

**REPORT FOR THE MEETING OF
THE ADVISORY WATER COMMISSION OF THE SAN JOAQUIN COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT
February 18, 2009**

The regular meeting of the Advisory Water Commission of the San Joaquin County Flood Control and Water Conservation District was held on Wednesday, January 21, 2009, beginning at 1:00 p.m., at Public Health Services, 1601 E. Hazelton Avenue, Stockton, California.

Roll Call

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

Approval of Minutes for the Meeting(s) of January 21, 2009.

Motion carried unanimously to approve the minutes of Jan. 21, 2009 with correction to Discussion Item II. B on page 3 to read as follows: Colonel Chapman. (Edwards/Gilmore).

Public Comment (Non-Agenda Items)

None.

SCHEDULED ITEMS

I. Discussion Items:

A. Presentation on Delta Protection Commission Draft Management Plan Update

Ms. Linda Fiack, Executive Director of the Delta Protection Commission provided information on the Management Plan Update process which includes policy guidance on issues concerning the Delta. Ms. Fiack briefly discussed the policies that are being reviewed and utilized within the County General Plan and City General Plan. The Delta Protection Act was enacted in 1992 to protect the Primary Zone of the Delta for agriculture, wildlife habitat, and recreational uses. The Commission is directed to prepare a management plan for land uses within the Primary Zone of the Delta. In 1995, the Commission prepared a management plan and was formerly adopted in county and city general plans. The Commission adopted the Strategic Plan in 2006 and strongly supports agriculture as a priority. Some of the policies adopted in 1995 prevented development in the Primary Zone; it is becoming a concern that some of these policies are inhibiting agricultural practices. One example is the current policy where no new wastewater treatment facilities are planned within the Primary Zone. Agricultural is transitioning where there is becoming a need for some type of wastewater facilities that don't support development.

In March, an advisory committee was formed to represent the four regions of the Delta (north, south, east and west) with various interests. Several public workshops have been held to collect input for the revisions of the policy language. Comments from Solano and Yolo counties along with comments from Dante Nomellini were incorporated in the current policy revision document. The water policies for conveyance options being considered by the state are critical. The state recognizes the significance of the Delta waterways serving as a primary transportation system.

Ms. Fiack reviewed policies regarding funding assistance for small urban communities of the Delta with the 200-year levee standards. Policy-6 deals with stockpiling rock in the Delta for emergency response. Policy-7 supports a multi-year funding commitment to restore non-project levees and levees outside the State Plan of Flood Control. Land use policies that are important are the agricultural buffer areas. Policy-6 allows water reservoirs that are consistent with the goals of this Plan. Policy-7 is also important relating to new structures and the set back from levees. The next advisory committee meeting will be on March 5 where it will be determined to incorporate any of the changes from the last two workshops. A commission meeting will be held in West Sacramento on

March 26. The Commission will approve final decisions to policies and varied options to policies, and plans to adopt the new plan by July 2009.

B. Discussion on Drought Impact Forecast and Conservation Measures – Mel Lytle

Dr. Lytle presented information regarding current drought conditions. The Governor declared a drought in June 2008 due to dry spring conditions and two years of below average rainfall. This drought declaration was also catalyzed by the largest court-ordered water transfer restrictions in state history. Communities are being forced to ration, there is greater potential for extreme fire hazards, and potential economic harm to agriculture and urban users. Current statewide conditions of reservoirs in the south are slightly higher than reservoirs in the north. There has been significant snowfall recently; statewide snow water content is 56-59% of normal. Precipitation from the northern sierras is at 23.5 inches which is below 2007-08 level. San Joaquin County precipitation levels are tracking about the same as last year.

Facilitating water transfers and various delta projects are being discussed. One project would install temporary barriers with gates at Holland, Bacon, and Mandeville islands. This would hopefully bring additional water into the South Delta and improve water quality during drought conditions, and contribute to fish movement. There have also been discussions for improvements along Franks Tracts, Middle River, and Three Mile Slough.

Dr. Lytle summed up current local conditions of reservoir storage. New Melones is approximately 50% full; New Hogan Reservoir has improved slightly at 30% full, but looking for additional supply. Pardee and Camanche reservoirs are increasing due to precipitation. Groundwater conditions are of significant concern while moving into the irrigation season with well elevations as low as levels in the year 1992.

Dr. Lytle predicts that La Niña conditions will persist through the spring. The impacts of La Niña for the Southwest including California are below average precipitation. Below average precipitation for the Southwest is accentuated by the Pacific Decadal Oscillation (PDO) which as of last year shifted to a cold phase. This PDO combined with the Atlantic Multi-Decadal Oscillation (+AMO) accentuates the potential for drought in California, this is important because shifts like these can influence changes in our weather patterns for decades.

Dr. Lytle announced there is a package to be presented to the BOS regarding drought issues and conditions with possibly a drought declaration. Currently, it is important to look at revising and improving San Joaquin County's conservation program. Finally, efforts need to be continued that support each other's conjunctive use projects within the county, ultimately projects need to be in place that will provide new water supplies. Conservation and recycling can't do it all.

C. Update on 5-Delta Counties Coalition and BDCP Activities – Tom Flinn, Terry Dermody

Mr. Tom Flinn, Public Works Director stated the Delta Protection Commission will make a presentation to the Board of Supervisors in the near future. The Five-Delta Counties Coalition continues to meet with Secretary Chrisman and the Five-Delta Counties regarding governance. Secretary Chrisman recommends a committee that oversees the development of the Delta Plan. The Board of Supervisors stated the majority of representation on the committee should consist of local agencies and interests. The BOS also recommended that the committee be consistent with the Delta Protection Commission's governing body and be restructured to contain members of the BOS from all five counties and the three delta water agencies (north, central and south). The struggle with the State is who will control the Delta Plan, export interest or locals. Five-Delta Counties continue to meet over legislation regarding the Delta and potential bond measures regarding water supply.

Mr. Terry Dermody, County Special Water Counsel, stated the BDCP (habitat conservation plan) process is progressing rapidly to create a draft plan to be made available to the public before the legislature imposes their position which may not be a solution in favor of the BDCP. The draft BDCP will describe the Peripheral Canal as a conservation measure. The notice of intent to start the EIR/EIS process has been published. Contractors want assurance that once they begin funding for construction, the Feds will not cancel the permits. The BDCP states they have not committed to an isolated facility, but maps state otherwise.

Legislature has started meetings with the governance work group regarding SB 12 (Simitian) which will include the Delta Vision product. This process is the same as the BDCP process and details of the bill will have to be determined. Senator Wolk wants to see specific language for this bill; her position regarding the Peripheral Canal remains unclear.

D. Discussion on Draft Flood Protection White Paper and SJAFCA Activities – Mark Connelly

Mr. Mark Connelly, County Flood Management Division, reported that US Army Corp of Engineers Colonel Chapman's visit was very successful. County representatives briefed Colonel Chapman regarding local efforts towards flood protection and water supply. Sites visited include Paradise Cut, RD-17, Smith Canal, Lower Calaveras River, and Bear Creek.

Mr. Connelly shared the Draft Policy Guidance Document on Flood Protection Issues in San Joaquin County. The Draft was prepared in cooperation with the Flood Protection Technical Advisory Committee (TAC). A final version will be brought before the Commission before being submitted to the Board of Supervisors for adoption.

FEMA has distributed new preliminary Digital Flood Insurance Rate Maps (DFIRMs) and Best Available Data/Best Available Mapping (BAD/BAM). The Department of Water Resources has released a third set of maps called the Levee Flood Protection Zone (LFPZ) maps which was also mandated by the legislature. Mr. Connelly passed out copies of County comments regarding the LFPZ maps. The comments suggested that DWR use design limits within the established factors of risk associated with each levee, rather than a "top of the levee" approach. This more accurately portrays the flood risk. Another recommendation is to include non-project levees on the maps. Apparently, State law requires the use of only project levees; Mr. Connelly states it is a disservice to the public to not include non-project levees as often a combination of Project and Non-Projects levees protect entire communities such as the case in the City of Stockton. Alternate John Holbrook asked who plans the 100-year urban flood protection plan. Mr. Connelly stated that FEMA requires a 100-year protection which is reflected in the digital flood insurance rate maps. The legislature has mandated that urban communities adopt a 200-year flood protection plan by the year 2025.

Mr. Connelly also updated the AWC on the encroachment and maintenance deficiencies along Bear Creek west of I-5; survey data has been collected and is being prepared. There are eight permit applications to be reviewed by the Central Valley Flood Protection Board. Along the Calaveras River west of I-5, the survey has begun. There have been 18 permits received of the 32 required.

Mr. Connelly stated on behalf of Roger Churchwell of SJAFCA, a bilateral feasibility cost share agreement between SJAFCA and the US Army Corp will be signed on February 19th, 2009.

II. Action Items:

A. Discussion and Possible Action on Consolidation of Stockton East Water District and Central San Joaquin Water Conservation District

Commissioner Reid Roberts stated it was premature to take any action regarding the consolidation of Stockton East Water District and Central San Joaquin Water Conservation District due to current negotiations. Commissioner Roberts recounted past history stating that in 1983, both CSJWCD and SEWD signed contracts for water supply from New Melones Reservoir; there was no conveyance facility to bring water to our area. Then, CSJWCD was given a number of years to develop or build a conveyance facility. For several years both districts worked with the Bureau of Reclamation to obtain public law financing to construct a tunnel in the canal system. This construction did not take place. In the late 1980's, SEWD was able to work out a financing plan with the City of Stockton and a variety of contractors who supported the plan which allowed SEWD to move forward and build the tunnel. CSJWCD who was involved in the loan program with the

Bureau of Reclamation (BOR) was able to negotiate a wheeling agreement. By the time water was made available in 1995, the Bureau of Reclamation did not honor the contract stating the amount of water contracted for was not available. The Bureau unilaterally imposed the Interim Plan of Operations which was supposed to be two years, but has now been in effect for 13 years. Another issue was the cost of water; the water was originally priced at \$3.50 and the contract with SEWD was approximately \$11.00 per acre foot. In 1992, the Bureau raised their rates to \$17.00 per acre foot. CSJWCD has not paid its share of costs associated with the New Melones Conveyance System. The City of Stockton sued CSJWCD for the outstanding amount. SEWD believes it would be beneficial to consolidate and determine a financing plan which would resolve the debt service and establish a rate structure in place of filing court claims. Other key players in this agreement are Cal Water, the City of Stockton, and San Joaquin County. An MOU has been executed by both SEWD and CSJWCD which states that the two agencies will further discuss the details of a merger. Commissioner Roberts stated CSJWCD met with Assembly Member Galgiani who stated a spot bill was opened for support of both districts. One of the purposes of this bill is to address water rates.

Dr. Lytle stated a copy of the spot bill dated January 26, 2009 is included in packet. This bill would include legislation to address rates. Commissioner Gilmore stated he does not understand what involvement the Commission has with this consolidation. Dr. Lytle stated that the item was a follow-up from last month's agenda where Jeanne Zolezzi was able to present information for SEWD. Commissioner Roberts was unable to attend that meeting; this agenda item was repeated to offer Commissioner Roberts a chance to present his information before the Commission for the potential of further action.

No action to be taken at this time, moved to table item, Alternate Holbrook moved, Commissioner Gilmore seconded, unanimous approval with one abstained position by Commissioner Roberts.

B. Discussion and Possible Action on Proposed Urgency Petition by Department of Water Resources and the U.S. Bureau of Reclamation – Mel Lytle

Dr. Lytle presented pending action by the State Water Board. A hearing was held regarding an urgency petition change of standard by the Department of Water Resources (DWR) and Bureau of Reclamation (BOR) regarding permits for the X2 water quality objective (measure of salt water in the Bay-Delta Estuary). Typically, the water is managed in this area by releasing water and moving water through the Delta at a certain rate that sustains this boundary. This hearing was held do to permit violation on behalf of DWR and the BOR. In January they sent a letter to the State Water Board stating they were violating their standard permit conditions at X2 due to very low water flows in the Delta. Delta agencies and San Joaquin County participated in the hearing as well as DWR and BOR. The motion was to dismiss the action; the hearing would continue. The outcome is unknown at this time.

III. Communications:

- A. Announcement for Restore the Delta's "The People's Vision for the Delta" Symposium*
- B. Fresno Bee Article – Fresno Water Debate Settles Little*

Public Comment: Jane Wagner-Tyrick announced the symposium on February 28, 2009 (III. Communication A).

Possible Future Agenda Items: None

Adjournment: 3:30 pm

Next Regular Meeting: March 18, 2009, 1:00 p.m.

CM

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