Pacific – BCI Water Summit, November 20, 2008*

Dr. Lytle noted that among the speakers will be Lieutenant John Garamendi. Dr. Lytle also praised the effort of the Business Council Institute to inform the business community and elected representatives of the area's water issues.

*B. Agenda Dept. of Water Resources Winter Outlook Workshop, November 21, 2008*

*C. Announcement for Governor's Climate Change Summit, November 18-19, 2008, Beverly Hills Hotel*

**Public Comment:**

Mr. Tom Flinn announced a meeting to be held by the Delta Protection Commission on Thursday, November 20<sup>th</sup>. The meeting begins at 6 pm and will take place at the County Worknet building.

**Possible Future Agenda Items:** None

**Adjournment:** 1:20 pm

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

RV