

**REPORT FOR THE MEETING OF
THE ADVISORY WATER COMMISSION OF THE SAN JOAQUIN COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT
July 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, July 15, 2009, beginning at 1:00 p.m., at Public Health Services, 1601 E. Hazelton Avenue, Stockton, California.

Roll Call

Present were Commissioners Nomellini, Roberts, Edwards, Alternates Holbrook and Williams, Secretary Lytle, and Chairman McGurk. Others present are listed on the Attendance Sheet. The Commission had a quorum.

Approval of Minutes for the Meeting(s) of June 17, 2009.

Motion carried unanimously to approve the minutes of June 17, 2009. (Edwards/Holbrook).

Public Comment (Non-Agenda Items)

None.

SCHEDULED ITEMS

I. Discussion Items:

A. Presentation on Spring 2009 Countywide Groundwater Monitoring Report

Dr. Lytle introduced Gerardo Dominguez, Engineer II for the Water Resource Division, who is responsible for collecting data for groundwater testing and monitoring. Mr. Dominguez presented the Spring 2009 Monitoring Report which includes data collected from 417 wells within San Joaquin County. The number of wells varies from year to year depending on well accessibility and well condition. This report includes data from federal, state and local government agencies as well as non-governmental sources. Water data is collected on a semi-annual basis, during the months of April and October, to observe groundwater levels before and after seasonal groundwater pumping conditions. Water Level Measurements are performed with the use of either a steel chain or sounder; data is then stored in a database. Rainfall distribution data for San Joaquin and one area of Calaveras County is also included in the report. Overall, 80% of wells showed a decrease in groundwater elevations from spring 2008.

Commissioner Nomellini asked what the average decrease in groundwater levels are from last spring. Mr. Dominguez replied the average is 4 feet; Dr. Lytle added the highest recovery is during the spring.

B. Discussion on Proposed Changes to County Water Conservation Ordinance

Dr. Lytle offered a brief update on the newly revised and improved version of the County Water Conservation Ordinance. The language includes tiering provisions for drought within the draft framework to be developed for the county service areas, specific areas within the county that the county provides water to. The basic framework deals with drought condition triggers, discussion and development of protocol by which to gauge dry years. The Base Conservation Program provides outreach conservation with various stages (1-5) and activities for each stage declared. The specific language for this ordinance will be considered over the next month, and reported back to the AWC or Board Water Committee for review before being presented to the Board of Supervisors for approval.

C. Update on Flood Protection and SJAFCA Activities

Mark Connelly, County Flood Management Division, provided handout information of upcoming County Forums related to Federal Emergency Management Agency (FEMA) Flood Insurance Requirements and Building Restrictions and impacts on the San Joaquin County community. Another handout offered was a flow chart, a joint product of the City of Stockton and the County regarding the process of elevating foundations based on FEMA requirements.

Mr. Connelly commented on the Lower San Joaquin Feasibility Study. The costs for this project are split 50/50 between federal and local participation. At this time, no funds are being offered in the federal budget; both the house and senate have recommended \$1.5 million (house) and \$645,000 (senate) respectively for fiscal year 2010.

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

Dr. Lytle gave an update on the 5-Delta Counties Coalition. He attended the last Coalition meeting; various edits were proposed to the Delta Protection Commissions Resources Management Plan. A letter was approved supporting SB 457 (Wolk) regarding modifications to the Delta Protection Commission regarding the structure of the commission, representation, and a number of other issues. The Coalition is very engaged in communications with Senator Wolk regarding various bills and their status.

Dr. Lytle also mentioned the Two Gates Project. A letter from Senator Cogdill was attached to the packet supporting the project as it would provide for the protection of fish by reducing the entrainment of smelt and other aquatic species. This project would install temporary gates between Bacon, Holland and Mandeville islands in the Delta near Franks Tract. The gates would operate based on ebb or flow tides. Modeling shows this may prevent Delta Smelt from being pulled towards the pumps, and allow the pumps to operate more frequently, possibly at a greater flow rate. The cost of the project is approximately \$20 million; some of the funding could possibly be supported by Prop 50 bond money to improve Frank's Tract. Contra Costa Water District supports this project, as well as, San Luis Delta Mendota Authority. This project is part of the "Better Way" suggestions for the Delta and provides some water to the south.

Dr. Lytle discussed the petition (attachment) to the Governor to stop federal water theft. The petition declares the decisions that have been made in the state and federal courts regarding pumping from the Delta puts fish above the needs of millions of Californians. Because of this, it has caused significant unemployment in the South Valley with impacts to agriculture. Staff does not agree with this assertion, the issue is primarily a failure of the state and federal water project to manage California's water that has led to this problem. Water has been allocated through contracts where no water exists. Another article featured in the Sacramento Bee by Dr. Jeffrey Michael studied the issue of unemployment in the South Valley. Dr. Michael found that unemployment had nothing to do with agriculture and the loss of water; it primarily is a result in the downturn of the economy and the lack of construction jobs.

II. Action Items:

A. Discussion and Possible Action on Inter-Regional Conjunctive Use Project Conceptual Terms and Conditions and Other Activities

Dr. Lytle presented an update on the Conceptual Terms and Conditions of the joint Inter-Regional Conjunctive Use Project (IRCUP), between San Joaquin, Amador and Calaveras counties, and EBMUD. An IRCUP could potentially benefit the County as well as the other involved agencies through a water banking and exchange program. Currently the language is being reviewed and details are being discussed. EBMUD adopted the Term sand Conditions on June 9, 2009. Calaveras County Water District tabled the document for further review until September. Amador's Water Agency Board refused to adopt the document based on discussions regarding opposition from the Foothill Conservancy Group. San Joaquin County is also trying to resolve issues locally with the document. The letter of communication is attached in the packet; a meeting was held on June 2nd with the Foothill Conservancy in which Dr. Lytle attended along with attendants from EBMUD, Amador and Calaveras County Water Districts. Potential projects and details were discussed regarding Duck Creek, Enlarge Pardee, and Raise Lower Bear. Following this meeting the Foothill Conservancy Group outlined their concerns with the terms and conditions in a letter to EBMUD's Board of Directors, and from this, they developed a draft IRCUP principles for discussion.

A graph schematic view from the Sierras, Stockton, the Delta, and the San Francisco Bay will be included as an insert into the California Water Plan. The Department of Water Resources (DWR) is very supportive of projects of this nature; regional water challenges based on a regional solution. This includes improvements to water storage, groundwater recharge, and banking in San Joaquin County for use by locals as well as regional players.

Dr. Lytle suggests the four parties resolve their issues first, and then bring a new agreement that supports the initial Terms and Conditions document prior to receiving major influence or changes to document from the Foothill Conservancy Group. Dr. Lytle stated once language is resolved, it will be brought back to the commission for review prior to Board of Supervisor's adoption.

Alternate Holbrook made the motion for the commission to encourage Dr. Lytle and the four parties to reach an agreement prior to seeking outside requests from agencies. Commissioner Edwards seconded the motion. Commissioner Nomellini added that internal issues must be dealt with first before signing any agreement with the Parties. Commissioner Nomellini suggested moving forward and solidifying the agreement without addressing the broad range of issues suggested by the Foothill Conservancy. Commissioner Edwards seconded the amended motion which received unanimous approval.

B. Discussion and Possible Action on American River Authority Membership

Dr. Lytle stated the American River Authority is a group that includes El Dorado, Placer, and San Joaquin Counties and their water agencies. Dr. Lytle attended the June meeting; unfortunately there wasn't a quorum to take action on the many items on the agenda. The American River Authority was developed to support the construction of the Auburn Dam, but with the State Water Board revoking the water rights for the Dam last year, the likelihood of the Auburn Dam moving forward in this generation is very unlikely. The American River Authority is questioning the reasons for their existence, whether they should move forward or what actions should be taken next. The Authority asked Dr. Lytle to describe the intent of San Joaquin County, since the county has not paid dues or appointed any new representation to their Board. Dr. Lytle tried to explain the County's position, but El Dorado County refused to allow him to speak because they didn't believe it was appropriate. After discussions between Placer and El Dorado counties, they agreed to allow Dr. Lytle to speak since there was no quorum. Dr. Lytle stated that San Joaquin County was questioning what the Authority was trying to develop if there is no Auburn Dam or water rights to support. San Joaquin is not in favor of paying dues to an agency which has no purpose. The Authority recommended that no dues be paid from any members for the next two years until they decide on their cause.

Amendment Four of the Joint Powers Agreement describes some additional interests that they want developed as part of the Authority. The County has not signed this for over ten years because of wording in the JPA that is yet unresolved. An attempt was made last year in a letter to the Authority, Placer and El Dorado counties. The language at issue is on page 2 of Amendment 4 which reads *the purposes shall also include the protection, preservation and perfection of rights belonging to the member agencies of this Authority*. San Joaquin County was trying to establish their pending water right filing of the American River back in 1990. San Joaquin will support this language if they will write letters of support for San Joaquin's water right filing. This issue has not yet been resolved.

Dr. Lytle recommends at this time to try our best to continue discussions to resolve Amendment No. 4 so that it includes the American River Authority supporting San Joaquin with our water rights. Alternate Holbrook moved to accept the motion, Commissioner Edwards seconded the motion. Motion received unanimous approval.

Communications:

- A. US Army Corps of Engineers Delta News (May 2009)
- B. San Joaquin River Restoration Program Newsletter (May 2009)
- C. Tri-Valley Herald Article, "Pumping Water and Cash From the Delta" by Mike Taugher

Public Comment: None

Possible Future Agenda Items: None

Adjournment: 2:25 pm

Next Regular Meeting: August 19, 2009, 1:00 p.m.

CM

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