

**REPORT FOR THE MEETING OF
THE ADVISORY WATER COMMISSION OF THE SAN JOAQUIN COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT
December 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, December 16, 2009, beginning at 1:00 p.m., at Public Health Services, 1601 E. Hazelton Avenue, Stockton, California.

Roll Call

Present were Commissioners Nomellini, Roberts, Lowery, Herrick, Edwards, Alternate Conarro, 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 November 18, 2009.

Motion carried unanimously to approve the minutes with supplemental for Public Comment of November 18, 2009 (Nomellini/Edwards).

SCHEDULED ITEMS

I. Discussion Items:

- A. *Update on California Water: "Moving Beyond the Myth Seminar" and New Public Policy Institute of California (PPIC) Report – Brandon Nakagawa and Gerardo Dominguez*

Mr. Nakagawa gave a presentation on the "Moving Beyond the Myth Seminar"; the following is a summary of *Myth vs. Reality* that the PPIC is trying to sell.

Myth 1 – California is running out of water. *Reality*, California has run out of abundant water and will need to adapt to increasing water scarcity.

According to the PPIC, California is not running out of water because water has always been scarce. Part of the myth, southern California PUC contractors, farmers, environment, and the native species act are responsible for California's water problems. Mr. Nakagawa stated new water sources are being tapped for recycling, banking, transfers, and desalination.

Myth 2 - (Insert villain here) is responsible for California's water problems. *Reality*, there is no true villain in California water policy, but opportunities exist for all sectors to better use and manage water.

People in southern California use less water than other people in the state. The larger population centers; south coast, Los Angeles, and Orange County use 176 g per capita per day. That's good, but central coast and San Francisco Bay area use less. Commissioner Edwards asked who provides data for water use; Mr. Nakagawa stated data is provided by Department of Water Resources (DWR). The upside is agriculture; the estimated subsidy that farmers' received for water is roughly \$60 million per year. Reduction in exports is 15-20% of total Delta exports.

Myth 3 – We can build our way out of California's water problems. *Reality*, new infrastructure can contribute to California's water supply solutions, but is not a cure-all.

The total increase in total water storage is 7% which is actually a 1% increase in supply. In dry years, water that is not there cannot be captured. The PPIC suggests a Peripheral Canal as a solution to be the best for balancing the environmental and economic goals for water management. And, the PPIC states that sea water desalination is unlikely to become a major water source for California.

Myth 4 – We can conserve our way out of California's water problems. *Reality*, water conservation is important, but its effectiveness is often overstated.

The distinction needs to be made between net water use (reducing the actual water consumed) and gross water use (reduction in the tide water, reducing run-off – water that goes down the drain).

Myth 5 – Healthy aquatic ecosystems conflict with a healthy economy. *Reality*, healthy ecosystems provide significant value to the California economy, and many opportunities exist for mutually beneficial water management.

According to legislators, recent imposed environmental conditions on Delta water exports caused several thousand problems. The figures for unemployment and our economy in the Delta are due to the loss of construction jobs.

Myth 6 – More water will lead to healthy fish populations. *Reality*, fish need more than water to thrive.

More water is not always better for the fish; the quality, temperature, sediments, nutrients and contaminants could be non-beneficial.

Myth 7 – California's water rights laws impede reform and sustainable management. *Reality*, the legal tools for reform are already present in California's water rights laws; we just need to start using them.

Myth 8 - We can find a consensus that will keep all parties happy. *Reality*, tough tradeoffs mean that consensus is not achievable on all water issues; higher levels of government will need to assert leadership.

Consensus is not always feasible for achieving sustainable water quality outcomes. Consensus on water policy runs the risk of maintaining the status quo; we are in favor of enforcing the laws that are in place.

B. Update on Flood Protection and SJAFCA Activities – Mark Connelly and Roger Churchwell

Mr. Connelly, County Flood Management Division stated the new flood maps are final and notices are being sent by lenders to residents who are required to purchase flood insurance. There is no change with encroachments along Bear Creek. The in-action of an encroachment action along Calaveras River west of I-5 freeway is still a concern. To date, 29 of the 32 residents have submitted applications to the state. Upcoming meetings - the Central Valley Flood Protection Planning forum will meet at the San Joaquin Delta College on February 3, 2010. Also, May 12-13 the Water Education Foundation is hosting the Flood Management Tour of the San Joaquin Delta to better understand the flood protection system.

Mr. Churchwell, San Joaquin Area Flood Control Agency (SJAFCA), offered a presentation on PAL submittals. The Twin Creeks subdivision, Bear Creek and Mosher Slough systems are protected by accredited levees. This area continues to have accreditation and flood protection and is currently under Provisionally Accredited Levee (PAL) status and will meet the certification. Regarding the encroachment along Bear Creek, there could be underlying rodent erosion and will confirm when vegetation is removed and brought up to standard. Commissioner Herrick asked who will be the public agency in charge of the levee; Mr. Churchwell stated this area is not in a reclamation district. It would be up to the developer to deed title to the county and they would take over maintenance. The Shima Tract and 14-Mile Slough information has been submitted. Geotechnical analysis continues; information will be released as it becomes available.

Mr. Churchwell stated SJAFCA is conducting the internal drainage study for Boggs's Tract (RD-404); under seepage repairs will probably not be completed by the PAL deadline. Also, work is moving forward on Walker Slough. The closure structure for Smith Canal is on schedule to be submitted to FEMA by the end of January. The public scoping meeting for the Lower San Joaquin Feasibility Study is scheduled for January 27, 2010; an agenda will be made available.

II. Action Items:

A. Discussion and Possible Action on 5-Delta Counties Coalition Trip to Washington, D.C., Delta Legislation, and Other Delta-Related Activities – Mel Lytle

Dr. Lytle reported on the 5-Delta Counties Coalition trip to Washington, D.C. In attendance from San Joaquin County were Ken Vogel, Larry Ruhstaller, Terry Dermody, and Dr. Lytle. Contra Costa, Sacramento, Solano and Yolo counties were also represented. Dr. Lytle discussed the goals and near-term recommendations for the 5-Delta Counties Coalition (DCC) potential involvement with BDCP quest for money and staff to participate in efforts. The objectives are part of eleven adopted principles that form the basis of the 5-Delta Counties Coalition position to provide a more sustainable water

system and a healthy Sacramento-San Joaquin Delta. The Statement of Principles lists the principles that have been adopted by each county, and describes joint interests on the Sacramento-San Joaquin River Delta and Greater Bay-Delta Estuary.

The schedule of meetings was developed by The Ferguson Group. The first meeting included Congressman Gerald McNerney who is very supportive of the DCC position of the Delta, and San Joaquin County's efforts regarding Delta issues. Senator Barbara Boxer was also supportive of the DCC efforts. Various meetings followed and it was discovered that the Speaker did not want to take a position on Delta issues due to potential conflicts. A meeting with Senator Dianne Feinstein ended the first day with her message to accept new legislation that has already been passed for the state, and offered partial support for the Delta issues. Outcomes of the first day were successful overall with direction to develop letters that Senator Boxer was interested in. The primary focus and most concerning to the representatives was the participation agreement for the BDCP process that requests approving a solution before determining what the solution is.

The following day, a meeting with Congressman Jim Costa was brief; he offered partial support for the DCC on some efforts. He did state his support for the California Partnership Agreement. A joint congressional meeting was held with Representatives George Miller, John Garamendi and Gerald McNerney, Doris Matsui and Mike Thompson. A series of letters and other communications are being developed based on discussions. Subsequent meetings may be necessary to maintain federal involvement regarding Delta issues.

B. Discussion and Possible Action on League of California Cities Water Task Force Draft Recommendations Report – Tom Flinn and Mel Lytle

Dr. Lytle commented on the League of California Cities Water Task Force Draft Recommendations Report. In 1988, the California Water Guidelines were developed by the League and the County Supervisors Association of California (CSAC). In the report, the water issues include conservation, recycling, water quality and storm water. The new draft will be presented to the League in January 2010 for adoption. The report was placed on the agenda to allow agencies to review and compare principles and issues. Both, Areas of Origin (Article V) and Water Storage (VI) are written well. The concern is with the section regarding Conveyance Systems (VII), the examples of language concerning conveyance and the Delta is not understood.

C. Update and Possible Action on Recommendation Regarding Payment of Association of California Water Agencies Annual Membership Dues – Tom Gau and Mel Lytle

Mr. Gau offered an update on the ACWA conference he attended. The issue for Region 4 (Solano, Sacramento, Yolo, San Joaquin and Stanislaus counties) was ACWA taking a position on the Delta legislative package. ACWA has a policy of not taking position on controversial items with counties, but they did take a position to support legislation that wasn't available for review. The legislation was being drafted as they voted on it. San Joaquin County, EBMUD along with other agencies signed a letter to ACWA stating concerns of this action, and withheld membership payment. Mr. Bob Granberg, a board member of Region 4, stated Region 4 will meet first on January 8, 2010 at noon in Sacramento and invite board members from Regions 2-5 at 1:30 pm to discuss a response/position for the greater coalition. Mr. Granberg stated all regions share the same concern; how legislation can be approved while being drafted on a Sunday night. They will focus on what actions can be taken regarding policy issues with ACWA. Mr. Granberg asked for the opportunity to return with a plan of action for all before completely pulling out of ACWA.

III. Communications:

- A. Safe, Clean, and Reliable Drinking Water Supply Act of 2010 Information
- B. San Joaquin River Restoration Program November 2009 Newsletter

Public Comment: None

Possible Future Agenda Items: None

Adjournment: 2:15 pm

Next Regular Meeting: January 20, 2009, 1:00 p.m.
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