

**REPORT FOR THE MEETING OF
THE ADVISORY WATER COMMISSION OF THE SAN JOAQUIN COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT
March 18, 2009**

The regular meeting of the Advisory Water Commission of the San Joaquin County Flood Control and Water Conservation District was held on Wednesday, February 18, 2009, beginning at 1:00 p.m., at Public Health Services, 1601 E. Hazelton Avenue, Stockton, California.

Roll Call

Present were Commissioners Nomellini, Dhaliwal, Lowery, Taro, Herrick, Edwards, Alternates Holbrook and Williams, 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 February 18, 2009.

Motion carried unanimously to approve the minutes of Feb. 18, 2009 with grammatical corrections to pages 3 and 4. (Price/Edwards).

Public Comment (Non-Agenda Items)

None.

SCHEDULED ITEMS

I. Special Presentation:

A. Presentation on the Bay-Delta Conservation Plan.

Ms. Karla Nemeth, Natural Resources Agency provided information on some technical parts of the Bay-Delta Conservation Plan. Two goals of the plan are water supply reliability and stable/healthy fish populations. Ms. Nemeth focused solely on Elements of the Conservation Strategy of the plan. The focus of the plan is to recover the following species of fish; Delta Smelt, Longfin Smelt, Chinook Salmon, Green and White Sturgeon, Central Valley Steelhead and Sacramento Splitail which allows continued reliability of water supplies. When approaching this plan, the BDCP has relied on information from decades of science prepared by CalFed which considered ways to measure the recovery of fish species. Also examining stresses to the fish species such as the water conveyance system at the southern end of the Delta. Fish species survival depends on suitable habitat, appropriate fish passage in the Delta, non-native fish species that compete with the native fish species and water quality. Different from the past, the BDCP is considering a comprehensive strategy which addresses all stressors and contributes to the recovery of these fish species over time.

The first measure being considered by the BDCP is the conveyance facility system where water flows first. In the near term (5-15 years) ways to better manage flows from the southern part of the Delta are being considered. This includes two gates that can be operated seasonally, fish screens at existing pumps, segregating two corridors currently used for water supply; using one for habitat restoration and one for supply. Another measure for the long term (15 years) is a canal with diversion points off the Sacramento River at the northern end with eastern alignment that connects to the pumps. Considering a capacity that meets the capacity of the pumps. The goal is to operate both systems flexibly to meet the needs of fish species, water liability and salinity control in the Delta. A few key parameters of operations are needed in determining water flow. The first is to determine how much water fish need; one is determining bypass flows into the estuary and how much water needs to flow into the system to adequately transport food to the estuary. Looking at changing water flows from primarily north to south to have more flexibility to flow from east to west. Another key parameter of water flow is to determine how much water needs to flow out into the Bay which is measured in the Delta. Ultimately, these actions are being considered as to how they contribute to the recovery of fish species over time.

Ms. Nemeth also stated that Habitat restoration is being studied. There are three types of restoration being considered. The first is restoring the flood plains for spawning and rearing, as well as, food

production. This is being considered within the 5-15 year timeframe. Tidal marsh restoration is being considered at Cache Slough (est. 5-10,000 acres), Suisun Marsh (est. 9,000 acres) and some areas of the west Delta (approx. 2,500 acres). The last is channel bank restoration to control water temperature along Steamboat and Sutter sloughs and down the San Joaquin River. An important point of habitat restoration is to identify the amount of acreage that needs to be restored over time. A restoration area will be chosen, but specific locations will not be known for some time until implementation of the structure occurs. As the plan is developed, other stressors will be addressed such as; invasive species throughout the Delta, water quality and methyl mercury production.

Update in development, identified 50 different conservation measures actively being considered. More analysis is being done to evaluate these strategies regarding performance biologically and determining cost. These will shape a conservation strategy which will be available as a public review draft at year-end. There will be other opportunities for public input at the steering committee meetings. A preliminary draft of the conservation plan will be available this summer and made available to the Delta to explain accomplishments and to receive input from the public in advance of the public review required by law. The final conservation plan is due by June 2010; the results of this plan are decisions made by the federal and state fishery agencies, Bureau of Reclamation and the Department of Water Resources.

Alternate Brent Williams asked if the conservation strategy considered water flows and reallocations of water for the fish where there are senior water rights as to what allocations are. Ms. Nemeth stated the plan is not about changing existing water rights, it is based on existing contracts with the state and federal process. Kevin Kaufmann, Stockton East Water District asked if there will be a change in land use. Paul Marshall, Department of Water Resource stated in some cases there will be a change in land use in tidal restoration areas of Cache Slough from agriculture. For flood plain restoration areas the only change would be the number of years it is inundated.

Rudy Mussi, farmer asked if plans are being considered to curtail water taken from the Delta or consider other water sources since the Sacramento Delta watershed has proven to be over committed. Mr. Marshall stated they are running model studies using CALSIM III and the DSM II, and other water sources. But, this would not be considered until the EIR/EIS process is complete.

Vice Chair Will Price stated in describing protecting existing water rights, the assumption is made that the isolated conveyance structure is the same as taking water from the pumps. The idea is that the conveyance structure is needed, not testing the impact before it is chosen. Ms. Nemeth stated science demonstrates a multitude of factors effecting fish species and what can be done through the Delta regarding complete isolation. These factors assisted in the dual conveyance of existing facilities that pump through and around the Delta. The steering committee requested the dual isolated conveyance structure. The main concentration is how much water does the estuary need for fish. Commissioner John Herrick stated that one of the main focuses of the BDCP is on the conveyance of the water without commenting on fish decline and habitat issues. Commissioner Herrick asked what the understanding is of Fish and Game to maximize exports. Mr. Marshall stated the canal is being suggested to reduce the conflict between conveyance and habitat for the fish, the existing habitat for the fish is the Delta channels, so this habitat can be used to convey water into the south Delta. The rest of the plan is the restoration of the tidal and flood plain habitat which is important for different life stages of fish species. The canal would only be used during the spring and winter months when not harmful to the fish.

Commissioner Herrick stated the Fishery Agencies endangered species act has the responsibility to allow the process to develop to the point of maximizing exports and balance them against endangered species obligations. The requirement of their law is to protect the species aside from any conveyance alternative, it's their obligation to determine how much water is available to export which is not happening and is being fought right now. This should be done first and is being done last.

Commissioner Sonny Dhaliwal asked what the cost of the project is; Ms. Nemeth stated the cost of the entire conveyance plan would cost approximately \$10-11 billion. How much of this is paid for is related to the impacts of the projects, the canal will be paid for, some habitat restoration and some aspects of the plain. Commissioner Dante Nomellini asked who is paying for the BDCP process. Ms. Nemeth stated it is paid for by the entities seeking permits: Bureau of Reclamation, State Water Project and their contractors, and Mirant Delta Power Plant.

II. Discussion Items:

A. Discussion on Drought Declaration and Local Conservation Measures

Dr. Lytle presented information regarding current drought conditions. The Governor has declared a state of emergency for 2009 following the drought declaration of June 2008 due to very low snowmelt runoff, and two years of below average rainfall. As of March 10, reports from DWR show some relief due to precipitation at almost average levels, in central California we are at 84% of average and 80% of average in southern California. This relief could possibly run through to the fall irrigation season. There are some restrictions in parts of the state where they are considering a 20% reduction in urban areas as well as various other conservation measures. The State is also providing technical assistance to agricultural water suppliers and users that may not have water supply this year. There is a request for federal and local agencies to implement their reduction plans; the Cities of Stockton, Lathrop, Manteca, Tracy and Cal Water.

Facilitating water transfers and various Delta projects are being discussed. One project would install temporary barriers with gates at Holland, Bacon, and Mandeville islands. This would hopefully bring additional water into the South Delta and improve water quality during drought conditions, and contribute to fish movement. There have also been discussions for improvements along Franks Tracts, Middle River, and Three Mile Slough.

Steve Winkler, Deputy Director San Joaquin County Public Works, stated on March 3 it was recommended that the Board of Supervisors declare a drought condition based on the forecast presented by Dr. Lytle. This is not an emergency declaration, and conditions have improved since the recommendation. The Board also declared staff to; 1) coordinate with other regional water conservation and public outreach programs, 2) development amendments to the county's current water conservation ordinance specifically to develop a tiered response to drought conditions, and 3) implement an aggressive phased approach to our county operated water metering systems.

B. Board of Supervisors Leadership Statement on Water Resources

Dr. Lytle offered an update on the Leadership Statement for Water Resources for the 10th anniversary of the county's efforts to coordinate Water Resource development and equitable management within the county. In 1999, the County developed a strategic plan to meet water needs; staff has been directed to update the Leadership Statement based on 10 years of efforts that have transpired since then. Dr. Lytle offered a detailed summary of Water Resource and Development, as well as, planning documents and project developments. This update will also include a view of issues to be focused on in the future; various projects, protecting the Delta, protecting water rights, finding new water supply, increasing conservation and recycling. The Leadership Initiative includes principles and commitments moving from developing plans to implementation and construction.

Vice Chair Will Price asked if the Leadership Statement will have any direct implication regarding role or responsibilities for the Advisory Water Commission. Dr. Lytle responded there would be no change.

C. Update on 5-Delta Counties Coalition and BDCP Activities

Terry Dermody, County Special Water Counsel, first commented on the BDCP presentation by Ms. Nemeth. He pointed out there is a great variance between the presentations being made and the information presented at the steering committee and workgroup meetings. What is important to point out is the result of the synopses of comments being made (including today) and the issues that are communicated. BDCP Staff often purposefully leave out the critical comments of the audiences at these presentations which often misrepresent the degree of opposition. The Five-Delta Counties continue to meet over legislation regarding the Delta and potential bond measures regarding governance, conservancy and conveyance.

Legislature has started meetings with the governance work group regarding SB 12 (Simitian) which will include the Delta Vision product. This process is the same as the BDCP process and details of

the bill will have to be determined. Senator Wolk supports the concept of the Delta as a Place. One of the bills moving forward is AB 13 (Salas) regarding conservancy with reference to a sustainable Delta program with no parameters for the program or who is leading it. Meetings with Chrisman continue resulting in Chrisman requesting agreements with individual counties of the Five-Delta Counties coalition.

III. Action Items

A. Discussion and Possible Action on Delta Protection Commission Management Plan Update

Brandon Nakagawa, County Water Resources Engineer, spoke of the most recent version (March) of the Delta Protection Commission Management Plan Update. The March Draft Plan will be presented to the DPC on March 26 which does not include comments from other agencies. One item of controversy in the Water Section is the reference to the Delta as the primary way of conveying water from north to south. The recommendation is to omit this statement and not refer to it at all. Another reference is regarding the protection of riparian water rights for all lands in the Delta. No action is necessary at this time, comments are requested to develop position before Board approval.

B. Discussion and Possible Action on Policy Guidance Document on Flood Protection Issues within San Joaquin

Mr. Mark Connelly, County Flood Management Division, presented to the Commission the Policy Guidance Document which has been updated in cooperation with the Flood Protection Technical Advisory Committee (TAC). Commissioner Dante Nomellini requested the reference be softened regarding the 200-year urban flood protection level because this level of protection will not be defined until at least 2012 by the Department of Water Resources. This reference could be changed to improve flood protection. Also, changed to language on page six, omit "ad valorem" before taxes.

The staff recommendation is to have the Commission accept the document in principle with the discussed changes and recommend that the Policy Guidance Document be forwarded to the Board Water Committee and Board of Supervisors for adoption. Commissioner Nomellini moved to accept. Commissioner Edwards seconded the motion. Motion received unanimous approval.

III. Communications:

A. San Joaquin River Group Annual Technical Report for 2008

B. San Joaquin River Restoration Program Update

Public Comment: None

Possible Future Agenda Items: None

Adjournment: 3:07 pm

Next Regular Meeting: June 17, 2009, 1:00 p.m.
May 20, 2009, 1:00 p.m. CANCELLED due to ACWA Conference

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