

**REPORT FOR THE MEETING OF
THE ADVISORY WATER COMMISSION OF THE SAN JOAQUIN COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT
April 15, 2009**

The regular meeting of the Advisory Water Commission of the San Joaquin County Flood Control and Water Conservation District was held on Wednesday, April 15, 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 March 18, 2009.

Motion carried unanimously to approve the minutes of March 18, 2009 with corrections made by Vice Chair Price on page 2. (Edwards/Hollbrook).

Public Comment (Non-Agenda Items)

None.

SCHEDULED ITEMS

I. Discussion Items:

A. Update on "One Voice for Water" Advocacy Trip to Washington D.C. held on March 10-14, 2009 and other Federal Appropriation Efforts.

Dr. Lytle offered an update on activities from the D.C. trip along with a schedule of meetings that were held with elected officials and their staff. The City of Stockton, SJAFCA and San Joaquin County met collaboratively to advocate appropriations for water projects; Stockton East Water District met the previous week. Brochures were distributed regarding various ideas to improve water supply reliability in the Delta (A Better Way), the Lower San Joaquin River Feasibility Study, Eastern San Joaquin Integrated Conjunctive Use Program which includes the City of Stockton Delta Water Supply Project, and the MORE WATER Project which has received \$250,000. Letters of support have been submitted by Congressman McNerney on behalf of San Joaquin County and various agencies within San Joaquin County.

B. Update on Flood Protection and SJAFCA Activities

Steve Winkler, Deputy Director San Joaquin County Public Works, stated the U.S. Army Corp of Engineers has decided on eligibility for public law 84-99 rehabilitation eligibility. The County has been placed on inactive status due to ongoing urban encroachments and declared ineligible for future rehabilitation funds. Also, Mr. Winkler said they are expecting to receive a letter of final determination from FEMA which will start a six-month period for the preliminary maps for the final floodplain map with new special flood hazard areas. The Policy Guidance Report will be presented to the Board Water Committee on April 16th for approval before being submitted to the Board of Supervisors. The Central Valley Flood Protection Board will be holding a hearing on properties in violation along Bear Creek.

Roger Churchwell, San Joaquin Area Flood Control Agency (SJAFCA), stated the deadline for PAL is August 23, 2009. The Shima Tract levees provide flood protection from the Delta for the city and county, this letter of map provision has been completed and will be sent out next week. The other PAL submittals in progress are 14-Mile Slough and Rough and Ready Island; both will meet the deadline.

Commissioner Nomellini announced that RD-17 filed the agreement with FEMA stating that levees meet the 100-year requirement. These levees were fully evaluated and certified in 1990 when Westin Ranch was constructed, and have been improved since. FEMA has not continued accreditation

resulting from a letter by the Department of Water Resources to the City of Lathrop discussing under seepage in the levees. The Department of Water Resources decided the levees did not provide 100-year protection. Commissioner Nomellini stated that part of the project has been completed at a cost of \$2 million with funding from increased assessments approved by landowners. There will be an attempt to sell bonds that would provide approximately \$10 million for work this season. A portion of work will be completed by August 2009. The remainder is contingent upon state funding through the early implementation project and a subsequent bond issue, but due to the economic climate and delinquency rates, looks questionable. The August 23, 2009 deadline will be met without seepage upgrade or repairs, the levees still meet the FEMA requirements.

Mr. Churchwell gave an update on the project of the Lower San Joaquin River Feasibility Study. On February 19, 2009 the U.S. Army Corps of Engineers and SJAFCA signed a bilateral feasibility cost share agreement; the State, as a partner, has yet to sign the agreement. The State will fund approximately \$10 million towards the project. The agreements have been signed for the closure structure at Smith Canal. Studies have begun; data is being collected to determine the operational criteria of the gate structures. Both the County and SJAFCA have partnered on the local flood control projects to be included in the stimulus package.

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

Tom Gau, Chief Deputy of Public Works, gave an update on the 5-Delta Counties Coalition. The main discussion of the last meeting was the legislation and protocol for the hearing, which will be represented and what position the counties will take. As a follow-up, San Joaquin County supported the Wolk Assembly Bills 457 and 458. Information is being gathered by the 5-Delta Counties to determine common issues of the Delta and what formal decisions have been made; this work is made through facilitator, Dave Ceppos with the Center of Collaborative Policy. San Joaquin County has developed through Dr. Lytle, the "Better Way" proposal which addresses some short-term efforts that may improve water quality and water flow within the Delta in lieu of building the Peripheral Canal. This is being shared with the group as well as collecting ideas from the other counties. The Bay Delta Conservation Plan (BDCP) is trying to meet with the 5-Counties separately. San Joaquin County has taken the position that it is premature at this point to meet with the BDCP until the project details are known. Both Chairman McGurk and Mr. Gau stated the short term fixes could be implemented sooner and cost less than building the Peripheral Canal.

Tom Flinn, Director of Public Works commented on the concepts by Dr. Lytle in the Better Way brochure. There is a problem today within our state delivering water to the south, by implementing some of the ideas of the Better Way; exports could probably be increased to benefit the state without damaging the Delta. These ideas should be considered before making major investments, and could be implemented that would not have the level of controversy that building a Peripheral Canal has. Mr. Flinn stated that while in D.C., Senator Boxer was very interested in some of the concepts of the Better Way.

Regarding the BDCP process, there is much discussion with no details of the project. Mr. Flinn asked for comments from the commission to be included in the staff report to the Board of Supervisors. San Joaquin County has a Habitat Conservation Plan (HCP); the BDCP is considering converting the uplands to a habitat for the fish species which displaces the dry lands. The BDCP has not discussed how they're going to handle the impact on the dry lands. Assemblywoman Hubert has been working with San Joaquin County on a new water bill regarding governance concerns, water management and flood protection.

II. Action Items:

A. Discussion and Possible Action on North San Joaquin Water Conservation District's Proposal for Federal Stimulus Funds to Make Irrigation Distribution System Improvements

Ed Steffani, Manager for North San Joaquin Water Conservation District stated the district needs help against the State Water Resources Control Board who is trying to take water rights from the district if they don't utilize their water rights. The district has also adopted a groundwater charge which would collect approximately \$800,000 a year. It will take 10-15 years to use 20,000 acre feet (AF) of water. The only way the district can use the water more quickly is to rehab the existing distribution system which has approximately 13 miles of old cast-in-place concrete pipe that is inoperable. The district has asked for stimulus funding of approximately \$10.5 million. Congressman McNerney has offered to help

along with local state legislators. Mr. Steffani asked if the Commission along with the Board of Supervisors would write a letter of recommendation to the state to join efforts for funding. Commissioner Nomellini suggested the project and estimated cost be described in the letter. Alternate Brent Williams asked what allocation of water is not being used. Mr. Steffani stated, during recent years they have been using less than 3,000 AF, but have a right to 20,000 AF a year. The new pipeline will allow NSJWCD to use another 7,000-8,000 AF; this water is used strictly for agriculture.

The recommendation is to have a letter of recommendation sent to various state and federal elected officials. Commissioner Fred Weybret moved to accept, Commissioner Nomellini seconded the motion. Motion received unanimous approval.

B. Discussion and Possible Action Regarding SWRCB Petition to Change the Place of Use for Certain DWR and U.S. Bureau of Reclamation Water Rights

Dr. Lytle commented on the hearing regarding SWRCB regarding Changes in Place of Use for various water rights of the Department of Water Resources (DWR) and U.S. Bureau of Reclamation. The hearing will be held on April 27, 2009. The hearing will focus on drought concerns; the state and federal projects asked for changes to be made in the use of water rights. The change of use is a temporary request where it will be in compliance for a few years. San Joaquin County will participate and submit a policy statement; this would be more of a general statement of directions regarding the County's concerns. The policy statement is more of a general statement of the directions of the state water board regarding the County's concerns and suggestions that would address drought conditions and moving water to the south for agricultural purposes as well as urban usage. The county will not oppose this idea on the condition that the state and federal water projects meet their permit terms.

The staff recommends that staff and Water Counsel participate in the upcoming hearing before the SWRCB to deliver a policy statement regarding this water right permit change. Alternate Holbrook moved to accept, Commissioner Edwards seconded the motion. Motion received unanimous approval.

C. Discussion and Possible Action on California Partnership for the San Joaquin Valley Water Plan Framework Resolution

Dr. Lytle commented on the draft resolution by the California Partnership for the San Joaquin Valley. This group was formed by an executive order of the Governor more than two years ago. The group focuses on ways to improve the quality of life from San Joaquin Valley down to Tulare and Kern counties. The previous plan included education, health care, transportation, air quality, energy and water. Since then, the water group has developed a valley-wide water plan framework under the Integrated Regional Water Management Plan (IRWMP) that the state is developing. The concern with this plan framework is that the Groundwater Banking Authority (GBA) spent approximately 2 ½ years and \$1.5 million to develop the GBA's IRWM Plan. In the packet is a layout of all plans that have been developed by various regional entities. Hopefully, these plans will qualify under the state's development of Prop 84 bond money. These plans were created for the agencies that want projects to be funded as regional groups. The concern with the plan being developed by the Partnership is this becomes an overarching plan which is called regional. This makes the plans that have already been adopted, local plans. This becomes a conflict of San Joaquin County already having a regional plan in place. There is a diminishment of our plan regarding the entire valley. The draft resolution stipulates the Partnership will not take the position of the Peripheral Canal as part of their water plan. Also, the resolution will develop their plan as an inter-regional plan, not a regional plan for the valley. This will preserve the regional plans that have already been developed.

Staff recommends the approval of the current draft resolution. Alternate Holbrook moved to accept the resolution, Commissioner Lowery seconded the motion. Motion received unanimous approval.

III. Communications:

- A. San Jose Examiner Article – “The Peripheral Canal II, Storage and the Delta – the Solution is in our Sites”
- B. Comment Letter on Southern Delta Salinity/San Joaquin River Flow WQCP Workshop
- C. SSJID Spring 2009 Irrigation Newsletter

Public Comment: None

Possible Future Agenda Items: None

Adjournment: 2:40 pm

Next Regular Meeting: June 17, 2009, 1:00 p.m.

May 20, 2009, 1:00 p.m. CANCELLED due to ACWA Conference

CM

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