

**REPORT FOR THE MEETING OF
THE ADVISORY WATER COMMISSION OF THE SAN JOAQUIN COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT
September 16, 2009**

The regular meeting of the Advisory Water Commission of the San Joaquin County Flood Control and Water Conservation District was held on Wednesday, September 16, 2009, beginning at 1:00 p.m., at Public Health Services, 1601 E. Hazelton Avenue, Stockton, California.

Roll Call

Present were Commissioners Nomellini, Taro, Herrick, Alternates Conarro and Holbrook, Secretary Lytle, Vice Chair 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 19, 2009.

Motion carried unanimously to approve the minutes of August 19, 2009. (Holbrook/Herrick).

Public Comment (Non-Agenda Items)

None.

SCHEDULED ITEMS

I. Discussion Items:

A. Announcement on Proclamation for California Coastal Clean-up Day, September 19th, 2009 in San Joaquin County

Cynthia Madrid, Administrative Assistant for Stormwater within the Water Resource Division, announced September 19, 2009 as the 25th Annual California Coastal Cleanup Day. Ms. Madrid added that San Joaquin is celebrating its 11th year of participation. There are nine different locations in the County where volunteers can be a part of Coastal Clean-up; Calaveras River, Mokelumne River, Lodi Lake, Buckley Cove, Duck Creek, Walker Slough, Mormon Slough, Mosher Slough, and Hog's Island. At last year's event, more than 900 volunteers removed 16 tons of trash from our local waterways.

B. Update on the Release of the Eastern San Joaquin Integrated Conjunctive Use program Draft Environmental Impact Report (EIR)

Brandon Nakagawa, County Water Resources Engineer, presented the Eastern San Joaquin Basin Programmatic Environmental Impact Report (EIR). The Northeastern San Joaquin County Groundwater Banking Authority (GBA) adopted an Integrated Regional Water Management Plan (IRWMP) in 2007 which defined the Eastern San Joaquin Region Integrated Conjunctive Use Program (ICU Program). The GBA received a \$500,000 Proposition 50 Grant to develop the IRWMP and the ICU Program EIR. The ICU Program considers multiple water sources including the Delta, American River, Mokelumne River, Stanislaus River, Calaveras Rivers, and Little Johns Creek to mitigate conditions of groundwater overdraft and saline groundwater intrusion. ICU Program impacts analyzed in the EIR include surface and groundwater resources, biological, cultural, air quality, growth inducement, cumulative effects, climate change and green house gas emissions. Outside party water banking is also considered. Groundwater modeling shows that groundwater banking can be beneficial to the basin and the impacts mitigated. Surface water impacts have been very hard to characterize because of the shifting modeling baseline caused by recent dramatic operational changes in the Delta. Nonetheless, the EIR utilizes recent Delta operational assumptions which include changes in export operations due to Delta Smelt protections included in Judge Wanger's decision. Impacts to the Delta regarding rivers and streams where water is being diverted from is characterized systematically and reported in the EIR.

This report is strategic in efforts to provide an evaluation of impacts caused by the Integrated Conjunctive Use program in the County. Information dates back to 2003; meetings were held with fishery agencies during the MORE Water Project, concerns arose regarding conservation, groundwater

recharge, reclamation and wastewater. Program level EIR's evaluate impacts at a very high level not at the project site, but more at a global level to study cumulative effects, growth inducement, climate change, and identify areas needing more specific analysis. Other ICU Program Project Level EIR's will be able to tier off of the Program Level EIR. The EIR draft is in a 45-day public review/comment period which began on September 8, 2009, and will end on October 29, 2009 at 5:00 p.m. (written comments must be received by then). Two public meetings will be held on October 19, 2009 at 3:30 p.m. and again at 6:00 p.m. at the Public Health/Planning Commission Room located at 1601 E. Hazelton Avenue in Stockton. Electronic copies of this report are available online, and CD copies may be obtained free of charge. The comments have to be added to the final EIR which could be in January 2010 and finalized by March.

C. Update on Flood Protection and SJAFCA Activities

Roger Churchwell, San Joaquin Area Flood Control Agency (SJAFCA), stated work is in progress regarding the submittals for Provisional Accredited Levee (PAL) designations; information for 14 Mile Slough was submitted by the August deadline. Also, work is in progress for the submittal of the Calaveras River, Walker Slough, and assisting Boggs Tract with repairs. The San Joaquin River Feasibility Study is progressing and the closure structure for the Smith Canal is ongoing. A conditional letter of map provision from FEMA is expected after the first of the year which will determine compliance.

Steve Winkler, Deputy Director San Joaquin County Public Works, provided a handout of the final mailer which has been sent out to all residents impacted by the new flood maps, also known as the 100-year Flood Plain, for FEMA insurance purposes. These residents will be given the opportunity to purchase flood insurance by October 16, 2009. Also, a 3-day hearing was held at the beginning of September by the Central Valley Flood Protection Board which heard concerns regarding urban encroachments on Bear Creek that affect the Twin Creeks subdivision. After two years of discussion, active permits have been considered legal. Provisional accreditations will expire in March 2010 that will need to be addressed concerning 8,000 more properties (\$6 billion assessed valuations).

Vice Chairman Will Price asked if FEMA will consider abatement procedures within the timeline concerning the schedule of March 2010, or will FEMA declare the deadline missed. Mr. Winkler stated with respect to provisional accreditations, FEMA's own timeline would plan to initiate in March, not to finalize in March; it would likely be an 18-month process. They would first have to study impacts, prepare preliminary tentative maps, start community outreach, and allow a review period before a final letter of determination would be sent out.

D. Update on Protest Filed by San Joaquin County on Water Right Applications 29062, 29066, 30268 and 30270 – Delta Wetlands Properties

Dr. Lytle commented on the water right application and protest form submitted on behalf of San Joaquin County and the San Joaquin County Flood Control and Water Conservation District at the direction of the County Board of Supervisors. This protest is against the Delta Wetlands Properties/Project that will flood some Delta reservoir islands (Bacon Island and Webb Tract) and create two wetland habitat islands Bouldin Island (San Joaquin County) and Holland Tract (Contra Costa County). Delta Wetlands Properties received a water right in 2001 where the County and Central Delta Water Agency successfully challenged this water right in court because a place of use was not designated. In 2004, the appellate court upheld the County's right to develop a water storage ordinance. Currently, the Delta Wetlands Project is involved with the Semi-tropic Water District as one of the potential project leads. Significant issues for the protest of this project are the potential impact to agricultural, flooding potential, as well as the competition for water. The Delta Wetlands Project would be filling the islands at the same time San Joaquin County would need to divert water to Duck Creek and other projects.

II. Action Items:

A. Discussion and Possible Action on Delta Legislation Package, 5-Delta Counties Coalition and Other Activities

Dr. Lytle gave an update on the Delta Legislative Package and offered a series of letters from nearly 30 different agencies, water districts, and associations opposing the hurried process by current legislative discussions at the Capitol. These agencies including San Joaquin County want the legislative process

slowed down to address stakeholder concerns regarding protection of water rights, water quality, levees and other issues. A survey was completed prior to this package being submitted to the legislative committee. Dr. Lytle shared results of this survey regarding the Peripheral Canal developed by members of Restore the Delta where approximately 800 people were polled throughout California. Overwhelming results of that poll showed that 76% of voters do not agree that California is on track, 68% stated that fixing the state budget ranked as top priority. There was concern of supporting a water bond project especially when it may contribute another \$700 million a year in debt service; 46% of voters would oppose the bond for a new dam and reservoir. The survey also queried people regarding the idea of a Peripheral Canal and showed that more people in northern California were aware of the Canal compared to only 13% of southern California. Overall, the majority (72%) became opposed to the idea of a Peripheral Canal after learning of the cost (\$20 billion) for the project, and studying background information. After receiving background information regarding the Peripheral Canal, 70% were opposed. Following the position statements (pros and cons) developed regarding the Canal, opposition moved higher to 76%.

Tom Flinn, Director of Public Works updated the commission regarding the 5-Delta Counties Coalition. Mr. Flinn stated the Coalition is stronger with the support of the County Board of Supervisors and the support of Senator Lois Wolk. The Board encourages the Legislature to consider sufficient time for decisions regarding governance, the Delta Protection Commission, and the Delta Council to be discussed and understood by the Legislature and the public.

No actions were taken.

III. Communications:

- A. BDCP Workshop Notice on Draft Conservation Measures Plan on September 22, 2009 at 4:30 pm at the Stockton Civic Memorial Auditorium
- B. Delta Habitat Conservation & Conveyance Program EIR/EIS Fact Sheet – Conceptual All-Tunnel Option
- C. Hanford Sentinel News Article date 08/25/09, “Westside Farmer Sells Water for \$77 Million

Public Comment: None

Possible Future Agenda Items: None

Adjournment: 2:10 pm

Next Regular Meeting: October 21, 2009, 1:00 p.m.
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