



SAN JOAQUIN COUNTY

FLOOD CONTROL & WATER CONSERVATION DISTRICT

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THOMAS M. GAU
DIRECTOR OF PUBLIC
WORKS/ FLOOD CONTROL
ENGINEER

C. MEL LYTLE, Ph.D.
SECRETARY

ADVISORY WATER COMMISSION

December 21, 2011, 1:00 p.m.

Public Health Conference Room, 1601 E. Hazelton Avenue, Stockton, California

AGENDA

Roll Call

Approve Minutes for the Meeting of October 19, 2011

SCHEDULED ITEMS

I. Discussion Items:

- A. Discussion on San Joaquin Valley Partnership and Delta County Coalition Draft Project List Development and Next Steps (See Attached) – Mel Lytle
- B. Update on Flood Management and SJAFCA Activities – Fritz Buchman and Roger Churchwell
- C. Update on Delta Counties Coalition, BDCP, Delta Stewardship Council, Conservancy and Protection Commission Activities (See Attached) – Mel Lytle and Tom Gau

II. Action Items:

- A. Discussion and Possible Action on City of Stockton's Delta Initiative Resolution (See Attached) – Mel Lytle

III. Communications (See Attached):

- A. FERC Notice – Order Issuing Successive Preliminary Permit and Granting Priority to File License Application to PG&E
- B. Record Article - Sides agree on specific Delta plan
- C. C&EN Article – Using Bacteria to Clean Water

Public Comment (Non-Agenda Items)

Adjournment

Next Regular Meeting: **January 18, 2012, 1:00 p.m.**
Public Health Conference Room

Commission may make recommendations to the Board of Supervisors on any listed item.

If you need disability-related modification or accommodation in order to participate in this meeting, please contact the Water Resource Staff at (209) 468-3531 at least 48 hours prior to the start of the meeting. Any materials related to items on this agenda distributed to the Commissioners less than 72 hours before the public meeting are available for public inspection at Public Works Dept. Offices located at the following address: 1810 East Hazelton Ave., Stockton, CA 95205. These materials are also available at <http://www.sjwater.org>. Upon request these materials may be made available in an alternative format to persons with disabilities.

**REPORT FOR THE MEETING OF
THE ADVISORY WATER COMMISSION OF THE SAN JOAQUIN COUNTY FLOOD
CONTROL AND WATER CONSERVATION DISTRICT
October 19, 2011**

The regular meeting of the Advisory Water Commission of the San Joaquin County Flood Control and Water Conservation District was held on Wednesday, October 19, 2011, beginning at 1:00 p.m., at Public Health Services, 1601 E. Hazelton Avenue, Stockton, California.

Roll Call

Present were Commissioners Nomellini, Roberts, Herrick, Holbrook, Hartman, Meyers, Alternates Mateo and Conarroe, 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 September 21, 2011.

Motion carried unanimously to approve the minutes of September 21, 2011 (Roberts/Holbrook).

SCHEDULED ITEMS

I. Discussion Items:

A. Update on Semitropic Water Storage District Delta Wetlands Project Final EIR Certification, Notice of Determination and Next Steps – Mel Lytle

Dr. Lytle updated the Commission regarding the Semitropic Water Storage District Delta Wetlands Project. On October 17, 2011, the County Board of Supervisors filed a joint lawsuit with Central Delta Water Agency, Reclamation District 2038, Reclamation District 2072, and RC Farms against Semitropic Water Storage District regarding their CEQA document stating the document is inadequate. Impacts centered in San Joaquin County have not been addressed as this project has moved forward. Vice-Chair Price asked when the case will be heard; Commissioner Nomellini stated it should be scheduled for trial within a year.

B. Update on the National Flood Insurance Program Reauthorization and SJAFCA Activities – John Maguire

Mr. Maguire, San Joaquin County Flood Management, updated the Commission regarding the National Flood Insurance Program Reauthorization program. The five-year program expired at the end of September. There are senate bills in process that would extend this authorization another five years. The house bill originally included a provision that would have created a new FEMA map called residual risk areas, and later was amended to exclude the provision. Currently, the areas mapped within the 100-year floodplain have building limitations and are required to pay flood insurance. The concern is the economic impact felt directly by citizens of San Joaquin County which would affect the County's ability to generate funds through a benefit assessment district to provide funding for flood protection improvements. Senate Bill 5 (SB5) will require local agencies, cities, and counties within the Central Valley to provide 200-year protection and begins in the year 2015. Under the new proposed provision, areas protected by levees or dams will be

required to pay flood insurance. The County intends to notify Senators Feinstein and Boxer with concerns of this provision assuming it becomes law.

C. Update on Delta Counties Coalition, BDCP, Delta Stewardship Council, Conservancy and Protection Commission Activities – Mel Lytle

Dr. Lytle updated the Commission regarding Delta issues. The Delta Protection Commission released the 3rd Draft of their Economic Sustainability Plan for the Delta. The Delta Stewardship Council has released the 5th Draft of the Delta Plan. The County and City of Stockton have submitted a joint letter addressing concerns with the 5th Draft. Many covered actions in the Delta Plan can have a direct impact for agencies within the County. The Port of Stockton also submitted a letter with concerns regarding the Ports' operations that are central to economic growth and job creation. The Delta Counties Coalition (DCC) continues to meet, and will travel to Washington, DC next month to meet with representatives regarding Delta issues.

II. Action Items:

A. Discussion and Possible Action Sacramento Region Water Resource Coalition Final Draft Framework – Mel Lytle

Dr. Lytle discussed the Sacramento Region Water Resource Coalition Final Draft document. The six-county Sacramento regions have joined together to understand and protect rights as Delta issues progress. Many of the interests stated in their resolution are in line with San Joaquin County's interests.

Dr. Lytle presented this item to the Commission to encourage involvement by San Joaquin County through the DCC to communicate joint efforts with this coalition. The Commission would ask the Board of Supervisors to consider establishing joint principles and improve communications to protect the Delta. Commissioner Holbrook moved to accept, and Vice-Chair Price seconded the motion. The motion received unanimous approval.

B. Discussion and Possible Action on Federal Energy Regulatory Commission Notice of Preliminary Permit Application for the PG&E Mokelumne Pumped Storage Project – Brandon Nakagawa

Mr. Nakagawa discussed the Notice of Preliminary Permit Application from FERC regarding the PG&E Mokelumne Pumped Storage Project located on the North Fork of the Mokelumne River. The proposal will generate additional hydropower by enlarging Lower Bear Reservoir, pumping water from Salt Springs Reservoir into Lower Bear during off-peak periods, and releasing that water during times of peak power demands. Amador and Calaveras County Water Districts are also interested in raising Lower Bear Reservoir for consumptive use purposes to increase water supply which could benefit from PG&E's proposed project. Reasons for filing the intervening status are: consumptive water rights which have been filed for on the Mokelumne for the MORE WATER Project which are senior to power generating water rights, recreational impacts, temperature impacts, and reduced flows into Pardee and Camanche Reservoir affecting downstream needs.

Commissioner Nomellini recommended the Board of Supervisors intervene with the permit process. Commissioner Holbrook seconded the motion. Motion received unanimous approval.

C. Discussion and Possible Action on Letter of Support to the U.S. Bureau of Reclamation to Request that funding for the MORE WATER Project be included in its Annual Budgeting Process – Mel Lytle

Dr. Lytle discussed the draft letter addressed to Commissioner Michael Connor of the Bureau of Reclamation. The letter requests the reclamation accept the MORE WATER project and include the costs (2.8 million, est.) into their annual budgeting process. Dr. Lytle asked the Chairman of the Advisory Water Commission to sign the letter to Michael Connor which will help seek federal funding to move forward with project studies. Commissioner Holbrook moved to sign the letter on behalf of the Advisory Water Commission. Vice-Chair Price seconded the motion. Motion received unanimous approval.

III. Communications:

- A. Lodi News Sentinel – Bryan Pilkington resigns from North San Joaquin Water Conservation District
- B. Sacramento Bee – New Delta Plan is not a responsible solution
- C. California Water Commission Workshop – The Future of Water Storage, Tuesday October 25, 2011

Public Comment: None

Possible Future Agenda Items: None

Adjournment: 2:05 pm

Next Regular Meeting: November 16, 2011 1:00 p.m.

CM

ATTACHMENT

I.A.



California Partnership for the
San Joaquin Valley

**A RESOLUTION OF COUNTIES WITHIN THE SAN JOAQUIN VALLEY AND DELTA
SUPPORTING PROACTIVE ACTIONS TO SAFEGUARD A SUSTAINABLE SACRAMENTO-
SAN JOAQUIN DELTA**

WHEREAS the Sacramento-San Joaquin Delta is the largest estuary on the Pacific Coast of the United States and includes major eastside tributaries that account for nearly half the snowmelt and runoff of the entire state. Located east of the San Francisco Bay and Suisun Marsh at the confluence of the Sacramento-San Joaquin Rivers, the Delta stretches inland to encompass an area of over 730,000 acres with islands and tracts of rich fertile soil surrounded by miles of sloughs and winding channels protected by levees creating one of the country's most productive agricultural regions; and

WHEREAS the Delta is also habitat for hundreds of plant and animal species providing crucial habitat for fish and wildlife. In addition, the Delta with its Legacy Communities is a popular boating and recreation area which supports a fishery for both recreational and commercial purposes. Eighty percent of the State's commercial fishery species either live in or migrate through the Delta; and

WHEREAS the Delta is also the hub of California's State and Federal water storage and delivery system with water exports made to agricultural and urban users in the Bay Area, Silicon Valley, San Joaquin Valley, the Central Coast, and Southern California wherein two-thirds of Californians rely on the Delta for all or some of their drinking water. Additionally, over 7 million acres of farmland in the San Joaquin Valley are irrigated in part by water conveyed through the Delta, contributing to California's multi-billion dollar agriculture industry which produces half the nation's fruits, nuts and vegetables, and twenty percent of the nation's dairy products; and

WHEREAS many people living in California depend on the Delta for drinking water; water for irrigation and livestock; habitat, recreation, the shipment of goods from inland ports over highways and railways crisscrossing the Delta, natural gas fields, electrical transmission and conveyance facilities among many other benefits; and

WHEREAS the California Partnership for the San Joaquin Valley ("Partnership") and the Delta Counties Coalition ("Coalition") together encompass an area within 12 counties in the State of California's San Joaquin Valley and Delta, representing the issues and interests from the unique perspective of the people who live, work and recreate and perhaps best understand the tremendous resource this area of California represents; and

WHEREAS the Partnership and Coalition have been engaged in a collaborative dialogue to bring together these vital regions with their perspectives and interests to develop a shared vision on actions to help safeguard a sustainable Sacramento-San Joaquin Delta for future generations while ensuring the economic and environmental well-being of the Delta and Valley and an improved quality of life for all its citizens; and

WHEREAS the Coalition and Partnership together desire to advance the goals of the Delta Protection Act of 1992 and the Delta Reform Act of 2009 through action with the recognition of achieving the two coequal goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem for California within the unique

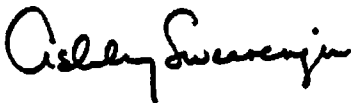
cultural, recreational, natural resource, and agricultural framework of the Delta as an evolving place; and

WHEREAS the Coalition and the Partnership support efforts by the State of California to establish a more open, fair and effective public process in the development of the Bay Delta Conservation Plan including greater involvement by local government and stakeholder interests and encourage this approach as plans and programs are developed by the Delta Stewardship Council, Delta Conservancy, Delta Protection Commission and other organizations with responsibilities in the Delta.

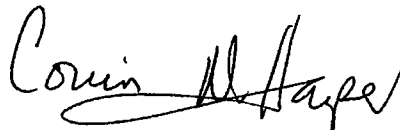
NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the California Partnership for the San Joaquin Valley and the Supervisors of the Delta Counties Coalition unanimously support the following proactive actions to safeguard a sustainable Delta for the benefit of all Californians, including the:

1. Recognition of the authority and responsibility given to local government related to land use, water resources, flood management, tax revenues, public health and safety, economic development, agricultural stability, recreation, and environmental protection.
2. Incorporation of the overarching principles of regional self-sufficiency and integrated regional water management planning, funding and implementation to support sustainable approaches for improved water supply, quality and reliability to reduce future reliance on the Delta consistent with the Delta Reform Act of 2009.
3. Protection and restoration of the Delta ecosystem including adequate water supply, quality and outflow to support fisheries, wildlife and habitat in perpetuity while supporting immediate improvements for through-Delta conveyance as part of a complete strategy consistent with the Delta Reform Act of 2009.
4. Funding and implementation of urban and non-urban flood protection and water resource programs in the Delta and its watersheds for water storage; conjunctive use; conservation; and rehabilitation, improvement and maintenance of flood control levees and structures.

PASSED APPROVED, and ADOPTED this 25 day of October, 2011, by the Board of the California Partnership for the San Joaquin.



Ashley Swearingin
Chair



Corwin Harper
Deputy Chair

Endorsed by:

California Partnership - Water Policy Working Group

Raymond Watson, Co-Chair
Supervisor, Kern County

Leroy Ornellas, Co-Chair
Supervisor, San Joaquin County

Delta Counties Coalition

Mary Nejedly Piepho
Supervisor, Contra Costa County

Don Nottoli
Supervisor, Sacramento County

Larry Ruhstaller
Supervisor, San Joaquin County

Michael J. Reagan
Supervisor, Solano County

Mike McGowan
Supervisor, Yolo County

TO: Members of twelve counties Water Working Group
California Partnership for the San Joaquin Valley
Delta Counties Coalition
(list by name)

FROM: Ray Watson and Leroy Ornellas, co-conveners

RE: TWELVE COUNTY WATER WORK GROUP MEETING
Friday, January 20, 2011
10 AM to 2 PM
Great Valley Center
(insert address)

This is the first meeting of all twelve counties in the Delta and the San Joaquin Valley in which an elected County Supervisor from each of the counties will have opportunity for representation. We urge your participation. Important decisions need to be made for the benefit of the entire region. You are invited to bring a water technical advisor to participate in the discussion.

AGENDA

- 1000 – 1030 Introductions and brief statement of interests/concerns from each county
- 1030 – 1100 Orientation
- Genesis of Partnership Water Work Group Watson/Ornellas
 - Summary of Partnership resolutions Tischer
 - Overview of adopted IRWMP framework Green
 - Status of IRWMPs Green
- 1100 – 0145 Review of potential water projects for benefit of the region that the Partnership and the Delta Counties Coalition can support for funding. Goal is to prioritize based on ***
- Mutual benefit to all counties
 - EIR requirements and related timeline for completion
 - Improving through Delta conveyance
 - Reduce reliance on Delta
 - Protection of species affected by pumps
 - Early completion
 - Eligibility for Prop 84 and 1E funding
- 0145 – 0200 Date for next meeting and agenda suggestions
Possible future work plan:
- Orientation from Tim Quinn, ACWA, and Mario Santoyo, Hispanic Water Coalition
 - Seek common comments to Delta Stewardship Plan and Bay Delta Conservation Plan

- Facilitate completion of IRWMPs

*** Attached is a description of potential joint projects under consideration. Sarge Green, from the California Water Institute, has applied the above criteria in a preliminary matrix to aid in our discussion.

We are looking forward to your participation in productive discussions on January 20. Please RSVP to the undersigned, and let us know if you are bringing a technical advisor. Lunch will be provided.

Leroy Ornellas
Jim Tischer
Ray Watson

lornellas@sjgov.org
jtischer@csufresno.edu
raywatson@co.kern.ca.us

Combined Delta-San Joaquin Valley Regional Project Lists

Delta Counties Preferred Projects. (See attached project lists for current detail available)

- 1# (Combination of projects 5 & 11 on Lois' list) (See John Greitzer supplement)
Levee Improvements and Emergency Preparedness & Pilot Project for Delta Channel Dredging and Spoils Use on Delta Levees

- 2# **Improve Techniques for Eradicating Non-Native Submerged and Floating Aquatic Vegetation from Delta Waterways.**

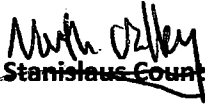
- 3# **Pilot Fish Screens at Clifton Court Forebay**

- 4# **Lower San Joaquin River Regional Bypass** (See Mel Lytle supplement)

- 5# **Suisun Marsh Restoration**

Partnership Preferred Projects (Not prioritized until SJV water community is consulted. Alphabetic notation is for convenience only)

- A. **Patterson Irrigation District Pumping Plant and Fish Screen and Pipeline Project and West Stanislaus Pipeline and Fish Screen Project,**

- B.  **Stanislaus County Regional Water Recycling Project – Modesto, Turlock, Ceres, Del Puerto Water District**

- C. **Friant-Kern and Madera Canals Capacity Correction.**

- D. **Groundwater Banking Programs (a. Madera Irrigation District Water Supply Enhancement Project, b. Semi-Tropic Water Storage District Water Banking Projects, c. Mokelumne River Water Storage and Conjunctive Use Project)**

- E. **Water Quality and Water Level Barriers in Sacramento-San Joaquin Delta -**

- F. **Water Conservation -**

Additional Project Request

Brent Walthall of Kern County Water Agency asked if the lake Isabella Dam repairs could be noted as well both because of the safety issue but also because it would enable an additional 200,000 acre feet to be stored. The group took Brent's request under advisement.

ATTACHMENT

I.C.



Delta Counties Coalition

Contra Costa County · Sacramento County · San Joaquin County · Solano County · Yolo County
"Working together on water and Delta issues"

November 07, 2011

The Honorable Michael L. Connor, Commissioner
Bureau of Reclamation
U.S. Department of the Interior
1849 C. St. NW
Washington, D.C. 20240

Dr. Jerry Meral, Deputy Secretary
California Natural Resources Agency
1416 9th Street, Suite 1311
Sacramento, CA 95814

Mr. Will Stelle, Regional Administrator
National Marine Fisheries Service
7600 Sand Point Way NE
Seattle, WA 98115-0070

Re: DCC Reply to Request for Meeting

Dear Commissioner Connor, Deputy Secretary Meral, and Regional Administrator Stelle:

Thank you for your October 20, 2011 response to our October 7th letter to Secretary of the Department of Interior, Ken Salazar regarding the Bay Delta Conservation Plan (BDCP) and your request to establish an ongoing dialogue with us to address our specific issues. As you know, the Sacramento-San Joaquin Delta Counties Coalition (DCC) is a consortium of Contra Costa, Sacramento, San Joaquin, Solano and Yolo Counties formed to speak with one voice on our collective concerns regarding the protection, restoration and enhancement of the Sacramento-San Joaquin Delta (Delta).

First and foremost, we would like to emphasize our willingness to have a constructive dialogue with the state and the federal agencies regarding the goals of the Bay Delta Conservation Plan. We have noted later in this letter ten specific actions and issues of concern to the DCC in order to focus the discussion.

The DCC appreciates this opportunity to commence a meaningful dialogue and looks forward to hearing from you regarding your willingness to address our ten issues and actions, as well as continuing to work with the U.S. Department of the Interior, the State of California, and the BDCP. Working together, we believe we can jointly craft a strategy that will allow the Delta Counties to participate in an open and collaborative process and to minimize or reduce the

impacts of the BDCP on the interests of the people who live and work in the Delta as well as people throughout the State who depend on the Delta for water.

We do understand what is at stake for all Californians, not just the residents we represent. Other than significant outreach to Yolo County, however, we have not been involved in such a dialogue, and four out of the five Delta counties continue to remain isolated from the BDCP decision-making process. This is in spite of the fact that four of the five Delta Counties have signed agreements as Cooperating Agencies in connection with the review of the BDCP EIR/EIS.

In addition, the BDCP has not yet started to evaluate the impact of BDCP proposals on the people who live and work in the Delta and therefore cannot fully assess both the feasibility of implementing these proposals or develop a process for mitigating impacts. Yet, the BDCP has adopted an aggressive timeline that we know cannot realistically allow for sufficient involvement from the Delta Counties and other in-Delta interests.

As the DCC has stated often in the past, neither the State nor the Federal government can succeed without addressing important Delta issues. In order to have the most productive dialogue, we want to be clear that we need for each of you to be prepared and commit to address the following ten (10) specific actions/issues.

1. Reevaluate the current timeline and approach for completion of the BDCP. We recommend that further work on the BDCP be put on hold for a short period of time that is mutually agreeable and that intensive discussions between the BDCP principals and the Delta Counties begin immediately.

The goal would be to determine the most appropriate way for the Delta Counties to participate in the BDCP decision making process in order to determine additional alternatives for conveyance and diversion, as well as on levee restoration, protection for agriculture and recreation, habitat conservation and other issues important to the Delta region and to each County.

2. The State of California should withdraw from the most recently negotiated MOA with the Federal Government and the State and Federal Water Contractors.
3. Evaluate non-diversion alternatives in the proposed EIR/EIS. Similar to the request of environmental groups to BDCP, the DCC supports the evaluation of non-diversion alternatives as part of the BDCP's EIR/EIS. The nine project alternatives under consideration include eight alternatives that divert water from north of the Delta. To carry out the State's policy to "reduce reliance on the Delta in meeting California's future water supply needs through a statewide strategy of investing in improved regional supplies, conservation, and water use efficiency" (Water Code Section 85021), other non-diversion alternatives should be included. The greater the extent to which the State's water supply issues can be solved through water conservation, desalination, storage, or other means, the less significant the impacts of the BDCP will be on the Delta Counties.
4. Undertake a cost-benefit analysis of each diversion and non-diversion alternative. We understand that the California Natural Resources Agency has contracted with UC Berkeley for an extensive economic analysis. If not already specified, this economic analysis should be a rigorous cost-benefit analysis that includes, at a minimum, all reasonable foreseeable

direct and indirect economic impacts on the Delta Counties of new infrastructure and habitat projects related to the BDCP. A thorough analysis of the costs and benefits of different alternatives could serve as the basis for MOUs between the State and the Delta Counties on the BDCP, as well as the basis for justifying BDCP outcomes.

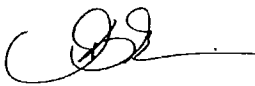
5. Initiate an independent review of the science in coordination with the Delta Counties. The DCC recognizes that the science behind BDCP proposals is evolving, but believes it is essential that the Counties be a part of a process through which the science is independently evaluated. Such work is necessary to increase the credibility of BDCP proposals and minimize impacts.
6. Propose a high-level governance role for the Delta Counties. The current BDCP governance proposal provides no role for key decision-makers in the Delta Counties. It is hard for the DCC to believe that the State is serious about collaborating with local government if we are not a part of the proposed governance structure in a meaningful way.
7. Create technical working groups to address issues in each County. So far, the BDCP has only created a technical working group in Yolo County. The other Counties also need a venue to discuss important issues and suggest alternative or modified approaches to current BDCP proposals. We are currently responding separately to an email from Dr. Meral dated November 2, 2011 regarding establishing a staff level monthly meeting with all of the Delta Counties and State Natural Resources Agency staff.
8. Provide funding to study the impacts of BDCP proposals. Each Delta County needs funding to evaluate the impacts of BDCP proposals, as well as potential alternatives. Yolo County currently has \$415,000 from three different sources to analyze the impacts of a proposal to create fish habitat in the Yolo Bypass and evaluate alternatives. The other counties have no funding. As a result of Yolo County's funding, that County is better able to participate collaboratively in discussions about the design of the proposed project. No County should have to pay for studies of the impacts of a project that does not directly benefit them.
9. Initiate collaboration with local Habitat Conservation Plans/Natural Community Conservation Plans now. The BDCP has not adequately worked with local Habitat Conservation Plans and Natural Community Conservation Plans to ensure integration of the State and local efforts. This effort needs to start now.
10. Spend \$4.2 billion in existing bond funding for levee improvements now. While our focus today is on the status of the BDCP, the DCC urges the State to spend the \$4.2 billion in bonds already sold and allocated to levee repair projects, habitat improvements, and other conservation projects under the jurisdiction of the Resources Agency. This is an important early action that can help both the Delta Counties and the BDCP.

As we stated in our letter to Secretary Salazar, we agree with his comments when he spoke in San Francisco, calling the BDCP the "most important—and most complex—long-term water and habitat management plan ever undertaken." He also stated that "we have to get this right." That is why we respectfully suggest that it is better to arrive at a sound solution rather than an expedient one.

The DCC is currently working with Dr. Meral's Office in an attempt to identify a meeting date. However, given the coordination of both Federal, State and local official travel schedules and calendars along with the recently released Delta Plan Draft EIR (with a January 3, 2012 response deadline) and other competing issues this may be difficult to schedule before 2012.

Again, the DCC appreciates your willingness to commence a meaningful dialogue with the DCC, and looks forward to hearing from you and continuing to work with the U.S. Department of the Interior, the State of California, and the BDCP. Working together, we believe we can jointly craft a strategy that will allow the Delta Counties to participate in an open and collaborative process and to minimize or reduce the impacts of the BDCP on the interests of the people who live and work in the Delta as well as people throughout the State who depend on the Delta for water.

Sincerely,



Mary Nejedly Piepho
Supervisor, Contra Costa County



Don Nottoli
Supervisor, Sacramento County



Michael J. Reagan
Supervisor, Solano County

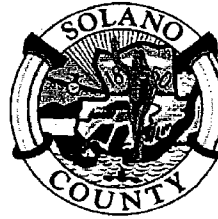


Larry Rühstaller
Supervisor, San Joaquin County



Mike McGowan
Supervisor, Yolo County

cc: Senator Dianne Feinstein
Senator Barbara Boxer
Representative Jerry McNerney
Representative John Garamendi
Representative George Miller
Representative Doris Matsui
Representative Mike Thompson
Representative Daniel Lungren
Representative Wally Herger
Representative Tom McClintock
Representative Dennis Cardoza
Representative Jim Costa
Representative Jeff Denham



Delta Counties Coalition

Contra Costa County · Sacramento County · San Joaquin County · Solano County · Yolo County
"Working together on water and Delta issues"

November 29, 2011

The Honorable Dianne Feinstein
United States Senate
331 Hart Senate Office Building
Washington, DC 20510

Dear Senator Feinstein:

On behalf of the Delta Counties Coalition, we would once again like to thank you for your efforts to achieve the co-equal goals of providing a more reliable water supply for the State of California and protecting, restoring, and enhancing the Delta ecosystem. And please know that we greatly appreciate the time and thoughtful attention that your very capable staff provided to us during our trip to Washington last week.

Following up on and consistent with our letters to you of October 7 and November 14, 2011, we remain concerned about Section 206 of H.R. 2354 as reported from the Senate Appropriations Committee, making appropriations for Energy and Water Development. We simply do not believe that it is possible for the Bay Delta Conservation Plan (BDCP) Final Environmental Impact Statement (EIS) to be completed and issued by February 15, 2013, if even the most basic elements of appropriate scientific analysis and peer-review are applied prior to such issuance (see attached November 7, 2011 letter to Commissioner Connor, Dr. Meral, and Administrator Stelle).

We have learned, as well, that in an August 10, 2011 letter to Secretary Laird, Secretary Hayes expressed his concerns, and those of Dr. Lubchenco, Under Secretary of Commerce for Oceans and Atmosphere that "it will be challenging to meet the new schedule." It seems apparent from this letter that the February 15, 2013 date did not originate from the Department of Interior as, we have ascertained, many in Washington believe.

The Delta Counties Coalition supports a thorough, thoughtful, comprehensive, and scientifically-based BDCP process culminating in the issuance of an EIS that is scientifically sound and legally defensible.

Toward that end, we urge you to amend Section 206 as reported from Committee by replacing the February 15, 2013 deadline with direction to the federal agencies to: work transparently and collaboratively with all relevant state agencies, local governments, and participating stakeholders; carry out a thorough cost-benefit analysis of both diversion and non-diversion alternatives, as well as a "no action" alternative; take such steps as are necessary to ensure that the underlying science used in completing the BDCP EIS is independently peer reviewed to ensure the final EIS is

scientifically sound and legally defensible; and report back to the relevant committees of Congress every three months, beginning on March 15, 2012, until the EIS is completed and issued.

Please know the very high value we place upon the role you are playing to help drive all interests in the state to develop and implement, as expeditiously as possible, a comprehensive set of solutions that will provide a more reliable water supply for California and at the same time protect, restore, and enhance the Delta ecosystem.

We look forward to continuing to work with you to ensure that all interests in the Delta and the State of California are identified and protected as the BDCP process moves forward. Thank you for your consideration of our requests.

Sincerely,



Mary Nejedly Piepho
Supervisor, Contra Costa County



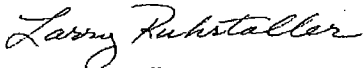
Michael J. Reagan
Supervisor, Solano County



Don Nottoli
Supervisor, Sacramento County



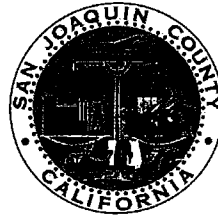
Mike McGowan
Supervisor, Yolo County



Larry Ruhstaller
Supervisor, San Joaquin County

Enclosure

cc: Senator Barbara Boxer
Representative Jerry McNerney
Representative John Garamendi
Representative George Miller
Representative Doris Matsui
Representative Mike Thompson
Representative Daniel Lungren
Representative Wally Herger
Representative Tom McClintock
Representative Dennis Cardoza
Representative Jim Costa
Representative Jeff Denham



Delta Counties Coalition

Contra Costa County · Sacramento County · San Joaquin County · Solano County · Yolo County
"Working together on water and Delta issues"

**Delta Counties Coalition (DCC)/Metropolitan Water District (MWD)
Sacramento-San Joaquin Delta Tour**

Monday, December 5, 2011

Agenda:

11:30 a.m.: Sacramento County Administration Building
700 "H" Street, Main Lobby, Sacramento, CA

I. Introductions
II. Brief Overview of the Delta Tour - *(Delta Supervisors and Pete Kutras)*

12:00 p.m.: DCC and MWD board the motor coach (H St. side north of the Sacramento County Administration Building)

Stops:

12:45 p.m.: Arrive at Greene and Hemly Farms (Sacramento County, Stop #1 on
Depart @ 1:15 p.m. attached map)

2:00 p.m.: Rio Vista Waterfront (Solano County, Stop #2 on attached map)
Depart @ 2:25 p.m.

3:00 p.m.: Delta Science Center (City of Oakley in Contra Costa County, Stop #3 on
Depart @ 3:30 p.m. attached map)

3:45 p.m.: San Joaquin County Delta-centric presentation during return trip to Sacramento

4:15 p.m.: Yolo County Delta-centric presentation during return trip to Sacramento

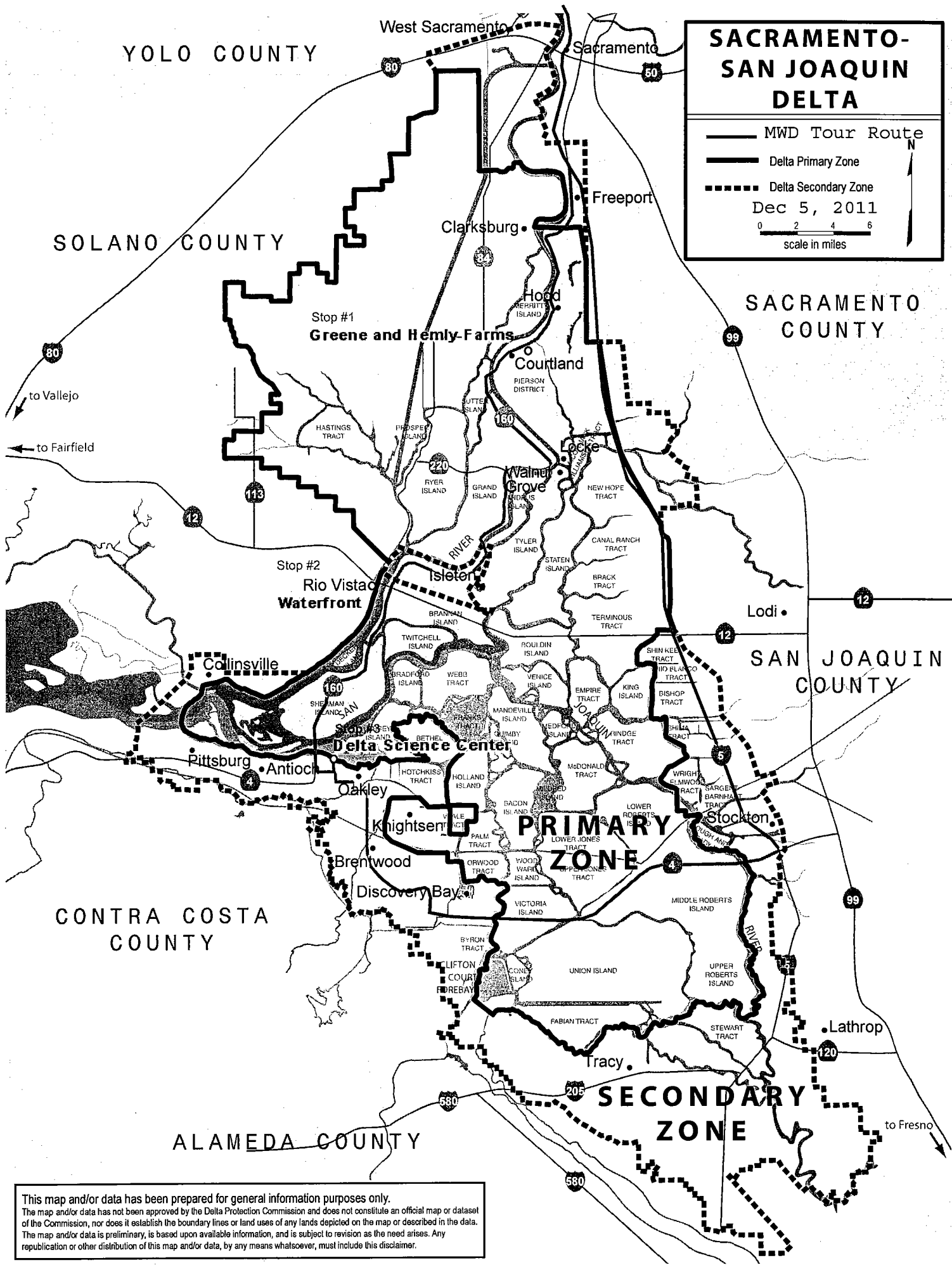
4:45 - 5:00 p.m.: Arrive at Spataro Restaurant and Bar, 1415 L Street (916) 440-8888, dinner/debrief

DCC Contacts:

Mr. Pete Kutras: (408) 718-2748 (cell)
Don Thomas: (916) 874-5140 (office) or (916) 873-3275 (cell)

MWD Contacts:

Chuck Dalldorf (916) 248-3819 (cell)



SACRAMENTO-SAN JOAQUIN DELTA

- MWD Tour Route
- Delta Primary Zone
- - - Delta Secondary Zone

Dec 5, 2011

0 2 4 6
scale in miles

This map and/or data has been prepared for general information purposes only. The map and/or data has not been approved by the Delta Protection Commission and does not constitute an official map or dataset of the Commission, nor does it establish the boundary lines or land uses of any lands depicted on the map or described in the data. The map and/or data is preliminary, is based upon available information, and is subject to revision as the need arises. Any republication or other distribution of this map and/or data, by any means whatsoever, must include this disclaimer.

Mel Lytle

From: Peterson Consulting, Inc. [petersonconsulting@earthlink.net]

Sent: Friday, December 02, 2011 8:40 AM

To: Alison Olsen (CCC); Alyssa Manprin-Assistant to Yolo County CAO; Amy Jenkins-Solano; Bill Emlen-Solano county Resource Management Director; Birgetta Corsello Solano County Resource Management; Bob Ryan-SacCountyCounsel; Brenda Wise-NM; Cathy Christian (CCC); ccovey@solanocounty.com; Cecilia Jensen; Cindy Tuttle; Connie Ford; cullather@alcalde-fay.com; David Wooten (SJC); Dirk.Brazil@yolocounty.org; DMWolk@SolanoCounty.com; Don Nottoli; Don Thomas (Sac); Elena Reyes (SJC); Emily Bauer (Solano); gina.daleiden@yolocounty.org; Hansan Sarsour; Heidi Hill Drum; Jacqueline Zaragoza; Jim Provenza; jk@wafed.com; John Greitzer (CCC); John M. Vasquez; Karen Lange (SJC); Karen Mitchoff; KRBarnes-Jones@SolanoCounty.com; kvogel@sjgov.org; Lara Delaney (CCC); Larry Ruhstaller; Lea Castleberry (MNP/CCC); Leslie McFadden (Sac); Mark Connelly; Mark Limbaugh (TFG); Mary Piepho; Mel Lytle; mhardesty@cal.net; Mike McGowan; Mike Reagan; Mitch Avalon (CCC); Nav Gill; Nancy Tomlinson; niederbergerh@saccounty.net; Paul Yoder; Pete Kutras-Sacramento County; Peterson Consulting (SJC); petersonmi@saccounty.net; petrea.marchand@yolocounty.org; Philip Pogledich; Rob Leonard; Roberta Goulart (CCC); robyn.drivon@yolocounty.org; Roger Gwinn (TFG); rw@wafed.com; Sandra Rodriguez (Yolo County); schlesinger@alcalde-fay.com; Sharon Andrews (Sac); Steve Goetz (CCC); Steve Winkler; Terry Dermody (SJC); Tom Gau

Subject: Delta Jobs Announcement

CCC,

Please see jobs announcement on the below item:

Manage the Jacobs Construction Management (CM) Team for the \$10.5 Billion Delta Habitat Conservation and Conveyance Program (DHCCP). The DHCCP will be one of the world's largest water conveyance programs with a capacity of 15,000 cfs (10 billion gallons per day). The DHCCP includes \$7 billion of tunnel construction and features a twin bore, 33-mile long, 33-ft diameter, 150-ft depth to invert tunnel. CM Services start the summer of 2011 and continue for 9 years - first 2 years for pre-construction activities and the remaining 7 years for field construction. The CM team is anticipated to include 300 staff during the peak of construction. The project is located near Sacramento, California. Sacramento is the state capital and has a metro population 2.5 million. Sacramento is located 90 miles east of San Francisco and 100 miles west of Lake Tahoe.

Project Manager

https://irecruitment.jacobs.com/uniquesig1d7d798a59922d8d52d1f35f3df52f55853e5b588751b260ee8642akRegionCode=IRC_VIS_VAC_DISPLAY_PAGE&akRegionApplicationId=800&p_svid=28438

ATTACHMENT

II.A.

ANN JOHNSTON
Mayor

KATHERINE M. MILLER
Vice Mayor
District 2

Stockton



2004
1999



CITY OF STOCKTON

OFFICE OF THE CITY COUNCIL

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District 1

PAUL CANEPA
District 3

DIANA LOWERY
District 4

SUSAN TALAMANTES EGGMAN
District 5

DALE FRITCHEN
District 6

December 6, 2011

San Joaquin County Delta Initiative Coalition Stakeholders, Other Cities, Delta Protection Commission, and Others in the Sacramento-San Joaquin River Delta

JOINT RESOLUTION OF CITIES, COUNTY, AND OTHER SAN JOAQUIN COUNTY STAKEHOLDERS REGARDING LAND USE, WATER, AND OTHER DELTA RELATED ISSUES

On December 5, 2011, the San Joaquin County Delta Initiative Coalition Stakeholders adopted a joint resolution (a draft of which is attached hereto as Attachment A) in support of an initiative for joint action, advocacy, and mutual interests on issues concerning the Sacramento-San Joaquin River Delta (Delta). On behalf of the San Joaquin County Delta Initiative Coalition Stakeholders, I respectfully request that your board, council, commission, or executive committee, as applicable, support and adopt this same joint resolution, in coordination with other cities, the county, and other stakeholders in San Joaquin County and other areas of the Delta. The purpose of this request is to facilitate a coordinated and collaborative response, with other affected stakeholders, in regard to the Delta Stewardship Council's proposed Draft Delta Plan and corresponding Draft Program Environmental Impact Report (DPEIR), and related Delta plans or programs that may adversely affect economic development and sustainability, local governance, water supplies, flood control, agricultural production, and habitat management in San Joaquin County and within the Delta as a whole.

In November 2009, the California Legislature enacted Senate Bill X7 1 (The Delta Reform Act). It established the Delta Stewardship Council (DSC), an independent State agency, and requires that the DSC develop, adopt, and implement by January 1, 2012 the Delta Plan, a legally enforceable, comprehensive, long-term management plan for the Sacramento-San Joaquin Delta and the Suisun Marsh (Delta) that achieves the "coequal goals" as specified in California Water Code Section 85300(a). The coequal goals are the two goals of providing "a more reliable water supply for California and protecting, restoring and enhancing the Delta ecosystem. The coequal goals are to be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource and agricultural values of the Delta as an evolving place" (Water Code Section 85054). Achieving the coequal goals is a primary and fundamental purpose of the Delta Plan. The DSC has issued several staff drafts of the Delta Plan, the most recent being the Fifth Staff Draft, which is the "project" or "program" analyzed in the recently released Delta Plan Draft Program Environmental Impact Report (DPEIR).

December 6, 2011

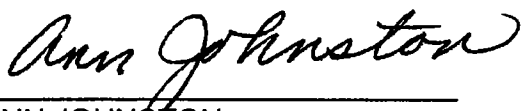
**JOINT RESOLUTION OF CITIES, COUNTY, AND OTHER SAN JOAQUIN COUNTY
STAKEHOLDERS REGARDING LAND USE, WATER, AND OTHER DELTA RELATED
ISSUES**

(Page 2 of 2)

The Delta Plan sets forth regulatory policies, recommendations, and review and appeal procedures that seek to influence the actions, activities and projects of cities, counties, State, regional, and other local agencies toward meeting the coequal goals. In other words, local public agencies, located within the Delta, will be required to conform their actions to the policies in the Delta Plan and to the regulatory and appeal procedures established to implement the Plan. Projects within the Delta's watershed may also be affected by the Delta Plan's policies and recommendations. The scope and extent of proposed regulatory and review authority that the DSC is considering for adoption threatens the ability of local communities to grow and prosper, takes away local decision making, and provides an appointed body with the authority to veto local land use and other decisions based upon subjective criteria. A summary of the City of Stockton's concerns is provided in a document entitled "City of Stockton Talking Points Re: 5th Draft Delta Plan" (Attachment B).

A stakeholder group of San Joaquin County public and private agencies and other interested parties with interest in the Delta has been formed to facilitate a collaborative and uniform effort to address our mutual concerns with the proposed adoption and implementation of the Delta Plan, the Program EIR, and with related Delta plans and programs, such as the Bay Delta Conservation Plan (BDCP). Presently, the stakeholder group is preliminarily known as the "San Joaquin County Delta Initiative Coalition Stakeholders" (a roster of attendees at the December 5, 2011 meeting is attached as Attachment C). The intent is to expand this group to include other affected San Joaquin County cities and interested parties with mutual concerns to improve our negotiating position with the DSC and with legislators in Sacramento and Washington, D.C.

As Chairperson of the San Joaquin County Delta Initiative Coalition Stakeholders, I respectfully request your support and adoption of this resolution and encourage your future active and collaborative participation and partnership in this critical issue of mutual concern. Should you wish to discuss this matter or require additional information, please do not hesitate to contact me.



ANN JOHNSTON
MAYOR OF STOCKTON

AJ/ML/JL/MMN:ss

Attachments

emc: Stockton City Council w/attachments
Bob Deis, City Manager w/attachments
Mayor's Delta Initiative Coalition w/attachments
San Joaquin County Board of Supervisors w/attachments
Other San Joaquin County Cities w/attachments

-- A Delta Initiative of Cities and Agencies of San Joaquin County --

RESOLUTION ON LAND USE, WATER AND OTHER DELTA RELATED ISSUES

This Resolution is effective upon passage by the CITIES, the COUNTY AND OTHER STAKEHOLDERS WITHIN SAN JOAQUIN COUNTY, which include political subdivisions of the State of California and other interested parties, both public and private, hereinafter collectively referred to as "the MEMBERS".

RECITALS

WHEREAS, the Sacramento-San Joaquin River Delta is at risk from many factors, and in addressing these threats the State is proposing large-scale changes to the Delta ecosystem, land use authority within the Delta, water conveyance through and around the Delta, water rights, statewide management and many other aspects related to the Delta; and,

WHEREAS, the CITIES, COUNTY and OTHER STAKEHOLDERS as Members believe there is value in developing an initiative on issues concerning the Sacramento-San Joaquin River Delta, its watershed and greater Bay/Delta estuary; and,

WHEREAS, the MEMBERS wish to collectively articulate the issues and interests from the perspective of the Delta region itself, from the people who call the Delta home and best understand the tremendous resource the Delta represents; and,

WHEREAS, the MEMBERS have identified a need for joint action, advocacy and mutual interests on Delta-related issues.

NOW THEREFORE, the MEMBERS adopt this Resolution for the purpose of articulating mutual interests on Delta issues. Furthermore, the MEMBERS resolve to work together to defend Delta-related interests at a regional perspective and to use their unified voice to advocate on behalf of local government in available forums at all levels. Our principles of mutual interests are as follows:

1. Recognition of the authority and responsibility given to local government related to land use, water resource development, flood management, public health and safety, economic development and sustainable growth, agricultural stability, recreation, and environmental protection.
2. Protect the economic viability of agriculture, industry, recreation and the ongoing vitality of communities throughout the Delta.
3. Represent and include local government in any new governance structures for the Delta.
4. Funding and implementation of urban and non-urban flood protection through rehabilitation, improvement and maintenance of flood control levees and structures.

5. Protection and restoration of the Delta ecosystem including adequate water supply, quality and outflow to support fisheries, wildlife and habitat in perpetuity while supporting immediate improvements to the existing Through-Delta Conveyance as part of a complete strategy for the State's water management.
6. Incorporation of sustainable approaches for improved water supply, quality and reliability through the overarching principle of regional self-sufficiency to reduce future reliance on exports from the Delta.

ADOPTED this ____ day of January, 2012 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

ATTACHMENT

III.A-C.

137 FERC ¶ 62,204
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Pacific Gas and Electric Company

Project No. P-13221-001

ORDER ISSUING SUCCESSIVE PRELIMINARY PERMIT
AND GRANTING PRIORITY TO FILE LICENSE APPLICATION

(December 2, 2011)

1. On September 1, 2011, Pacific Gas and Electric Company (PG&E) filed an application for a successive preliminary permit under section 4(f) of the Federal Power Act (FPA)¹ to study the proposed Mokelumne Pumped Storage Project No. 13221-001. The proposed project would be located on the North Fork Mokelumne River, Bear River and Cole Creek, in Amador and Calaveras Counties, California. Parts of the project would be located on U.S. Forest Service lands.

I. Project Proposal

2. The proposed project would consist of: (1) the existing Lower Bear River Reservoir, with a surface area of 746 acres, storage capacity of 49,079 acre-feet, and normal water surface elevation of 5,822 feet mean sea level (msl), as the upper reservoir, with the possibility of a dam raise to increase capacity; (2) a 16,000-foot-long power tunnel including intake structure and penstock; (3) the existing Salt Springs Reservoir, with a surface area of 960 acres, storage capacity of 141,817 acre-feet, and a normal water surface elevation of 3,959 feet msl, as the lower reservoir; (4) a powerhouse with a total installed capacity from 300-1200 megawatts; and (6) a 230 or 500 kilovolt overhead transmission. The annual electrical production would be between 396 and 1,584 gigawatt-hours.

3. Besides the proposed use of the existing Lower Bear River Reservoir as the upper reservoir, PG&E also plans to continue studying two alternatives: (1) use of the existing Upper Bear River Reservoir as the upper reservoir; or (2) a new reservoir on Cole Creek as the upper reservoir.

¹ 16 U.S.C. § 797(f) (2006).

II. Background

4. Public notice of the application was issued on September 9, 2011. Motions to intervene were filed by the U.S. Forest Service, the California Department of Fish and Game, the East Bay Municipal Utility District (EBMUD), the Amador Water Agency, the Calaveras County Water District, and the Mokelumne River Water and Power Authority.² Pacific Gas & Electric Company (PG&E) responded to EBMUD's motion.

5. EBMUD states that the district is concerned about the effect the proposed project would have on the district's existing downstream project. These concerns include quantity and timing of releases, impacts on electrical production and municipal water supply, water quality, and protection of biological resources. PG&E replied stating the company recognizes EBMUD as a key stakeholder and would consult and coordinate studies with EBMUD during the term of any permit issued, but that many of the concerns raised in the filing are premature and would apply if and when PG&E determines the proposed project is feasible.

III Discussion and Successive Permits

6. Section 4(f) of the FPA authorizes the Commission to issue preliminary permits for the purpose of enabling prospective applicants for a hydropower license to secure the data and perform the acts required by section 9 of the FPA,³ which in turn sets forth the material that must accompany an application for license. The purpose of a preliminary permit is to preserve the right of the permittee to have the first priority in applying for a license for the project that is being studied.⁴ Because a permit is issued only to allow the permittee to conduct investigations and secure necessary data to determine the feasibility of the proposed project and to prepare a license application, it grants no land-disturbing or other property rights.⁵

² Timely, unopposed motions to intervene are granted by operation of Rule 214 of the Commission's Regulations. 18 C.F.R. § 385.214 (2011).

³ 16 U.S.C. § 802 (2006).

⁴ *See, e.g., Mt. Hope Waterpower Project LLP*, 116 FERC ¶ 61,232 at P 4 (2006) ("The purpose of a preliminary permit is to encourage hydroelectric development by affording its holder priority of application (i.e., guaranteed first-to-file status) with respect to the filing of development applications for the affected site.").

⁵ Issuance of this preliminary permit is thus not a major federal action significantly affecting the quality of the human environment. A permit holder can only enter lands it does not own with the permission of the landholder, and is required to obtain whatever

(continued)

7. The comments and concerns contained in the EBMUD's filing are related to construction of the proposed project, are premature at the preliminary permit stage, and would be more appropriately addressed if and when the permittee files an application to develop the project.

8. The permittee has previously held a preliminary permit for this site under Project No. 13221-000. The Commission will grant successive permits if it concludes that the applicant has diligently pursued the requirements of its prior permit in good faith. PG&E has provided information to Commission staff demonstrating that it is making progress towards the development of its proposed project. During the term of its prior permit, PG&E pursued stakeholder outreach, evaluated the project site, refined project design, and updated project cost estimates. It is expected that during this permit term a license application will be prepared pursuant to sections 4.38 and 4.41 of the Commission's regulations.⁶

9. The Commission usually does not prescribe in great detail what a permittee must accomplish under a permit. However, a successive permit can warrant a greater standard of Commission oversight. Therefore, we will monitor the progress of the permittee's activities. If the permittee fails to make significant progress toward developing a license application, the permit may be subject to cancellation.

10. During the course of the permit, the Commission expects that the permittee will carry out pre-filing consultation and study development leading to the possible development of a license application. The pre-filing process begins with preparation of a Notice of Intent (NOI) and Pre-Application Document (PAD) pursuant to sections 5.5 and 5.6 of the Commission's regulations.⁷ The permittee must use the Integrated Licensing Process unless the Commission grants a request to use an alternative process (Alternative or Traditional Licensing Process). Such a request must accompany the NOI and PAD and set forth specific information justifying the request.⁸ Should the permittee file a development application, notice of the application will be published, and interested

environmental permits federal, state, and local authorities may require before conducting any studies. *See, e.g., Three Mile Falls Hydro, LLC*, 102 FERC ¶ 61,301 at P 6 (2003); *see also Town of Summersville, W.Va. v. FERC*, 780 F.2d 1034 (D.C. Cir. 1986) (discussing the nature of preliminary permits).

⁶ 18 C.F.R. §§ 4.38 and 4.41 (2011).

⁷ 18 C.F.R. §§ 5.5 and 5.6 (2011).

⁸ *See* 18 C.F.R. § 5.3 (2011).

persons and agencies will have an opportunity to intervene and to present their views concerning the project and the effects of its construction and operation.

11. Article 4 of this permit requires the permittee to submit a progress report no later than the last day of each six-month period from the effective date of this permit. A progress report must describe the nature and timing of what the permittee has done under the pre-filing requirements of section 4.38 and Part 5 of the Commission's regulations for the specific reporting period. A permit may be cancelled if a permittee fails to file a timely progress report or if the report does not demonstrate that progress is being made by the permittee. The late filing of a report or the supplementation of an earlier report in response to a notice of probable cancellation will not necessarily excuse the failure to comply with the requirements of this article.

12. A preliminary permit is not transferable. The named permittee is the only party entitled to the priority of the application for license afforded by this preliminary permit. In order to invoke permit-based priority in any subsequent licensing competition, the named permittee must file an application for license as the sole applicant, thereby evidencing its intent to be the sole licensee and to hold all proprietary rights necessary to construct, operate, and maintain the proposed project. Should any other parties intend to hold during the term of any license issued any of these proprietary rights necessary for project purposes, they must be included as joint applicants in any application for license filed. In such an instance, where parties other than the permittee are added as joint applicants for license, the joint application will not be eligible for any permit-based priority.⁹

The Director orders:

(A) A preliminary permit is issued to Pacific gas and Electric Company, for Project No. 13221-001, for a period effective the first day of the month in which this permit is issued and ending either 36 months from the effective date or on the date that a development application submitted by the permittee has been accepted for filing, whichever occurs first.

(B) This preliminary permit is subject to the terms and conditions of Part I of the Federal Power Act and related regulations. The permit is also subject to Articles 1 through 4, set forth in the attached standard form P-1.

(C) This order is issued under authority delegated to the Director and constitutes final agency action. Any party may file a request for rehearing of this order within 30 days of the date of its issuance, as provided in section 313(a) of the Federal Power Act,

⁹ See *City of Fayetteville*, 16 FERC ¶ 61,209 (1981).

16 U.S.C. § 825*l* (2006), and section 385.713 of the Commission's regulations, 18 C.F.R. § 385.713 (2010).

Timothy J. Welch, Chief
West Branch
Division of Hydropower Licensing

Form P-1 (Revised April 2011)**FEDERAL ENERGY REGULATORY COMMISSION****TERMS AND CONDITIONS OF
PRELIMINARY PERMIT**

Article 1. The purpose of the permit is to maintain priority of application for a license during the term of the permit while the permittee conducts investigations and secures data necessary to determine the feasibility of the proposed project and, if the project is found to be feasible, prepares an acceptable application for license. In the course of whatever field studies the permittee undertakes, the permittee shall at all times exercise appropriate measures to prevent irreparable damage to the environment of the proposed project. This permit does not authorize the permittee to conduct any ground-disturbing activities or grant a right of entry onto any lands. The permittee must obtain any necessary authorizations and comply with any applicable laws and regulations to conduct any field studies.

Article 2. The permit is not transferable and may, after notice and opportunity for hearing, be canceled by order of the Commission upon failure of the permittee to prosecute diligently the activities for which a permit is issued, or for any other good cause shown.

Article 3. The priority granted under the permit shall be lost if the permit is canceled pursuant to Article 2 of this permit, or if the permittee fails, on or before the expiration date of the permit, to file with the Commission an application for license for the proposed project in conformity with the Commission's rules and regulations then in effect.

Article 4. No later than the last day of each six-month period from the effective date of this permit, the permittee shall file a progress report. Each progress report must describe, for that reporting period, the nature and timing of what the permittee has done under the pre-filing requirements of 18 C.F.R. sections 4.38 and 5.1-5.31 and other applicable regulations; and, where studies require access to and use of land not owned by the permittee, the status of the permittee's efforts to obtain permission to access and use the land. Progress reports may be filed electronically via the Internet, and the Commission strongly encourages e-filing. Instructions for e-filing are on the Commission's website at <http://www.ferc.gov/docs-filing/efiling.asp>. To paper-file instead, mail four copies of the progress report to the Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426.

Sides agree on specific Delta plan

By *Alex Breitler*

Stockton Record Staff Writer

December 10, 2011 12:00 AM

Leaders up and down the fragmented San Joaquin Valley have reached a new accord on water and the Delta, in a carefully worded resolution that leaves out any mention of a possible peripheral canal or tunnel.

Members of the California Partnership for the San Joaquin Valley approved language Friday stressing the importance of sending enough water through the Delta to protect fish and wildlife, finding ways to reduce the state's reliance on the estuary and recognizing the authority of local governments, among other things.

In addition to the eight counties in the Valley, all five Delta counties - San Joaquin falls into both geographic groups - have endorsed the resolution.

"The key in my mind is we have 12 counties from two diverse viewpoints who are working together and in a collegial manner to try to improve the water situation for everybody concerned," said Kern County Supervisor Ray Watson.

"I think that's a milestone in itself."

When it comes to water, the Valley is like a miniature version of California. We've got water in the north, and they need it in the south. Opinions differ about the merits or perils of a canal/tunnel.

Regardless, the Valley as a whole can still find things to agree on, Watson said.

"We have much more in common I believe than we do in areas of disagreement," Watson said.

"We want to make sure we move forward on everything we can possibly do together."

Thornier issues like the canal can be discussed once the state has actually made a proposal, he said.

The partnership was formed by executive order in 2005, with the goal of giving the oft-overlooked Valley a greater voice in any number of issues.

Two years ago, the partnership reached agreement on a broad water framework. This new resolution focuses more specifically on the Delta.

Common beliefs

Here are some principles the Valley can agree on when it comes to water:

- A more open and fair process in development of the Bay Delta Conservation Plan (peripheral canal or tunnel).

- Recognition of the authority of local governments to make decisions about land use, water resources, flood management and other matters.
- Regional water planning and self-reliance, including reduced reliance on the Delta for water, as required by state law.
- Protection and restoration of the Delta ecosystem, including enough flow to support fish and wildlife.
- Improving how water is currently conveyed through the Delta.
- Funding and implementation of flood-protection and water-storage programs in the Delta and its watersheds, and improvement of flood-control levees.

Contact reporter Alex Breitler at (209) 546-8295 or abreitler@recordnet.com. Visit his blog at recordnet.com/breitlerblog.

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Volume 89 Issue 35 | August 29, 2011 | pp. 34-35 | Stories

Using Bacteria To Clean Water

Utilities are starting to take advantage of naturally occurring microbes to rid drinking water of nitrate, perchlorate

By Jyllian Kemsley

0 0

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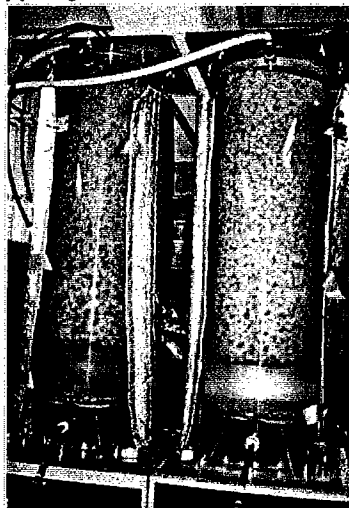
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[+]Enlarge



Pilot Plant
Silverstein tested bioreactors using porous plastic media in the late 1980s.
Credit: JoAnn Silverstein/U of Colorado

As water passes through soil, natural populations of bacteria help cleanse the liquid of contaminants such as nitrate, perchlorate, and chlorinated organic compounds. Now, two water utilities in California are capturing those bacteria, allowing them to create biofilms in reactors, and using the biofilms to purify water in a concentrated, controlled manner in drinking water treatment plants.

The approach is commonly known as biodegradation, although the bacteria can break down compounds other than nitrate. European water agencies have used biological purification for years to treat drinking water, as have U.S. utilities to treat wastewater. U.S. agencies have been reluctant to use it for drinking water, however, because they tend to be conservative and have been more comfortable using chemical or physical methods, in particular ion exchange or reverse osmosis, to remove contaminants, says Jack Safely, director of water resources at Southern California's Western Municipal Water District, which is headquartered in Riverside.

But ion-exchange and reverse-osmosis systems consume a lot of energy. They also yield brine waste streams that can be expensive to discard, says Todd S. Webster, **Envirogen Technologies'** vice president for the western region. Perchlorate is particularly tricky, he adds, because it is difficult to cost-effectively regenerate perchlorate-contaminated resin on-site.

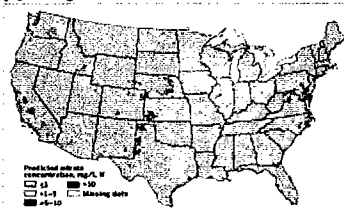
Meanwhile, water treatment systems are having a harder time meeting state and federal drinking water standards. Data from the **Environmental Protection Agency**, for example, show increasing reports of drinking water exceeding the nitrate maximum contaminant level of 10 mg/L N (44 mg/L NO₃⁻) from 1998 to 2008. Nitrate in drinking water can cause oxygen deprivation in infants and is associated with several cancers. The agency is currently working on setting new limits for perchlorate and several organic compounds such as trichloroethylene and perchloroethylene in drinking water (C&EN, Feb. 7, page 6).

Biological water purification holds the promise of targeting many of these contaminants in one reactor, without generating costly waste streams.

The basic structure of bacteria-based treatment systems is that a reactor is set up with some sort of media on which the bacteria can grow. Bacteria that naturally populate the water are then allowed to grow in the reactor. With a little help from some added phosphate and an electron donor—commonly acetic acid, although alcohols, sugars, or H₂ also work—the bacteria can then break down compounds they come across in the water.

After the water passes through the biological treatment reactor, it's filtered ("polished") and chlorinated as usual for disinfection. Although studies show that the bacteria are typically nonpathogenic, Safely says, utilities still need to kill any

[+]Enlarge



Groundwater Nitrate Concentration
U.S. Geological Survey model of groundwater contamination, based on National Water-Quality Assessment data from 1991 to 2003 (*Environ. Sci. Technol.*, DOI: 10.1021/es060911u). Because groundwater quality changes slowly, the analysis is still considered to be accurate. SOURCE: USGS

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Credit: USGS | microorganisms that might escape the reactor before the water can be delivered to consumers. Crucially, the treatment process produces no brine or other waste:

Nitrate, for example, gets reduced to N_2 and H_2O , whereas perchlorate is transformed to Cl^- and O_2 .

A group called Nitrate Removal Technologies constructed one biodenitrification plant for drinking water in Coyle, Okla., in the 1990s, says JoAnn Silverstein, a professor of environmental engineering at the University of Colorado, Boulder, who was involved in the project. The Coyle system, based on pilot facilities Silverstein tested in Colorado, was developed to remove nitrate from rural community well water contaminated by fertilizer or animal waste. Bacteria in the system were grown on a porous plastic medium in a fixed-bed reactor that the water flowed through.

Coyle, which had a population of about 300, used the plant successfully for a couple of years, Silverstein tells C&EN, noting that the system was "cost-effective, but not free." Consequently, when the town found a new, deeper water supply with lower nitrate levels, it started using that and shut down the treatment plant.

Biological purification of drinking water then largely dropped out of notice until the mid-2000s, Silverstein says, when larger communities started to have serious problems with nitrate and other biodegradable contaminants. Now, Western Municipal and another California utility, West Valley Water District, are developing full-scale plants to target nitrate and perchlorate.

Western Municipal piloted a fixed-bed bioreactor using granular activated carbon media and plans to construct a full-scale system. The fixed-bed design promotes specialization of bacteria in different parts of the bed, says Jess Brown, director of R&D at Carollo Engineers, which is designing Western Municipal's system. "Most bacteria will take oxygen first as an electron acceptor, then nitrate, then perchlorate, and then various organic compounds," Brown says. In the bioreactor, the bacteria at the start of the bed will get the nitrate, while colonies farther down will take on harder-to-reduce compounds.

In its pilot bioreactor, Western Municipal treated water containing nitrate at levels of about 70 mg/L N. The system removed nitrate down to less than 10 mg/L N in regular operation. The water also contained 6 $\mu\text{g/L}$ perchlorate, which the bioreactor reduced to less than the limit of detection of 4 $\mu\text{g/L}$. And the microbial treatment reduced dibromochloropropane, an agricultural pesticide used in the area, from 0.025 $\mu\text{g/L}$ to less than 0.010 $\mu\text{g/L}$.

"The good thing about this process is that you get multiple contaminants in one treatment, as opposed to some of the ion-exchange processes that really target one constituent more than another," Safely says. He estimates that the cost of operating the biological treatment plant is about the same as for ion exchange, without considering waste treatment necessitated by the ion-exchange process. Western Municipal has secured money from EPA to design a large-scale plant to treat 2 million gal/day; Safely estimates that the plant will ultimately cost about \$11 million. The utility delivers about 90 million gal/day to its customers.

Separately, the city of Rialto, Calif., piloted both Carollo's fixed-bed reactor and a fluidized-bed reactor made by Envirogen. In a fluidized-bed reactor, water is pushed up through the reactor vessel to suspend the media. The bacteria still stratify as in a packed bed, but the system doesn't need a periodic backwashing step, which is necessary for fixed-bed reactors, Envirogen's Webster says.

In the Rialto tests, the pilot reactors purified water that had perchlorate levels of around 50 $\mu\text{g/L}$; California's maximum permitted level for that contaminant is 6 $\mu\text{g/L}$. Both bioreactors reduced perchlorate to nondetectable levels.

On the basis of the Rialto results, Envirogen and West Valley Water District, which serves part of the city, secured \$16 million from the California Department of Public Health, the State Water Resources Control Board, and the U.S. Department of Defense to build a full-scale system. Construction started in April on a plant to treat 3 million gal/day. West Valley delivers about 17.5 million gal/day to its customers.

After the plant is completed next summer, it will take about 3 to 9 months to go through various testing protocols for the Department of Public Health, says Tom Crowley, West Valley's assistant general manager. West Valley hopes to have the final permit and be able to start delivering water treated by the plant to customers by the beginning of 2013.

Crowley believes that bioreactors will be a key part of water management in the future. West Valley and Western Municipal are among many water agencies having to look at bringing contaminated wells into service to meet local water demand. And with the desire to tap such sources comes the need to consider new, cost-effective ways to purify the water they contain.

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