



SAN JOAQUIN COUNTY

# FLOOD CONTROL & WATER CONSERVATION DISTRICT

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KRIS BALAJI  
DIRECTOR OF PUBLIC WORKS

## ADVISORY WATER COMMISSION

**December 21, 2016, 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, 2016

#### SCHEDULED ITEMS

##### **I. Discussion Items:**

- A. Update and Discussion on the Proposed Changes to the Water Quality Control Plan for the Bay Delta Estuary: San Joaquin River Flows and Southern Delta Salinity Objectives (See Attached) – Brandon Nakagawa
- B. Update on SGMA Activities (See Attached) – Brandon Nakagawa

##### **II. Communications (See Attached):**

- A. December 2016, Stanford Water in the West, “To Consolidate or Coordinate? Forming California Groundwater Sustainability Agencies”
- B. December 14, 2016, Recordnet.com, “Guest View: Tell Water Resources Board No on Increased River Flow Proposal”
- C. December 15, 2016, Latimes.com, “Capital Journal-Everyone is at Odds Over Gov. Brown’s Delta Tunnels Plan – Here’s a Compromise that Could Stop the Fighting”

#### **Public Comment:**

#### **Next Regular Meeting:**

**January 18, 2017, 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) 468-3089 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, 2016**

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, 2016, beginning at 1:00 p.m., at Public Health Services, 1601 E. Hazelton Avenue, Stockton, California.

**Roll Call**

Present were Commissioners Nomellini, Swimley, Alternate Houghton, Commissioners Sharma, Flinn, Winn, Herrick, Alternate Heberle, Commissioners Salazar Jr., Hartmann, Meyers, Neudeck, Alternate Henneberry-Schermesser, Secretary Nakagawa, and Chairman McGurk.

Others present are listed on the Attendance Sheet. The Commission had a quorum.

**Approval of Minutes for the Meeting of August 17, 2016.**

Motion and second to approve the minutes of August 17, 2016 (Neudeck/Swimley). Unanimously approved.

**SCHEDULED ITEMS**

Tom McGurk, Chairman of the Advisory Water Commission (AWC), led the agenda.

**I. Discussion Items:**

**A. Update of 2016 Drought Condition – Michael Cockrell**

Mr. Michael Cockrell, San Joaquin County Office of Emergency Services, gave an update on the status of the drought, weather predictions, and drought impacts in San Joaquin County communities. The Water Year 2015-16 Final Precipitation Report showed Stockton at 16.68" annual precipitation total (119% of normal), and the Central Sierra at 40.0" annual precipitation total (101% of normal), which means there has not been enough precipitation to significantly improve drought conditions. Ideal totals would measure at 150% of normal.

Dry well status shows less dry wells in San Joaquin County and a speedier turnaround for issuing permits and/or finding resolutions for outstanding issues. Term 91 Curtailment was lifted October 14, 2016 as water quality levels rose in the Delta, thus allowing permit holders to divert.

Climate Prediction Center (CPC), as of October 13, 2016, forecasts a weak or neutral La Niña, with 90% less precipitation for the Stockton area. The Central Sierra is currently predicted to be at 60% below normal. Currently, El Niño Southern Oscillation (ENSO) conditions are in a neutral status with a 70% chance that La Niña will develop this fall and carry through to spring 2017, resulting in a drier weather pattern for us.

The 3-month weather pattern predicted for the Stockton area in December/January/February is warmer temperatures and a slightly drier precipitation outlook. With warmer winters, daytime temperatures are higher and nighttime temperatures freeze, resulting in slight snow melt. The

concern is this will not create the heavy water flow needed to push water down into the groundwater and into the reservoirs.

The State Water Resources Control Board (SWRCB) reported water conservation declined to 21.5% in June 2016. Concerns are reflective of trending lower conservation efforts with “gallons per person” levels rising in almost every community. The SWRCB is discussing re-establishing mandatory water conservation standards.

In conclusion:

- The drought continues and San Joaquin County is still under the Proclamation of the Local Emergency for Drought;
- La Niña is trending to establish into a neutral status for the winter;
- New water conservation strategies are being monitored by the State Water Board;
- Central and Southern California water storage remains at low levels;
- Delta curtailments have been lifted temporarily. Scott River curtailments are still enforced; and,
- Dry well reports are starting to dissipate.

Mr. Cockrell concluded his report and discussion was opened.

**B. Discussion and Potential Impacts of State Water Resources Control Board’s (SWRCB) 2016 Draft Revised Substitute Environmental Document (SED) in Support of Potential Changes to the Water Quality Control for the Bay Delta: San Joaquin River Flows and Southern Delta Water Quality – Various**

Mr. Fritz Buchman, Deputy Director Public Works, introduced Mr. Les Grober, Deputy Director of Water Rights, State Water Resources Control Board, who will be giving a presentation on the eastern tributaries Substitute Environmental Document (SED) and salinity standards in the South Delta. Mr. Grober stated he will be providing an overview of the SED, and the proposals released in September regarding the San Joaquin River flow factors for the protection of fish and wildlife, as well as the revision of southern Delta salinity factors for the protection of agriculture in the South Delta.

**Presentation by Mr. Grober:**

Mr. Grober presented a general map of the areas within the San Joaquin Tributaries affected by the proposal: the Merced, Tuolumne, and Stanislaus Rivers, and the Southern Delta. A detailed map was also displayed to identify the plan area, project area, entire watershed, and principle districts affected, which included the water supply for the irrigation districts on the east side of the river, and South Delta Water Agency (SDWA) in terms of southern Delta salinity.

The four key points for the proposal are:

1. Current Plan is out of Date:
  - The plan being updated is the Water Quality Control Plan (WQCP) of the Sacramento-San Joaquin River Delta Estuary. The plan was last updated in 1995 and lists objectives for various uses of the Delta pertaining to fish and wildlife, as well as municipal, industrial and agricultural uses.

- Species have been declining. The three tributaries in the San Joaquin River have the lowest returns and lowest populations in the Sacramento-San Joaquin River water system.
  - The Endangered Species Act is increasing water restrictions. This particularly affects operations on the Delta and Stanislaus River.
  - The California Water Action Plan directed the SWRCB to update the current plan to achieve co-equal goals in the Delta. This is being done in two phases.
2. Why Focus on Flow?
- Flow is a major factor in the survival of the salmon and there have been dramatic changes in the available flow. Flow is integral in providing habitat for the life stages and temperatures necessary for the survival of the salmon. It also affects native and non-native species, other ecological factors, and pulse flows assist in the migration of smolt.
  - The SWRCB has limited authority to require non-flow measures (i.e. gravel augmentation).
3. This is Hard, Requires Balancing:
- The SWRCB recognizes its responsibility to establish balance. “Unimpaired flow” is defined as the total quantity of water that comes down from the watershed. A 2010 Flow Criteria Report stated 60% of unimpaired flow would be required in the Lower San Joaquin River (LSJR) for the benefit of fish, but did not include usage for irrigation, municipal supply or hydropower. Current uses rely up to 80% of the unimpaired flow. Flows in the Tuolumne can measure less than 10% in the Feb-June period.
  - The SWRCB proposes a 30-50% increase of unimpaired flow, with a starting point of 40%. This high range increase will leave a “cushion” for uncertainty, climate changes, and provide breathing room for optimal use of the water. Environmental and commercial fishing interests recommend a 60% increase.
4. Settlements are Encouraged:
- The SWRCB and the California Natural Resource Agency have been reaching out to the affected areas and encouraging settlements. The proposal includes “adaptive implementation” and is designed to accommodate different flows to achieve the goals of fishery protection.

The objectives of the plan and water supply effects are two-fold including:

1. LSJR Flow Objective:  
Current Standing – One compliance location at LSJR at Vernalis (inflow to Delta), minimum monthly average flow rates, pulse flow during 31-day period in April and May each year, and U.S. Bureau of Reclamation (USBR) is the only water right holder (junior) with water flows from the Stanislaus.
- Proposed LSJR Flow Objectives (applies to the Stanislaus, Tuolumne, and Merced Rivers) – Maintain conditions in the San Joaquin watershed to the Delta at Vernalis, and

maintain natural production of viable native San Joaquin River fish populations migrating through the Delta.

Adaptive Implementation – Increase flows within the 30-50% range, adjustments within the Feb-June period, and flow shifting to avoid temperature impacts in the fall. The implementing entity would be the Stanislaus, Tuolumne, and Merced (STM) Working Group who would be planning, monitoring and reporting to achieve the biological goals.

2. Southern Delta Salinity Objective:

Current Standing – Is a seasonably variable objective(s): April through August – 0.7 millimhos per centimeter (mmhos/cm) Electrical Conductivity (EC) based on the growing season of beans; and, September through March – 1.0 mmhos/cm EC based on the growing season of alfalfa during seedling stage. The four salinity compliance stations within the Delta include SJR at Vernalis, SJR at Brandt Bridge, Old River at Middle River, and Old River at Tracy Road Bridge.

Proposed Southern Delta Salinity Objectives – Increase year round objectives to 1.0 deciSemens per meter (dS/m) EC. Maintain three salinity compliance locations at SJR from Vernalis to Brandt Bridge, Middle River from Old River to Victoria Canal, and Old River/Grant Line Canal from Head of Old River to West Canal.

Continue conditions in the USBR and the Department of Water Resources (DWR) water rights:

- USBR – 0.7 EC at Vernalis April – Aug; 1.0 EC Sept – March
- DWR & USBR – 1.0 EC year round in interior Delta locations
- DWR & USBR – Continued operation of agricultural barriers or other measures to address impacts of SWP/CVP operations on water levels and flow conditions

Other requirements:

- Comprehensive Operations Plan – Information, actions, performance goals to address State Water Project (SWP) / Central Valley Project (CVP) export operations on water levels and flow conditions affecting salinity
- Monitoring
- Study of water levels, flows, and salinity conditions

The proposal is reflective of current conditions. The SWRCB recognizes that it has not be able to meet salinity standards.

Instream Flows Under the Flow Proposal:

The 40% unimpaired flow proposal would increase the average annual instream flow by 26% or 288,000 AF for February – June. Ecosystem benefits include attainment of temperature, and increase of floodplain inundation leading to greater survival and resiliency in native fish.

Impacts of Flow Proposal:

The surface water supply impacts of the 40% proposal are a 14% reduction of water in the entire plan area which includes 2 million AF of all-year types of water diverted in a single year. These reductions will be largest in the dry-to-critically dry years. The water supply impact to the Stanislaus River shows 7% reduction in below normal years, 42% reduction in critically dry years. The Tuolumne River shows 14% reduction in below normal years, 38% reduction in critically dry years. The Merced River shows 21% reduction in below normal years, 35% reduction in critically dry years.

Mr. Grober summarized the impacts of the 40% flow proposal would be a 14% (293 total AF) reduction in water available for surface water diversion, and could increase groundwater pumping by an average of 105,000 AF per year and unmet agricultural water demand by 69 total AF per year (using 2014 baseline GW pumping levels) or to 137 total AF per year (using 2009 baseline GW pumping levels). Mr. Grober stated the proposal may increase groundwater reliance, which could impact compliance with SGMA. The average annual reduction of economic output will be 2.5%, or \$64 million a year based on the annual average agricultural economic sector output of \$2.6 billion.

A timeline for the next steps will be:

- Public hearings in Sacramento, Stockton, Merced, and Modesto held from November through January. The public meeting in the Stockton area is scheduled for December 16, 2016 – 9 A.M., Stockton Memorial Civic Auditorium – Main Hall, 525 N. Center Street
- Technical workshops will be held in December (dates TBD)
- Public comments on the WQCP Update and SED must be sent no later than 12:00 noon on January 17, 2017 to: [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov) with “Comment Letter – 2016 Bay-Delta Plan Amendment & SED” in the subject line
- Revised SED & Plan released in May 2017
- Board meeting to adopt Final SED & Plan in July 2017

Mr. Grober concluded his presentation and discussion was opened.

Chairman McGurk inquired on the reason for switching units in the presentation from millimhos per centimeter EC to deciSemens per meter EC. Mr. Grober responded the system is shifting into the standardized SI units. The units are different but the amounts are equivalent.

**Presentation by Commissioner John Herrick:**

Commissioner Herrick provided background and concerns of the SWRCB’s SED. From the late 1940’s to the 1950’s, the USBR built Friant Dam on the Upper San Joaquin River and Shasta Dam on the Sacramento River, and began operating the Central Valley Project (CVP). This project stored water from Shasta and pumped water from the Delta providing southern agricultural land with exported Delta water as opposed to pure, fresh water from the river. The effects of the pumps in the south Delta are decreased flows, added large amounts of salt to the river (1 million tons a year to the valley), and altered flows and water levels.

Some data presented included a 1980 report produced by SDWA and the USBR showing the impacts of the CVP on the flow of the river are average reductions of 553,000 AF a year, and 345,000 AF from April-September. In a below normal precipitation year, the CVP will produce an average reduction of 386,000 AF from April-September. The report shows that the water quality slowly went up over the years as the census-designated place (CDP) changed the flow of the river. A Regional Quality Control Board document (2006) recorded the amount of salts in the Delta from various sources. This data shows the San Joaquin River contributes a maximum 2,557,000 tons/year of salt, a mean of 922,000 tons/year of salt, and a minimum 263,000 tons/year of salt.

In the 1970's and 1980's, the SWRCB and stakeholders developed water quality standards for the protection of agricultural beneficial uses in the southern Delta and other areas resulting in the 1995 WQCP for the Sacramento-San Joaquin Bay-Delta. What is being contemplated now is an update of this 1995 WQCP. The plan includes the southern Delta water quality standards (0.7 – 1.0 EC) and lists the four compliance locations at Vernalis, Brandt Bridge, Old River at Middle River, and Old River at Tracy Road. Per the plan, the standards were to be implemented immediately, except for the two Old River standards which would be implemented no later than December 31, 1997. A water quality control plan goes through a quasi-judicial process thus the implementation plan was adopted via the Water Right Decision 1641 (D-1641) in 1999, and revised in 2000.

Without discussion hearings, a footnote was added to the WQCP stating the water quality standards will stay 1.0 EC (without 0.7 implementation) until April 2005, unless the USBR and DWR install the barrier program, at which the standard would revert back to 1.0 EC. An eventual ruling of D-1641 was that water quality objectives cannot be changed in a water rights proceeding, as the SWRCB had changed the objectives in a quasi-judicial process. Thus, the courts ordered SWRCB to apply the standards or change the WQCP. DWR and USBR then petitioned the SWRCB to change water rights resulting in a Cease and Desist against DWR and USBR. The order stated "must implement measures to obviate the threat of non-compliance" by July 1, 2009. A second Cease and Desist order was issued in 2010 stating DWR and USBR "shall implement measures to obviate the threat of non-compliance by January 1, 2013...."

Commissioner Herrick expressed opinion that water quality standards have been violated since 2005. In the last four years, there have been over 500 days of violations of south Delta standards. The Cease and Desist order against DWR and USBR has expired. And, there has been no enforcement action.

In an attempt to comply, the SWRCB hired Dr. Glenn Hoffman who reviewed crop salt tolerance and produced a final report. Dr. Hoffman's study used an "assumed" salt-in measurement (applied water EC), and the salt-out measurement was achieved by taking tile drainage information from areas in the southwest corner of the County. These tile drains intercepted already salty groundwater. This uncontrolled study documented inaccurate calculations of the salt buildup in the Delta, and Dr. Hoffman calculated leaching fractions using the incorrect findings. Thus, based on this misinformation, the SWRCB produced the original draft SED in late 2012 and recommended relaxation of the standards.

SDWA commissioned Michelle Leinfelder-Miles to conduct a controlled study of soil salinity. Calculations found, in most cases, salt was building up determining that the applied water quality was not leaching salt out of the soil which will result in crop salt damage. In five of the locations studied, the leaching fractions determined were 5% or less, whereas Dr. Hoffman's

conclusions determined 17-39% leaching. Dr. Hoffman later revised his findings to 7-10% leaching.

The second SED was released in September 2016 with recommendations for the south Delta salinity standards including:

1. Change salinity standards to 1.0 EC all year (analysis compiled from inaccurate data);
2. Implement these standards by meeting the 0.7 EC at Vernalis from April through August; and,
3. Measure compliance by averaging channel reaches, not measuring at discreet locations.

The south Delta has multiple problem areas affected by salt as well as stagnant zones. The SED suggests measuring the average water quality from Vernalis to Brandt Bridge. This is problematic as it will diminish the accuracy of the salinity measurements thus allowing the SWRCB and USBR to be in compliance with DWR standards.

In conclusion, Commissioner Herrick expressed opinion that the information supporting the revised standards is “non-existent.” Commissioner Herrick concluded his presentation and discussion was opened.

Mr. Grober agreed with some points of Commissioner Herrick’s presentation pertaining to salinity changes over the years and added the SWRCB is aware of “hot spots.” But, there are also “good spots” immediately adjacent to the Tracy Road Station providing non-point source (NPS) discharges, and agricultural drainage discharges. The end result is to provide reasonable protection of agriculture to the south Delta. Mr. Grober acknowledges this proposal will be painful for all and reiterated there is not enough high quality water to provide absolute protection of any use. He added that this proposal is not just about how the salinity standards will affect the areas but also about the effects of 288,000 AF a year flowing down the San Joaquin River into the south Delta.

Mr. Ken Robbins, Legal Counsel SSJID, spoke on behalf of SSJID regarding the SWRCB’s reason for the flow proposal being driven by the protection of salmon. He stated the California Fish & Wildlife “SalSim” model on fish production predicts this proposed process will result in only an estimated 550 more fish a year, with 50% taken by the ocean harvest process. He theorized billions will be taken from agricultural economy for a predicted 250 fish.

Mr. Robbins further explained water flows are being required out of the tributaries in the months of February through June. The June flows will take the largest amounts of water when the reservoirs are refilling. At that time, juvenile salmon (smolt) migrate out of the water system, with only 1% remaining in June when the water is taken. In February, water will be taken, without snowmelt measurements, when the younger salmon (fry) are in the system. Studies have shown that fry have almost a 100% mortality rate when moved out of the tributaries into the Lower San Joaquin Delta during February. To summarize, the largest amount of water will be taken in June for only 1% of smolt, and the February flows will kill the fry.

Mr. Robbins commented the analysis does not calculate the cumulative effect of the annual accumulation of salt in the soil. The SWRCB averaged data to show a less severe impact. In addition, the Stanislaus River’s current allocation to OID and SSJID of 600,000 AF/year for agriculture would be cut 2/3 to 200,000 AF. Also, there is no indication in the economic study of



the loss of agricultural production or the multiplier effect, meaning there are 2-3 jobs produced for every one job in agriculture totaling impact losses in the hundred-million-dollar range. In addition, the groundwater impacts of the proposal are catastrophic on farmers and cities with a 64% cut in the 2<sup>nd</sup> cumulative, critically dry years. Several agencies east of Stockton rely on water from the Stanislaus River for farming. This water will disappear as it will flow down the river. His concern is the constant accumulation of deficits that will occur as the result from the loss of surface water is not being taken into account.

Last year, 12,000 salmon spawned on the Stanislaus River. Per local hydrology, some years these fish will end up in other rivers. The salmon in the San Joaquin River are almost all hatchery fish as indicated with markings or tags. Carcass surveys done on the tributaries find 25% of the fish are marked indicating most the population are hatchery fish, which do not qualify for the goals of the State's "fish doubling" plan to naturally reproduce the salmon.

Mr. Robbins expressed opinion of the SWRCB's effort to disguise or minimize the impacts of this project with groundwater analysis and its accumulative nature almost absent, and the discussion of fishery benefits absent with the exception of a few notes representing the model. Groundwater must continue to be a resource, particularly with groundwater monitoring requirements through SGMA. In his assessment, the State mitigating the taking of more groundwater is equivalent to a CEQA document stating "the mitigation to our plan is the violation of another state law."

Commissioner Salazar, Jr. asked Mr. Robbins if he assesses the fish restoration plan as a surrogate to free up flows for export water. Mr. Robbins responded that he has made that comment. There is an undeniable "coincidence" that the WaterFix balance falls approximately 3000 AF short, which equals the amount of water that the proposal would take from San Joaquin.

There was vast discussion among the Commission regarding the salmon. The progeny of the hatchery fish when they return to the ocean is, genetically, they are hatchery fish but markings will disappear thus they will be "wild." Salmon have been counted on the tributaries dating back to the 1920's and recorded in hard data on the Merced River. The fish populations were down but remained massive when the Friant Dam was built in 1939 and the water turned off in 1948, but populations declined at the introduction of State export projects. Before flow mandates are ascribed to the tributaries for the salmon, determination needs to be made of tributary responsibilities requiring analysis to quantify the impacts of the project. The parties destroying the fish would need to mitigate the impact.

Commissioner Nomellini commented that Friant Dam needs to be included in the "equation" of this proposal. In addition, the San Luis unit of the CVP was not to be committed to water use in the valley unless there was an outlet for a drain. Thus, the salinity contribution of water deliveries of San Luis units are in violation of the San Luis Act. Mr. Grober responded the focus on the San Joaquin tributaries is due to the highest numbers of decline of the salmon species. He added the big fix in the southern Delta salinity is to release more high quality water. Commissioner Nomellini interjected the problem requires a drainage solution (per San Luis Act) which is not being done and San Joaquin is particularly affected by this. Furthermore, the fish population is not the burden of tributaries or the senior water rights holders. He added the most successful fish passage is by truck transport and release.

Mr. Grober continued that Phase 1 of the project will look at the biological goals of the tributaries; Phase 2 of the project will address reverse flows, exports, and other elements that

can affect the salmon survival. The number of salmon on the San Joaquin River are extremely low (single digits). Commissioner Herrick commented the fish must get past the pumps. He theorized on the proposal – to take 42% from tributaries in a below normal year, then pass it downstream past Vernalis for the fish, then export it – is backwards. The proposal is just taking upstream water and not getting fish past the pumps. Mr. Grober stated the proposal is about the balance and best proportion of the limited quantity of water. It is also about the overall genetic variability and resiliency of the species. The seasonality of the proposal (Feb-June) is when  $\frac{3}{4}$  of the water in the tributaries is unimpaired flows.

Mr. Nakagawa referenced Commissioner Herrick's presentation regarding the SWRCB and the USBR projects violating the terms of their permit and terms of D-1641. He asked what is the fate of the State and Federal water projects in regards to enforcement of these violations? Mr. Grober affirmed the State has not been meeting the south Delta salinity standards. He added this process is to better understand salinity in the Delta and adjust standards. Mr. Nakagawa asked is the State unsure that the current standard being violated is, in fact, the correct standard and, again asked, if there will be violation enforcement or if it is a confidential matter? Mr. Grober responded these issues were reasons for the review which found the current standard is overly protective and not required to meet the 0.7 standard to reasonably protect agriculture in the southern Delta. Commissioner Nomellini added the SWRCB was going to take the projects to the court on the Cease and Desist Order and the Governor interceded and stopped forward motion.

Additional discussion included there has been no enforcement since instituted in 2005, well before any determination of over-protection. The SWRCB chose not to enforce standards in the south Delta for 11 years. Mr. Robbins encouraged attendance at the upcoming SWRCB public meetings in Stockton, Merced, and Modesto to voice opinions.

## II. Communications:

- A. **September 22, 2016, turlockjournal.com, "Local Legislators Deliver Over 3,000 Petitions to State Water Board"**
- B. **September 25, 2016, dailydemocrat.com, "Governor Signs Wolk Climate Change Bill"**
- C. **September 27, 2016, Best Best & Krieger Legal Alerts, "New California Law Amends Water Supply Planning Laws"**
- D. **September 28, 2016, modbee.com, "Valley Leaders Take Issue with State Water Board's Explanation"**

### **Public Comment:**

A member of the public discussed the natural water cycle and provided visual props. Her comments included avoiding concrete pipes that damage our aquifers, concerns of salt in the vineyards, and questioned Slide #11 of Mr. Grober's presentation regarding California real estate and the USBR being the water rights holder. Mr. Grober clarified that Slide #11 was intended to say the USBR is the sole water rights holder responsible for obtaining the southern Delta salinity objective.

**Next Regular Meeting:** November 16, 2016, at 1:00 p.m.  
Public Health Conference Room

**Adjournment:** 3:02 p.m.



SAN JOAQUIN COUNTY  
FLOOD CONTROL & WATER  
CONSERVATION DISTRICT

ADVISORY WATER COMMISSION  
MEETING OF OCTOBER 19, 2016

ATTENDANCE SHEET

NAME	AFFILIATION	E-MAIL ADDRESS	PHONE
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Brent Williams	stakeholder	Same	
Rod Attebery	Neumiller & Beardslee SSC Counsel	RAttebery@neumiller.com	948-8200



# ATTACHMENT I.A.

PROPOSED CHANGES TO THE  
WATER QUALITY CONTROL PLAN FOR  
THE BAY DELTA ESTUARY:  
SAN JOAQUIN RIVER FLOWS AND  
SOUTHERN DELTA SALINITY  
OBJECTIVES

San Joaquin County Board of Supervisors  
November 15, 2016



1

What is the SED?

- **SUBSTITUTE ENVIRONMENTAL DOCUMENT FOR PROPOSED CHANGES TO THE WATER QUALITY CONTROL PLAN FOR THE SAN FRANCISCO BAY/SACRAMENTO-SAN JOAQUIN DELTA ESTUARY:**
  - SAN JOAQUIN RIVER FLOWS; AND,
  - SOUTHERN DELTA SALINITY OBJECTIVES

2

## Presenters on the SED

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- Mr. Les Grober, Deputy Director for Water Rights – State Water Resources Control Board
- Mr. Peter Rietkerk, General Manager, South San Joaquin Irrigation District
- Mr. John Herrick, Counsel and Manager – South Delta Water Agency
- Mr. Dante Nomellini Sr., Manager and Co-counsel – Central Delta Water Agency
- Public Comments
- Staff Recommendation

3

## Public Comment

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4

## Board-adopted Policies and Positions

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- Resolution R-04-568 – Support the San Joaquin River Restoration Settlement Agreement
- Resolution R-10-49 – Adopt Delta Counties Coalition 12 Principles
- Resolution R-12-278 – Oppose the BDCP Twin Tunnels Project
- Resolution R-15-37 – Adopt Board of Supervisors Strategic Plan to Meet Water Needs

5

## Staff Recommendation

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By Board Order:

- Direct staff to develop and submit written comments on the SED; and,
- Advocate in opposition to the SED consistent with Board-adopted policies and positions.

6



## Next Steps

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- Continue to coordinate with local and regional stakeholders impacted by the SED Proposal.
- Develop a strategy for submitting comments and testimony at the December 16<sup>th</sup> State Water Board Hearing in Stockton.
- Submit written comments by January 17, 2017 to the State Water Board.

BEFORE THE BOARD OF SUPERVISORS OF THE SAN JOAQUIN COUNTY  
FLOOD CONTROL AND WATER CONSERVATION DISTRICT  
STATE OF CALIFORNIA

R E S O L U T I O N

R-04- 568

RESOLUTION SUPPORTING THE RESTORATION OF THE SAN JOAQUIN RIVER

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WHEREAS, in 1999, the San Joaquin County Board of Supervisors adopted the Strategic Plan to Meet Water Needs that outlined water resource goals and objectives to protect water quality and increase water supply reliability. Such goals included the support of efforts to increase storage at the Friant Dam for water quality, which could be used to increase flows in the San Joaquin River at critical times in order to maintain water quality standards; and

WHEREAS, on December 9, 2003, the Board adopted a Resolution stating that the San Joaquin River should be restored to provide for the reestablishment of instream flows from Friant Dam to the Delta and other measures be implemented such as a recirculation program and/or releases from San Luis Reservoir to result in improved water quality in the South and Central Delta including the City of Stockton Deep Water Channel and reallocation of water supply from New Melones Reservoir to meet the requirements of the Watershed Protection Act; and

WHEREAS, the Resolution also stated that water users in San Joaquin County should have priority for water resource development and supply in the Delta and other local watersheds including the San Joaquin River over water exports, and the Central Valley Project (CVP) and State Water Project must mitigate all impacts to comply with the San Joaquin River, Delta, and Watershed Protection Acts; and

WHEREAS, on August 27, 2004, United States District Court ruled that the Federal government was liable for destroying a significant salmon fishery on the San Joaquin River. Since the late 1940's, there were harmful effects and decreased releases due to the United States Department of Interior's Bureau of Reclamation's Friant Dam Project which decreased flows by 90 percent on a river that previously allowed prosperous and historic fisheries to thrive. The extinction of San Joaquin salmon stocks may be directly attributed to low instream flows, specifically, those which enable adult salmon to migrate upstream. The Friant Dam Project has diverted nearly the entire River and long reaches of the waterway have remained dry in all but the wettest of years; and

WHEREAS, the Board finds that water available to meet the County's demands is seriously inadequate, and that this inadequacy of supply results in a large part because Friant Dam operations divert more than 90 percent of the River's natural snowmelt away from San Joaquin County. This diversion is inconsistent with the County's area of origin needs. Such waters are needed for the benefit of County water users to address unsustainable groundwater overdraft; and

WHEREAS, when the CVP began operating, it reduced flows in the San Joaquin River to the detriment of beneficial uses within the South and Central Delta. To date, provisions for those users who were dependent upon and/or entitled to that flow have not been made. CVP operations have also resulted in drainage to the San Joaquin River of hundreds of thousands of tons of concentrated salt each year from the farmlands and wetlands in the CVP's Westside service area. Water from New Melones Reservoir has been used to dilute this salt load. The actual amount of water required to meet the salinity standard can be as much as 200,000-acre feet in some years. The Bureau of Reclamation has not yet proposed or undertaken any project to dispose of salt that does not include transport via the San Joaquin River;

NOW THEREFORE, BE IT RESOLVED that the San Joaquin County Board of Supervisors supports the following:

1. That the San Joaquin River be restored to provide for the reestablishment of instream flows from the Friant Dam to the Delta for salmon fishery restoration and for all other beneficial uses in the County.
2. That San Joaquin County representatives are authorized to participate in negotiations to restore the San Joaquin River from the negative impacts of historic Friant Dam operations, and that actions taken to restore the San Joaquin River should not negatively impact San Joaquin County water users, but should return flows to the River and surrounding waterways to provide reliable water supplies to sustain the County's economic, social, and environmental viability.
3. That water supply from the New Melones Reservoir be reallocated to honor area of origin statutes under the Watershed Protection Act, and that drainage water from lands in the Central Valley Project Westside service area shall not be permitted to drain into the San Joaquin River at times when the drainage will cause the need for releases from the Stanislaus River or from other eastside tributaries to comply with the Vernalis and South Delta Salinity Standards.

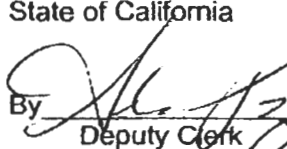

PASSED AND ADOPTED this 10/12/04 by the following vote of the Board of Supervisors, to wit:

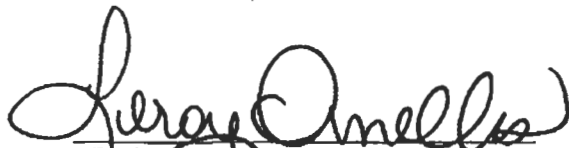
AYES: MOW, SIEGLOCK, GUTIERREZ, ORNELLAS

NOES: NONE

ABSENT: MARENCO

ATTEST: LOIS M. SAHYOUN  
Clerk of the Board of Supervisors  
of the County of San Joaquin,  
State of California

By  Deputy Clerk 

  
LEROY ORNELLAS  
Chairman of the Board of Supervisors  
County of San Joaquin  
State of California

BEFORE THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN JOAQUIN  
STATE OF CALIFORNIA

RESOLUTION

R-10- 409

AMENDED AND RESTATED MULTI-COUNTY RESOLUTION ON WATER AND  
DELTA RELATED ISSUES

This Amended and Restated Resolution is effective upon passage by the COUNTIES OF CONTRA COSTA, SACRAMENTO, SOLANO, YOLO AND SAN JOAQUIN, political subdivisions of the State of California, hereinafter collectively referred to as "the COUNTIES."

RECITALS

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

WHEREAS, the COUNTIES believe there is value in developing a coalition on issues concerning the Sacramento-San Joaquin River Delta and greater Bay/Delta Estuary; and,

WHEREAS, the COUNTIES 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 perhaps best understand the tremendous resource the Delta represents; and,

WHEREAS, the COUNTIES have identified a need for joint action and advocacy in the areas of mutual interest on Delta-related issues; and,

WHEREAS, the COUNTIES wish to educate and maintain positive working relationships with regional, State and Federal governmental agencies and the public on Delta-related issues, and,

WHEREAS, through this Resolution, the COUNTIES have adopted a statement of basic principles describing their joint interests which may be refined over time.

NOW THEREFORE, the COUNTIES agree that:

The COUNTIES adopt this Resolution for the purpose of articulating mutual interests on Delta issues. Furthermore, the COUNTIES resolve to work together to better understand Delta-related issues from a regional perspective and to use their unified

voice to advocate on behalf of local government in available forums at the Federal and State levels. Our mutual interests are as follows.

Management of the Sacramento-San Joaquin River Delta and greater Bay/Delta Estuary must:

1. Protect and improve water quality and water quantity in the Delta region and maintain appropriate Delta outflow for a healthy estuary;
2. Protect the existing water right priority system and legislative protections established for the Delta;
3. Respect and safeguard Delta Counties' responsibilities related to land use, water resources, flood management, tax revenues, public health and safety, economic development, agricultural stability, recreation, and environmental protection in any new Delta governance structures;
4. Represent and include local government in any new governance structures for the Delta;
5. Protect the economic viability of agriculture and the ongoing vitality of communities in the Delta;
6. Support rehabilitation, improvement, and maintenance of levees throughout the Delta;
7. Support the Delta pool concept, in which the common resource provides quality freshwater supply to all Delta users, requiring mutual responsibility to maintain, restore, and protect the common resource;
8. Support immediate improvements to through-Delta conveyance;
9. Require that any water conveyance plan for the Delta be aligned with the principles established by this Resolution and supported by clearly demonstrated improvement of the entire State's water management;
10. Protect and restore the Delta ecosystem, including adequate water supply and quality to support it in perpetuity; and
11. Include the study of storage options and implementation of conservation, recycling, reuse, and regional self-sufficiency as part of a Statewide improved flood management and water supply system.
12. Support those conservation actions that are aligned with the principles established by this Resolution and that are in accordance with habitat plans and programs of the Delta Counties.

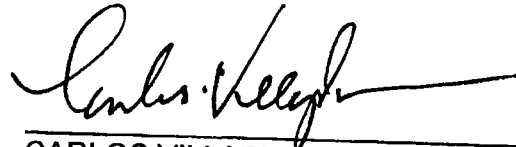
PASSED AND ADOPTED this 7/13/10 by the following  
vote of the Board of Supervisors, to wit:

AYES: **Vogel, Ruhstaller, Ornellas, Villapudua**

NOES: **None**

ABSENT: **Bestolarides**

ATTEST: LOIS M. SAHYOUN  
Clerk of the Board of Supervisors  
of the County of San Joaquin,  
State of California



CARLOS VILLAPUDUA, Chairman  
Board of Supervisors  
County of San Joaquin,  
State of California

By Caroline Juncos  
Deputy Clerk



BEFORE THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN JOAQUIN  
STATE OF CALIFORNIA

R E S O L U T I O N

R-12- 278

RESOLUTION ADOPTING A POSITION OF OPPOSITION TO THE STATE'S DRAFT  
BAY DELTA CONSERVATION PLAN PROPOSAL TO CONSTRUCT A MAJOR  
ISOLATED WATER CONVEYANCE SYSTEM IN THE DELTA, AND  
ADOPTING A STATEMENT OF PRINCIPLES REGARDING THE  
BAY DELTA CONSERVATION PLAN

WHEREAS, the Bay Delta Conservation Plan (BDCP) process has produced a draft BDCP which is inconsistent with the best interests of the Sacramento-San Joaquin Delta (Delta) within the County of San Joaquin; and,

WHEREAS, the present draft of the BDCP is inconsistent with the co-equal goals of the Delta Reform Act and the policy of the State to reduce reliance on the Delta for future California water needs; and,

WHEREAS, the present draft of the BDCP is destructive to the economy, habitat, water rights, water quality, land use governance, and way of life in the County of San Joaquin and the Delta; and,

WHEREAS, the proposed new course of the BDCP as outlined by the State of California ("State and Federal Principals Joint Recommendations Regarding Key Elements of the Bay Delta Conservation Plan", as presented by Dr. Jerry Meral, Deputy Secretary of the State Natural Resources Agency on July 16, 2012), does not rectify that inconsistency; and,

WHEREAS the process whereby the BDCP is being developed is governmentally, economically, and scientifically flawed and deficient;

NOW, THEREFORE, BE IT RESOLVED that this Board of Supervisors:

Consistent with the San Joaquin County's Board-adopted Principles and Policies regarding the Delta and its continued commitment to collaborate with the State and Federal governments and other appropriate agencies in developing regional water supply solutions, and in light of the proposals contained in the Draft Bay Delta Conservation Plan (BDCP) and the revised BDCP reported by the Department of Natural Resources on June 26, 2012, to construct a major isolated water conveyance system (9,000 cubic feet per second) in the Delta, the San Joaquin County Board of Supervisors hereby declares opposition to the current draft BDCP and to the revised BDCP as reported by the Department of Natural Resources. Furthermore, the County hereby submits the following Principles relative to a BDCP. These Principles are to be

considered a package (A-L are not individual stand-alone items); this umbrella set of Principles is essential to the 'sustainability and enhancement' of the Delta and required to gain the support from the County of San Joaquin.

1. Opposes the draft BDCP and the proposed revision of the BDCP as outlined by the State of California; and
2. Adopts the following Statement of Principles regarding the BDCP:
  - A. San Joaquin County seeks full, fair, and effective participation in the BDCP development and implementation process. San Joaquin County must be a voting member of a governance body developing, approving and implementing the BDCP.
  - B. Consistent with conclusions and recommendations in the Delta Protection Commission's peer reviewed and adopted Economic Sustainability Plan for the Sacramento-San Joaquin Delta (January 2012), San Joaquin County maintains that through-Delta conveyance is currently the only viable alternative in meeting the co-equal goals of water supply reliability and ecosystem restoration in the Delta.
  - C. Through-Delta flow standards (including quantity and quality) shall be established based on peer-reviewed best science and made legally enforceable before the adoption of the BDCP. Mitigation for in-Delta flow reductions and adverse water quality impacts due to export operations shall be included in the BDCP and shall not compromise area of origin protections or senior water rights.
  - D. All reasonable Delta management alternatives that reflect the entire spectrum of options available to meet the co-equal goals established by the Delta Reform Act, and which reduce reliance on the Delta as a water resource for areas outside the Delta in accordance with the policy of the State of California, shall be included in the BDCP analysis and shall be subjected to a peer-reviewed "cost-benefit" analysis. The DWR handbook shall be used for such analyses (see [http://www.water.ca.gov/pubs/planning/economic\\_analysis\\_guidebook/econguidebook.pdf](http://www.water.ca.gov/pubs/planning/economic_analysis_guidebook/econguidebook.pdf)).
  - E. All BDCP proposals and actions, and BDCP implementation, shall preserve, protect, and enhance the Delta economy and agriculture, and there shall be complete financial mitigation of all direct and indirect negative impacts on the Delta economy and agriculture caused by any and all BDCP actions and implementations.



- F. Water storage projects, including groundwater storage and storage projects associated with water reuse projects, providing for the development of five-million acre-feet of new stored water shall be constructed and fully developed as part of the BDCP.
- G. All pending San Joaquin County water rights and water resource projects shall be perfected and/or built before implementation of the BDCP.
- H. Flood control and levee maintenance programs and projects in San Joaquin County shall be included in the BDCP, in a manner satisfactory to the County, as a prerequisite to the issuance of any permits under the BDCP.
- I. Adequate funding for the projects and studies in San Joaquin County must be addressed and provided through the BDCP process (Attachment 1 – Preliminary San Joaquin County Project List).
- J. BDCP must be consistent with locally developed Habitat Conservation Plans/Natural Communities Conservation Plans (HCP/NCCPs). If conflicts exist between locally developed HCP/NCCPs and the BDCP, the BDCP staff must work collaboratively with local HCP/NCCP staffs to resolve the conflicts. BDCP must not interfere with local HCP/NCCPs' ability to attain their habitat target goals or objectives. When conflicts arise the local HCP/NCCPs will take priority for the resolution of the conflict as long as it does not undermine the BDCP overall habitat goal. Additionally, acquisitions of lands within the jurisdiction of the local HCP/NCCP plan area will be coordinated (and potentially directed) with the local plan staff. BDCP shall not invoke eminent domain authority for restoration or mitigation land within San Joaquin County.
- K. BDCP must be subject to the full extent of state and federal environmental review. San Joaquin County cannot support any streamlining or exemptions from either the California Environmental Quality Act (CEQA) or National Environmental Protection Act (NEPA).
- L. BDCP must recognize the linkage between the Delta and the terrestrial lands (habitat and agricultural), and recognize that any project that emerges from the BDCP could impact the entire Bay-Delta estuary, not just the immediate Delta area in which the project is located. The environmental analysis of the project(s) must examine for potential impacts throughout the entire estuary, including, but not limited to, impacts on flow from the Delta, water quality, aquatic/terrestrial species, habitat and the agricultural economy of San Joaquin County within the estuary.


PASSED AND ADOPTED this 7-24-12 by the following  
vote of the Board of Supervisors, to wit:


AYES: **Villapudua, Vogel, Ruhstaller, Ornellas, Bestolarides**

NOES: **None**

ABSENT: **None**

ATTEST: LOIS M. SAHYOUN  
Clerk of the Board of Supervisors  
of the County of San Joaquin,  
State of California

  
STEVE J. BESTOLARIDES, Chairman  
Board of Supervisors  
County of San Joaquin,  
State of California

By  (S)  
Deputy Clerk



OPPOSE BDCP PROPOSAL-RESO.DOCX

BEFORE THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN JOAQUIN  
FLOOD CONTROL AND WATER CONSERVATION DISTRICT  
STATE OF CALIFORNIA

RESOLUTION

R-15- 37

**RESOLUTION TO ADOPT THE 2015 STRATEGIC PLAN TO MEET WATER NEEDS;  
APPROVE WATER INVESTIGATION ZONE NO. 2 PROPERTY RELATED FEE  
ANALYSIS REPORT; DECLARE INTENT TO ADOPT THE PROPERTY  
RELATED FEES; APPROVE PUBLIC NOTICE; AND SET A PUBLIC  
HEARING DATE OF MAY 19, 2015, AT 9:00 A.M.**

WHEREAS, on October 17, 1989, pursuant to Resolution R-89-903 of the Board of Supervisors (Board) of the San Joaquin County Flood Control and Water Conservation District (District), Water Investigation Zone No. 2 (Zone No. 2) was duly and regularly established through June 30, 2000, pursuant to the provisions of the San Joaquin County Flood Control and Water Conservation District Act to provide funding for water resources coordination, special studies, efforts to develop adequate water supplies and protect existing water supplies; and,

WHEREAS, Zone No. 2 is an investigation zone with the primary purpose of carrying out engineering, geologic, and other studies including the reclamation, storage, distribution, purchase, sale, use, conservation, and development of water including the management of combined surface water and groundwater supplies; and,

WHEREAS, in November 1996, the voters of California approved Proposition 218, which amended to California Constitution to require that any new assessments, the renewal of an expiring assessment, or the increase of an existing assessment be voted on by the beneficiaries with a majority of votes cast as the threshold for passage; and,

WHEREAS, on August 24, 1999, the Board approved Board Order B-99-1042, adopting the Strategic Plan to Meet Water Needs, which sets forth the goals and activities of the District; and,

WHEREAS, the Board's Strategic Plan to Meet Water Needs provides the basis for the program of water resources activities funded under Zone No. 2; and,

WHEREAS, on June 20, 2000, the Board, having tabulated the ballots received, and with 54 percent in favor of extending Zone No. 2, approved the Annual Engineer's Report setting forth the assessment apportionment to all benefiting properties within Zone No. 2 for a period of 15 years, commencing Fiscal Year 2000-2001, and ending after Fiscal Year 2014-2015; and,

WHEREAS, in Fiscal Year 2014-15, the current District Zone No. 2 benefit assessment will have been apportioned and collected through San Joaquin County Tax

Roll for the last time as limited by the Board in the approval of the Zone No. 2 benefit assessment on June 20, 2000; and,

WHEREAS, the subsequent interpretations, legal challenges, and case law do not allow for a renewal of Zone No. 2 as a benefit assessment; consequently, Zone No. 2 funding is being recommended as a property related fee; and,

WHEREAS, under the California Constitution, property related fees for water service are exempt from the Proposition 218 ballot process; however, property owners must be properly noticed and allowed to file a written protests prior to the close of a public hearing, which must be scheduled and held no less than 45 days from being sent proper notice; and,

WHEREAS, if a majority of property owners file written protests, the property related fee cannot be approved by the proponent's governing body; and,

WHEREAS, staff recommends that funding for the 2015 Strategic Plan to Meet Water Needs through Zone No. 2 be established by this Board as a property related fee as specified under the California Constitution; and,

WHEREAS, on March, 18, 2015, the District Advisory Water Commission recommended that this Board approve and adopt the Fee Analysis Report and proceed with the public noticing and protest hearing processes; and,

NOW, THEREFORE BE IT RESOLVED that:

THIS BOARD HEREBY FINDS that, the expiration of the Zone No. 2 Benefit Assessment would severely inhibit the ability of the District to carry out the goals and activities forth in the Strategic Plan to Meet Water Needs.

THIS BOARD HEREBY FURTHER FINDS that the actions contemplated in this Resolution are exempt from the provisions of the California Environmental Quality Act pursuant to Section 21080(b)(8) of the Public Resources Code of the State of California.

NOW, THEREFORE BE IT FURTHER RESOLVED that this Board of Supervisors:

1. Adopts the 2015 Strategic Plan To Meet Water Needs (Attachment A); and,
2. Approves the Zone No. 2 Property Related Fee Analysis Report (Attachment B); and,
3. Declares its intent to adopt the property related fees as set forth in the Zone No. 2 Property Related Fee Analysis Report; and,
4. Approve the Public Notice for Zone No. 2 property related fees (Attachment C); and,
5. Sets May 19, 2015, at the hour of 9:00 a.m., in the Chambers of the Board at

44 North San Joaquin Street, Sixth Floor, Stockton, California, as the date and time for the Public Protest Hearing on the proposed establishment of fees as identified in the Water Investigation Zone No. 2 Property Related Fee Analysis Report .

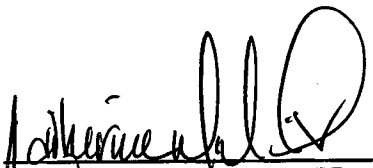
**PASSED AND ADOPTED** by the following vote of March 24, 2015,  
the Board of Supervisors, to wit:

**AYES:** Winn, Elliott, Villapudua, Bestolarides, Miller

**NOES:** None

**ABSENT:** None

**ATTEST: MIMI DUZENSKI**  
Clerk of the Board of Supervisors  
of the County of San Joaquin,  
State of California

  
\_\_\_\_\_  
**KATHERINE M. MILLER**  
Chair, Board of Supervisors  
County of San Joaquin,  
State of California

By  \_\_\_\_\_  
Deputy Clerk



WR-15C006-ME3

**ATTACHMENT  
I.B.**

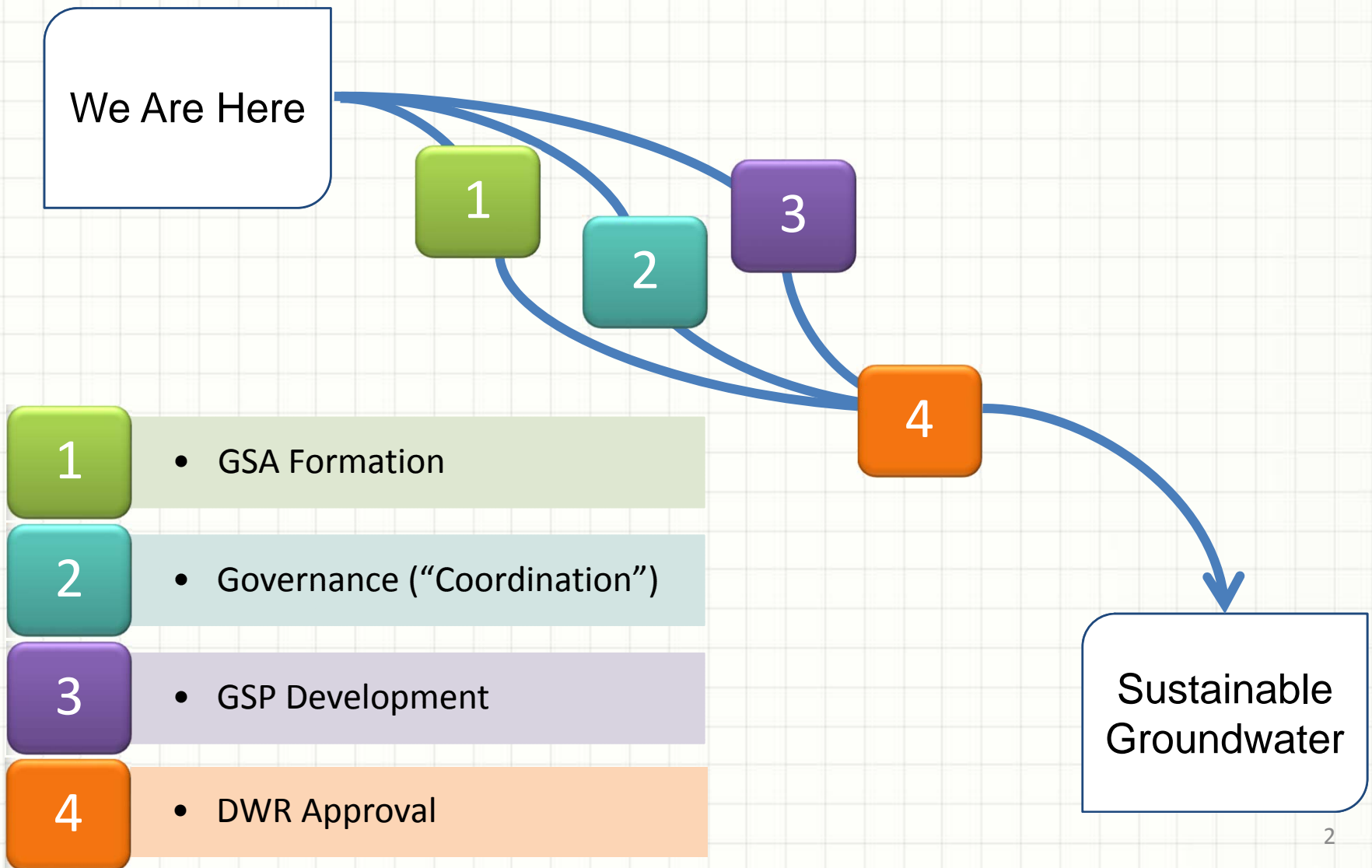


# GBA & SGMA WORK GROUP

Eastern San Joaquin County  
Groundwater Basin Authority  
&  
SGMA Work Group  
December 14, 2016



# Road Map to Sustainable Groundwater





# December 14 – SGMA WG Agenda

- SGMA Activities and Roadmap Discussion

1

- GSA Formation

- GSA Mapping Update

2

- Governance (“Coordination”)

- Update on Draft JPA

3

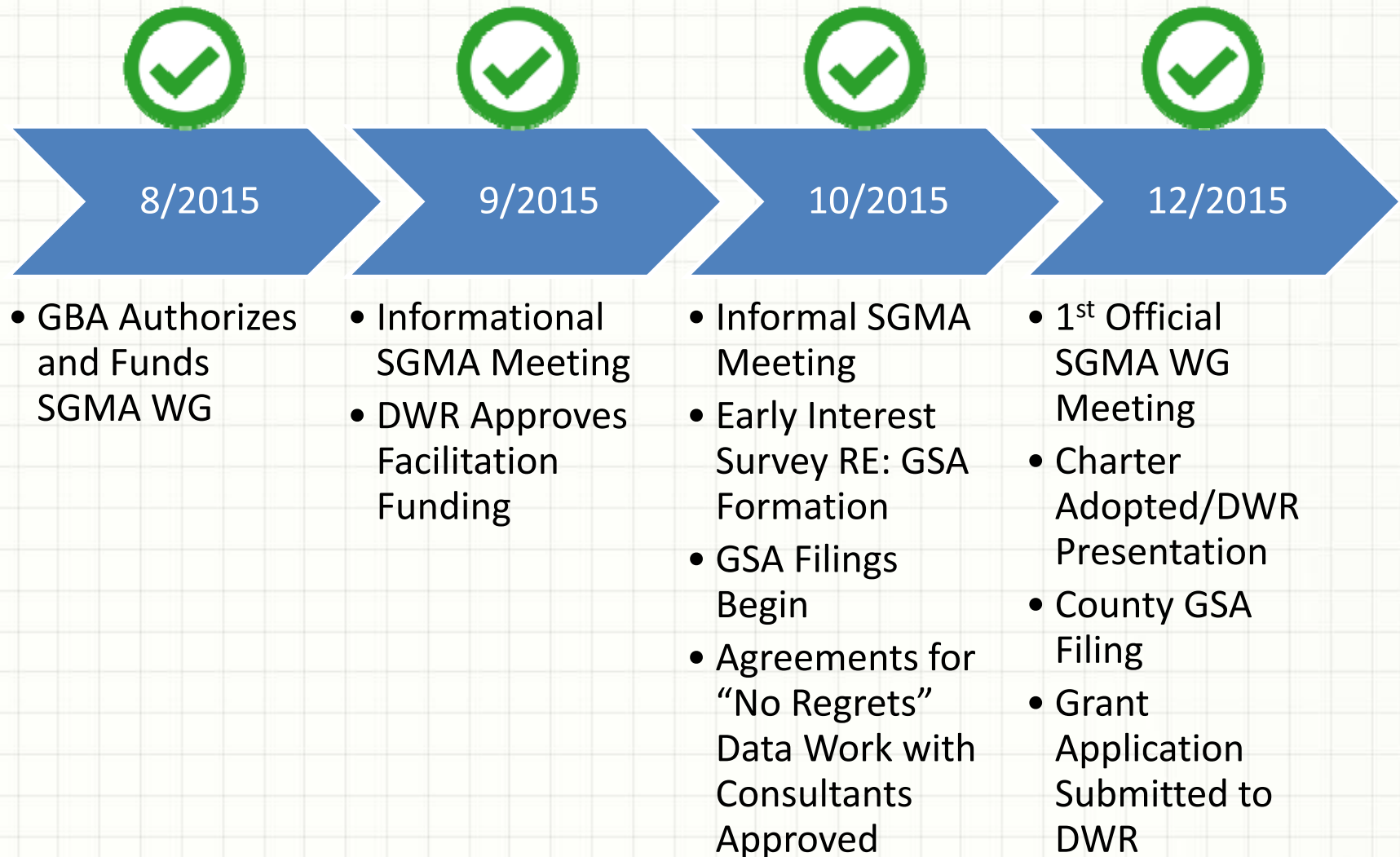
- GSP Development

4

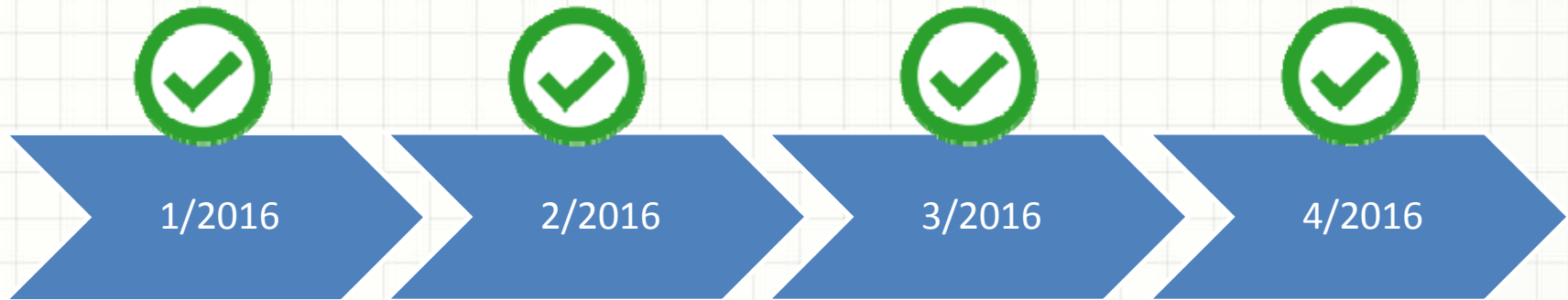
- DWR Approval

- Ad Hoc Technical Review Committee to Follow SGMA Work Group

# SGMA Timeline Progress



# SGMA Timeline Progress



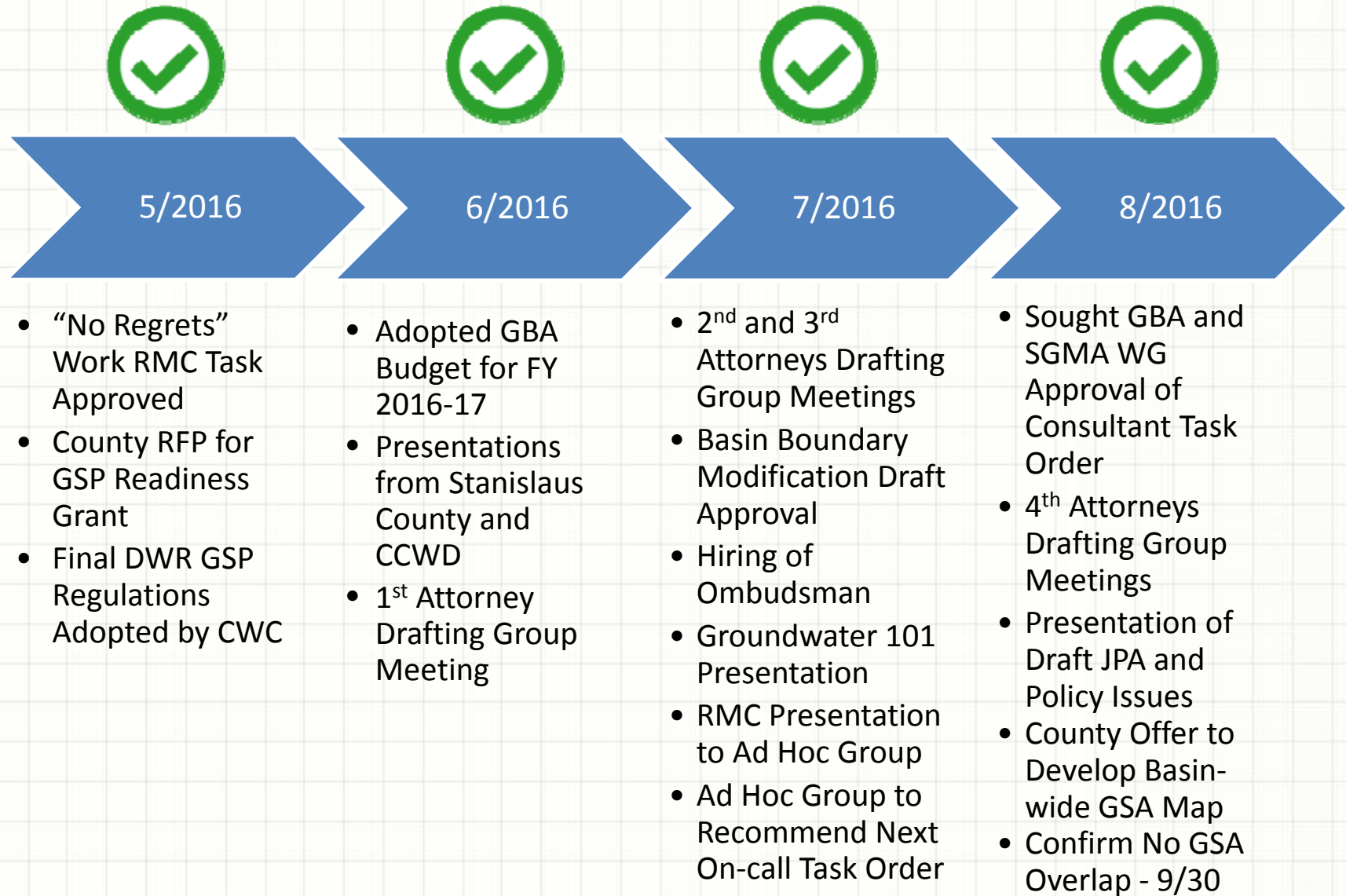
- GBA Authorizes Boundary Modification Preparation
- County Begins One-On-One Overlap Conversations
- DWR Notice of \$249,950 Grant Award
- Ad Hoc Tech. Review Committee Formed

- GSP DRAFT Guidelines Released by DWR
- Roadmap Developed

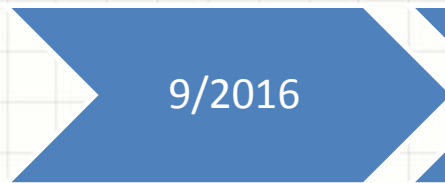
- One-On-One Discussions →
- Basin Boundary Modification Submission
- “Basin Coordination Governance” Discussion→
- Ad Hoc Develops “No Regrets” Scope

- Case Study – Kern and Kaweah
- SGMA WG Confirms 1<sup>st</sup> Task Order of “No Regrets Scope”
- “No Regrets” Work Begins →
- Continue Ad Hoc Development of “No Regrets” Scope
- State Confirms Grant Funding

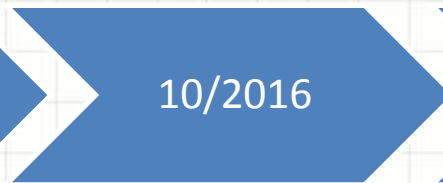
# SGMA Timeline Progress



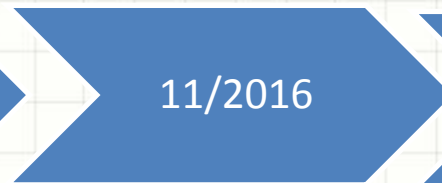
# SGMA Timeline Progress



- Board of Supervisors Approve Contract for GSP Readiness Grant
- Confirm No GSA Overlap By 9/30
- Present GSP Program Guide ->
- Present Draft JPA ->
- Basin Boundary Mods Considered by CWC



- Discussion on Draft JPA->
- GSA Map Preparation ->
- Develop Data and Information Inventory for Groundwater Atlas
- Refine GSP Program Guide
- GSP Readiness Grant Project
- County Drafting MOU Points



- GSA Map Preparation
- Start Groundwater Data and Information Inventory
- GSP Readiness Grant Project
- Discuss JPA Transition Plan
- Review and Comment on DWR BMP Document



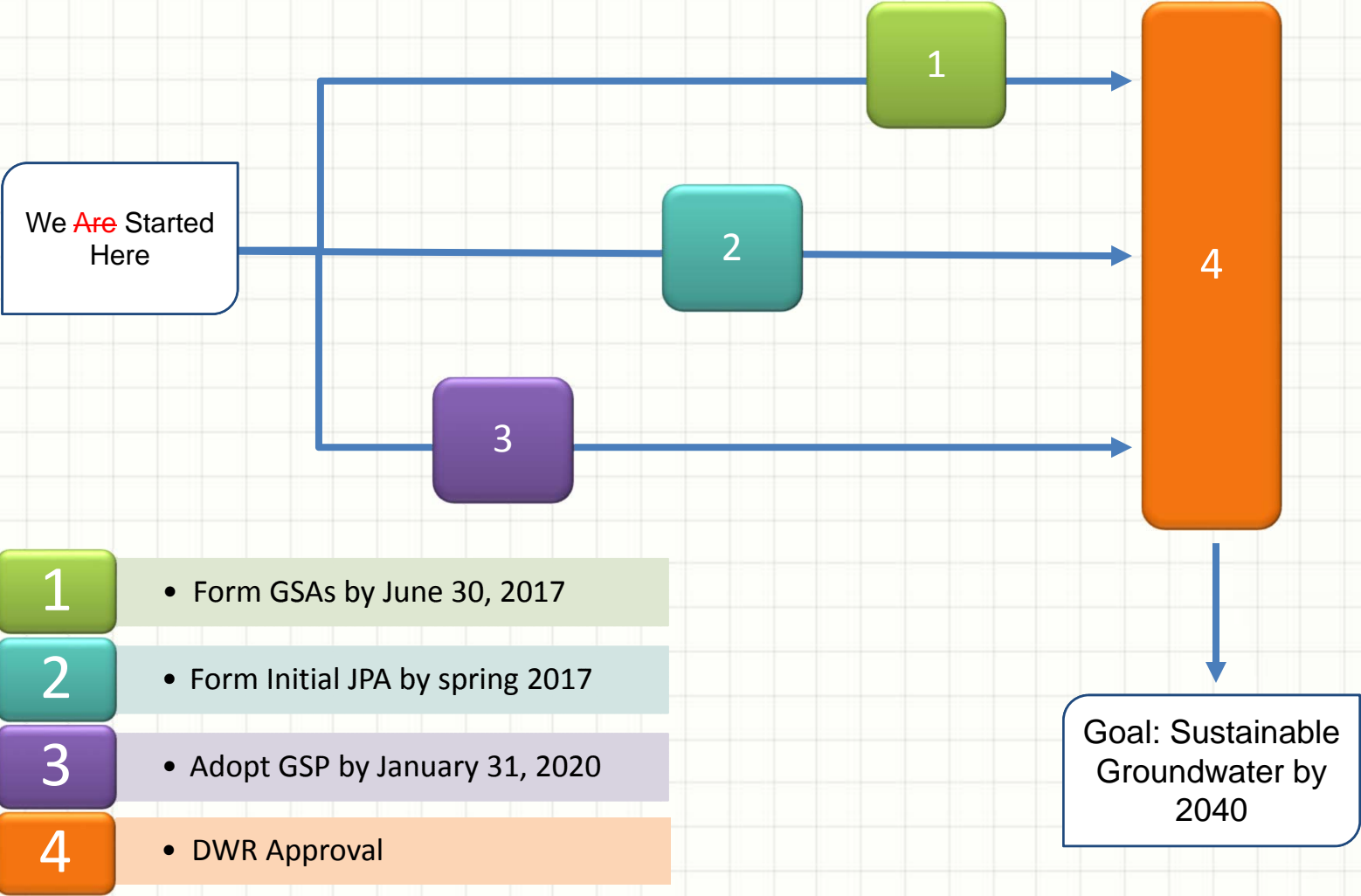
- Finish GSA Map
- Discussion on Draft JPA->
- Discuss Financing
- GSP Readiness Grant Project Data Collection
- Organize Groundwater Atlas
- Circulate Draft Master MOU Points

# SGMA Timeline Progress



- Adopt JPA
- Transition Plan Development and Implementation
- Submit to DWR Final GSA Map
- Develop Groundwater Model with Grant Funds
- Game Plan for GSP Development and Grant Opportunity
- Finish Model Update
- GSP Development and Adoption

# Road Map to Sustainable Groundwater



# GSA Mapping Update

	Filed GSA Notification with DWR	Filing Posted on State Website	DWR Status	Local Status	GIS Layer	Notes
<b>Groundwater Sustainability Agency</b>						
Calaveras County				Resolved	In progress	Working with CCWD and Stanislaus County
Calaveras County Water District				Resolved	In progress	Working with Calavera/Stanislaus County
Central Delta Water Agency				Resolved	In progress	Agreeable to boundary changes with neighbors.
Central San Joaquin Water Conservation District				Resolved	In progress	Agreeable to boundary changes with neighbors.
City of Escalon				In progress	In progress	Need to verify County Layers
City of Lathrop	X			Resolved	Completed	
City of Lodi	X	X	Overlap	Resolved	Completed	
City of Manteca				Resolved	Completed	
City of Ripon				In progress	In progress	Need to verify County Layers
City of Stockton	X	X	Overlap	In progress	In progress	Discussions taking place
Linden County Water District	X	X	Overlap	Resolved	Completed	
North Delta Agencies				In progress	In progress	Need to verify GSA Status
Lockeford Community Services District	X	X	Overlap	Resolved	Completed	
North San Joaquin Water Conservation District	X	X	Overlap	Resolved	Completed	
Oakdale Irrigation District				Resolved	In progress	Revising GIS Layers
San Joaquin County	X	X	Overlap	In progress	In progress	Finalizing with other GSAs
South Delta Water Agency				Resolved	In progress	County Data Only
South San Joaquin Irrigation District	X	X	Overlap	In progress	In progress	Agreeable to boundary changes with neighbors.
Stanislaus County				In progress	In progress	Working with CCWD and Calaveras County
Stockton East Water District	X	X	Overlap	In progress	In progress	Finalizing GIS Layers
Woodbridge Irrigation District	X			Resolved	Completed	



## Schedule for Establishing Exclusive GSAs

March 1,  
2017

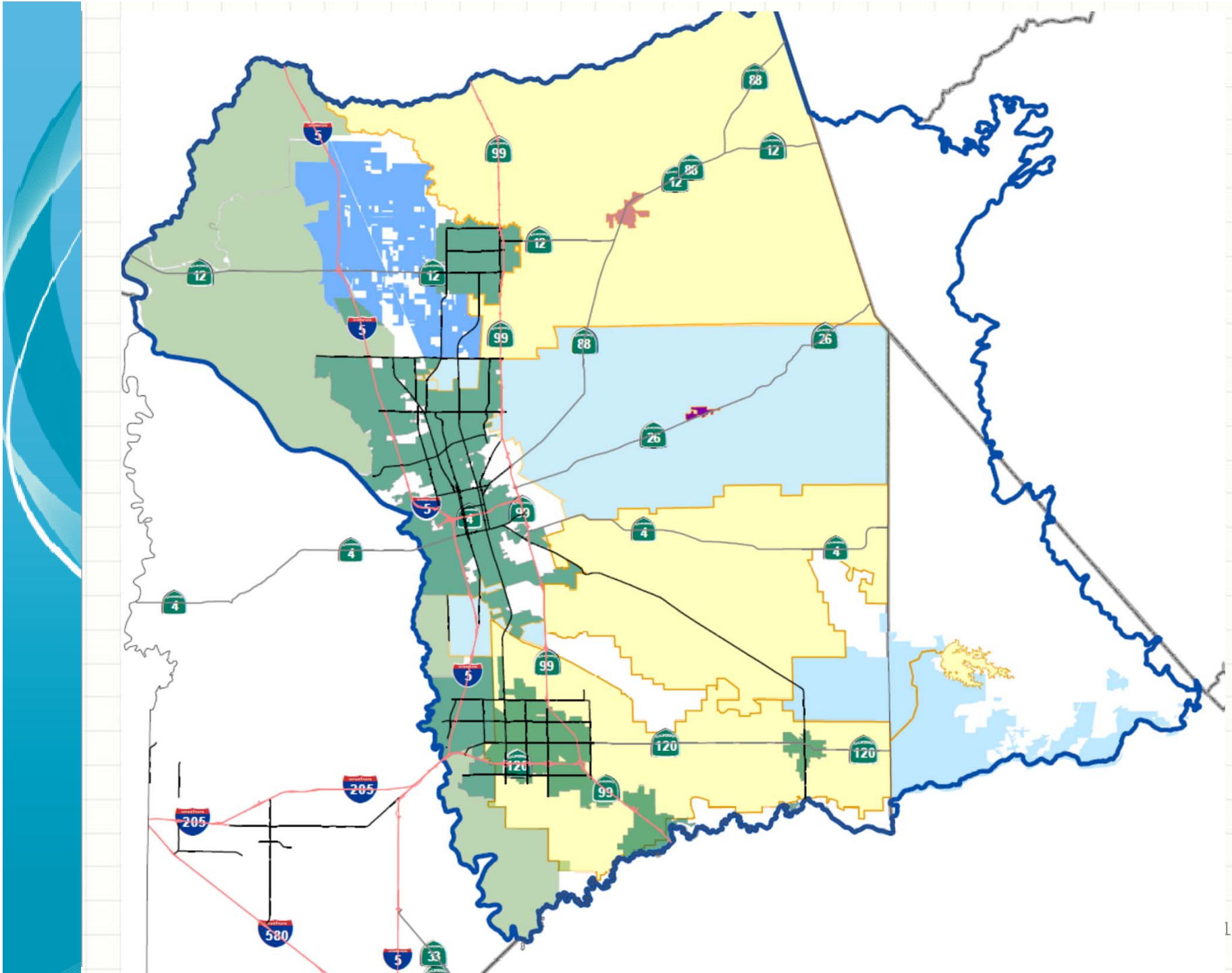
- Target date for GSAs to submit to DWR in order to be included in the County subbasin wide map

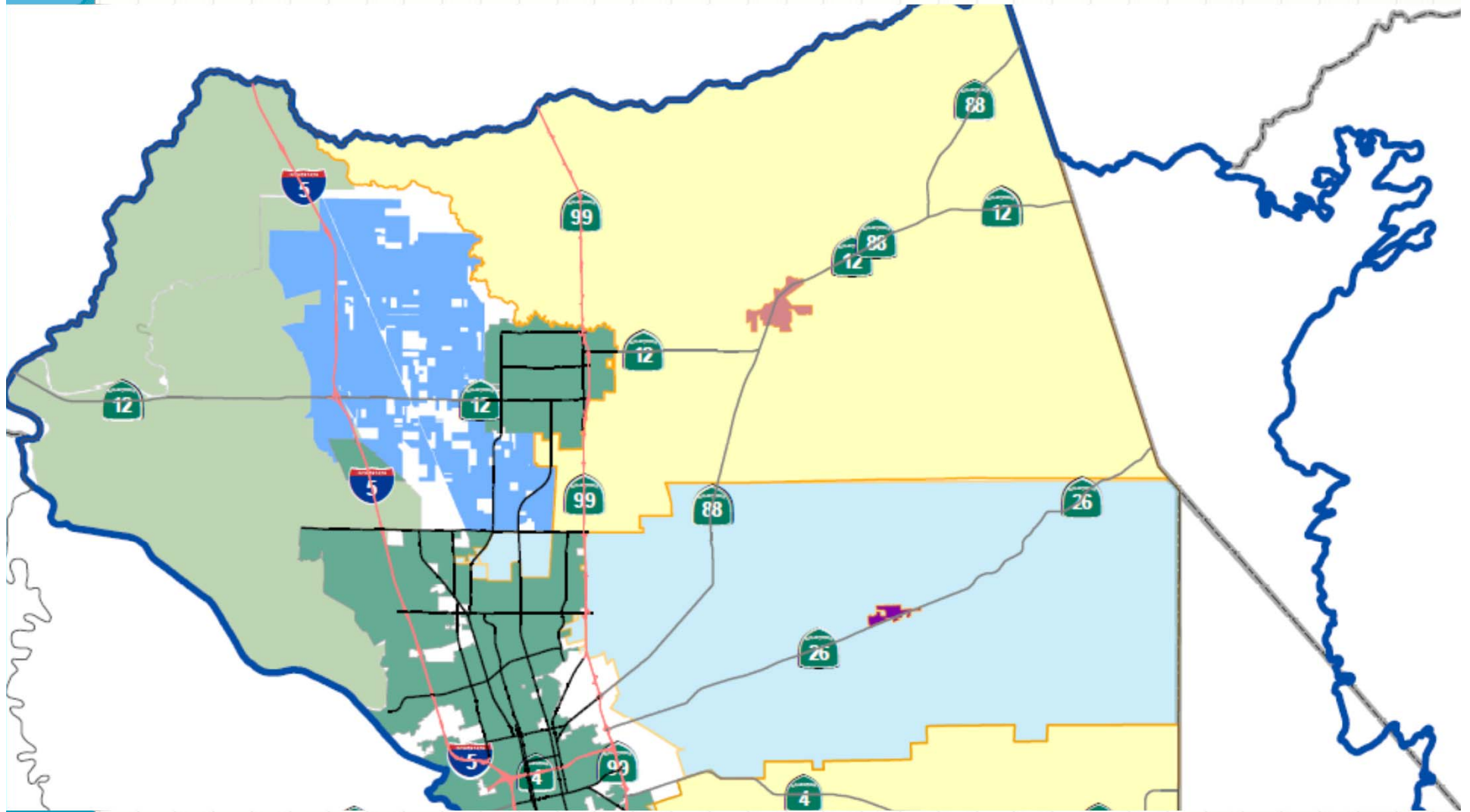
May 1,  
2017

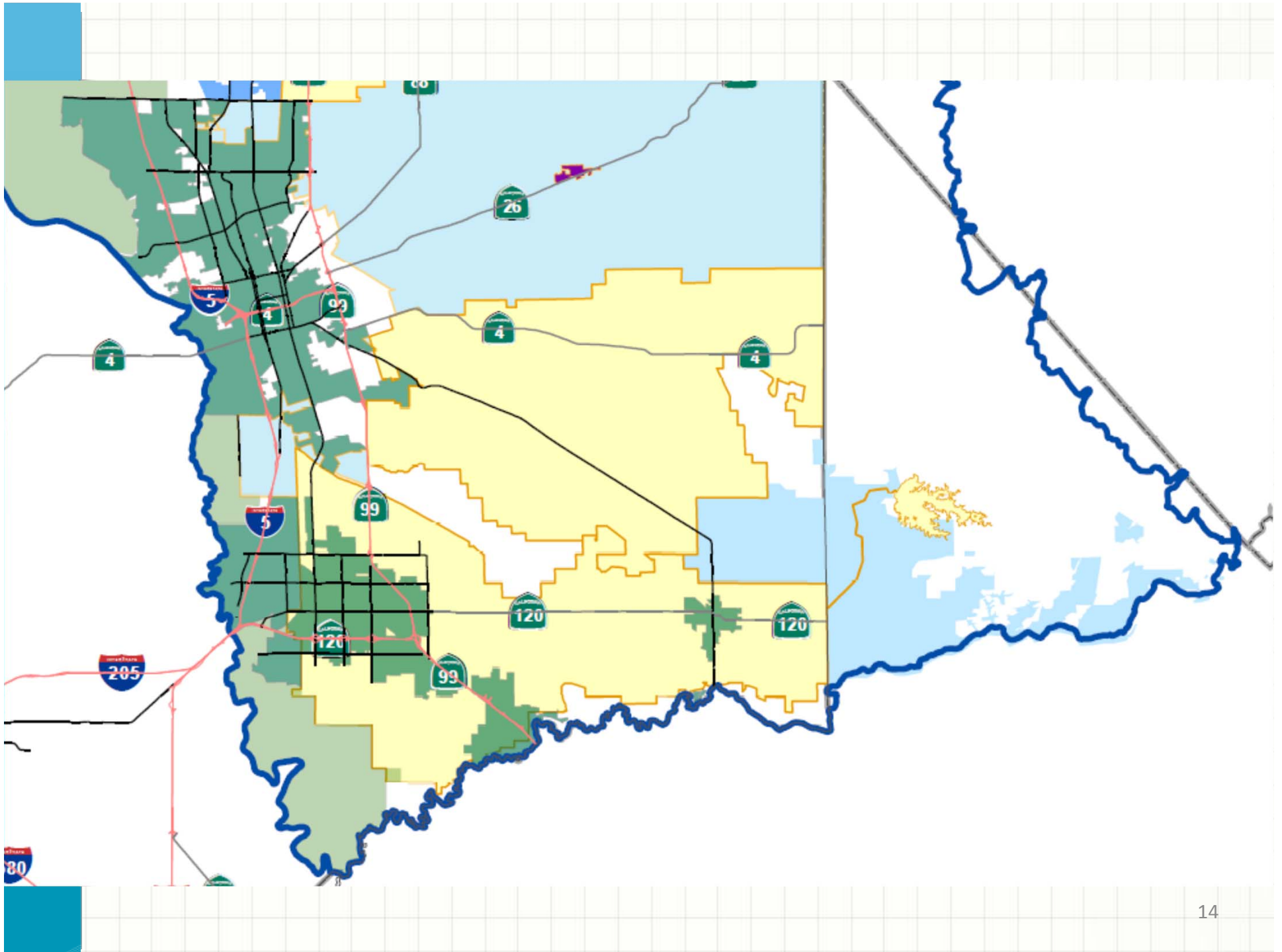
- GSAs submit County subbasin wide map to DWR to cure overlaps

June 30,  
2017

- DWR deadline to establish exclusive GSAs







# Draft Eastern San Joaquin JPA

- Pertinent Documents
  - “ATTORNEYS’ COMMITTEE NARRATIVE STATEMENT” – August 9, 2016
  - Draft JPA - County Draft – December 12, 2016
  - SGMA Work Group Minutes

# Attorneys' Committee Narrative Statement

## What is the Intent of the JPA:

1. Formally organize a group of entities who have elected (or intend to elect) to become GSAs.
2. Work together to develop and adopt a single GSP for the Eastern San Joaquin Subbasin.
3. Funding for the GSP will come from Zone 2, State Grants, and from the Members.
4. Allow for maximum flexibility in the implementation of the GSP within a Member's GSA.
  - a. JPA can help implement if Members agree
  - b. Member may implement GSP independently within its own GSA.
5. Members may withdraw from JPA at anytime.

# Attorneys' Committee Narrative Statement

## Policy Issues identified:

1. Separate Legal Entity – JPA vs. MOU?
2. Voting Power – Weighted vs. One GSA; One Vote?
3. Decision Making – Consensus vs. Supermajority vs. Majority?
4. Allocation of Financial Contributions

# 1. Separate Legal Entity – JPA vs. MOU?

- JPA as a Separate Legal Entity Preferred
  - Members are proportionally responsible for the JPA's liabilities.
  - Authorities to be jointly exercised are common to bonafide GSAs.
  - Board of Directors can make formal decisions in accordance with the JPA Agreement.
  - Transparency of decision making process.
    - Board of Director meetings subject to Open Meeting Act.
    - Member representatives Board of Directors are required to fill out Form 700.



# 1. Separate Legal Entity – JPA vs. MOU?

- GBA is a good example of a functioning JPA that is a separate legal entity.
- County prefers JPA as a separate legal entity for practical reasons.
  - Efficiency in seeking grants and entering into contracts.
  - Revenue raised from members and expenditures allocated in the budget are decisions made by the JPA Board of Directors.
  - The JPA proposes the County be the JPA Administrator so having the financial risk shared among the JPA members is an important concept.
  - County accounting protocols and business practices available to JPA.

## 2. Voting Power – Weighted vs. One GSA; One Vote

Board of Directors can make formal decisions in accordance with the JPA Agreement.

For the time being...

- One GSA; One Vote. (In Current JPA Draft)
  - Applies to Small or Large GSAs.
  - Applies to Urban or Ag GSAs.
  - Work together to develop and adopt a single GSP for the Eastern San Joaquin Subbasin.
  - Allow for maximum flexibility in the implementation of the GSP within a Member's GSA.

For future consideration...

- Weighted voting – Not at this time
  - Contribution level, population, acreage, groundwater usage, etc.

### 3. Consensus vs. Majority Vote

- Consensus – Strive to reach consensus.
- Majority Vote – If consensus cannot be reached, then a formal vote is held.
- Supermajority Vote on specific Items (In Current JPA Draft).
  - Annual budget;
  - Levying of taxes, assessments, and/or property related fees;
  - Expenditures outside of the annual budget;
  - Adoption of rules, regulations, policies, bylaws, and procedures related to the function of the Authority;
  - Apportionment of Members' financial obligations to the Authority.

## 4. Allocation of Financial Contributions

- \$5,000 initial investment. (In Current JPA Draft)
- Need to develop a formula for additional future member contributions.
- Weighted contributions – A future discussion
  - Population, acreage, groundwater usage, depth to groundwater, etc.

# Summary of the 12/12/2016 Draft JPA

- JPA to develop and adopt a single GSP for basin;
- JPA as a separate entity preferred;
- JPA Members are GSAs;
- Members are responsible for financial costs;
- Members are free to implement GSP individually;
- One GSA; one vote;
- Decision Making;
  - Consensus vs. majority or supermajority vote.
- County to be JPA Administrator;
- Initial member contributions - \$5,000 per Member;
- Future discussions needed for additional member contributions.

# Next Steps

- Final round of JPA language clean up.
- Policy/Board/Council check-in.
- Please make sure your agency files to become a GSA by March 1, 2017.
  - County staff available to assist.
- Mapping to be finalized ASAP.
- JPA fully executed by Spring 2017.

# Happy Holidays!



[www.GBAWater.org](http://www.GBAWater.org)

[www.SJWater.org](http://www.SJWater.org)

[www.SJCleanWater.org](http://www.SJCleanWater.org)

[www.MOREWATER.org](http://www.MOREWATER.org)

[www.SJCSavewater.org](http://www.SJCSavewater.org)



**ATTACHMENT**  
**II.A.**



# Policy Brief

DECEMBER 2016

## To Consolidate or Coordinate? Forming California Groundwater Sustainability Agencies

### Background

The 2014 Sustainable Groundwater Management Act (SGMA) — California’s first statewide framework for managing groundwater — aims to achieve sustainable management of this critical resource. Groundwater accounts for nearly 40% of the state’s water supply in average years, and up to 60% in drought years. Focusing on the state’s high- and medium-priority groundwater basins, SGMA requires the formation of Groundwater Sustainability Agencies (GSAs), which are granted significant authorities to manage groundwater. These new public agencies are responsible for defining sustainability goals and developing and implementing

Groundwater Sustainability Plans (GSPs) to achieve these goals by 2040 or 2042, depending on the state of the basin.

Since January 2015, thousands of local agencies and other stakeholders involved in managing water and land use have been working to form GSAs, a task that must be completed by June 30, 2017 to avoid state intervention. This process represents uncharted territory. The simultaneous creation of hundreds of new public agencies with significant resource management responsibilities has little precedent in California or elsewhere in the United States. One crucial choice confronting local agencies concerns the scale at which to form GSAs. SGMA allows for a groundwater basin to be managed by one or multiple GSAs. However, multiple GSAs must coordinate with one another, either to develop a single GSP for the entire basin or to prepare multiple plans that utilize the same “data and methodologies” for water budgets, sustainable yield and other key parameters.

This research brief is based on a report that provides a preliminary look at whether local agencies are pursuing “consolidated” (single GSA) or “coordinated” (multiple GSAs) approaches to managing groundwater basins. The



### About the Report

This brief is based on the report: “*To Consolidate or Coordinate? Status of the Formation of Groundwater Sustainability Agencies in California*” by Esther Conrad, Janet Martinez, Tara Moran, Marcelle DuPraw, David Ceppos, and William Blomquist. December 2016. This report was a joint effort of the **Water in the West Program** at Stanford University, the **Martin Daniel Gould Center for Conflict Resolution** at Stanford Law School and the **Center for Collaborative Policy** at California State University Sacramento.

# Policy Brief

report also draws upon eight case studies to examine factors that local agencies are considering during GSA formation. Overall, the study aims to highlight trends in GSA formation as the June 2017 deadline approaches, and lay the groundwork for future studies.

## Key Findings – Current Status of GSA Formation

The study includes an analysis of GSA formation notices submitted to the California Department of Water Resources (DWR) through Oct. 31, 2016. This analysis suggests that more basins will be governed through “coordination” than through “consolidation.” Furthermore, the majority of entities submitting GSA notices to date represent single agencies rather than partnerships. While this picture may change as more GSA notices are submitted, the current pattern highlights the need for significant investment in coordination across GSAs to achieve sustainable management at the basin scale.

### Entities seeking to be GSAs as of Oct. 31, 2016:

- 106 entities submitted notices to DWR indicating their intent to serve as a GSA.
- 91 of these entities (86%) are single agencies — including water districts, cities, counties, irrigation districts and other types of special districts.

- 15 (14%) are multi-agency partnerships working together under a memorandum of understanding or a joint powers agreement.
- One third of these single agencies and one half of multi-agency partnerships already had a voluntary groundwater management plan in place prior to SGMA, at roughly the scale of the proposed GSA.

### GSA coverage in high and medium priority basins as of Oct. 31, 2016:

- GSA notices had been submitted in 51 high- and medium-priority basins. These notices cover less than half of the area that must be covered by GSAs before June 30, 2017.
- Anywhere from 1 to 14 agencies submitted GSA notices in these basins.
- Only 13 basins are completely covered by a single GSA.
- So far, only one basin is governed by a newly created entity with a governance structure involving multiple agencies.

## Key Findings – What the Case Studies Reveal

The study authors also draw upon observations and interviews in eight case studies, including four examples



NRCS Oregon



USDA

# Policy Brief

of consolidated governance and four examples of coordinated governance. These case studies provide a glimpse of how GSA arrangements look in practice, and what factors appear to lead local agencies to choose one pathway over another.

**Consolidated Governance:** Analysis of these four case studies — Santa Cruz Mid-County, Yolo, Upper Ventura, and subbasins in Tehama County — indicates several factors played a role in shaping the development of consolidated basin governance. These include: prior experience collaborating at the basin scale; basin size (although this was not always a determining factor); ability to address concerns about representation through a single governance structure; and the creation of strategies to account for heterogeneous basin conditions and promote autonomy for participating entities.

**Coordinated Governance:** Consideration of these four case studies — Eastern San Joaquin, Kings, East Butte and Colusa subbasins — provides insight into similarities that seem to have played a role in shaping the development of coordinated basin governance, such as: existence of prior collaboration, although not always at the basin scale; various concerns about autonomy and representation; concerns about financing future GSA activities; and the importance of convening entities in launching discussions about coordination at the basin scale.

## Key Findings – Factors Shaping Decisions about Basin Governance

Given the diverse settings for groundwater management across the state, no single governance structure, whether consolidated or coordinated, will work everywhere. While it is too early to be conclusive, analysis of the eight case studies reveals a set of seven inter-related factors that appear to have played a role in decisions about the scale of GSAs, and whether to pursue consolidated or coordinated approaches to management at the basin scale: 1) basin size; 2) degree

of heterogeneity in basin conditions; 3) concerns about autonomy and representation; 4) needs for financing GSA activities; 5) existing capacity to serve as a GSA; 6) prior collaborative experience; and 7) the presence of trusted basin-wide leadership. The last two factors appear to play a key, positive role in supporting the development of either consolidated or coordinated governance forms.

## Recommendations

Drawing upon these case studies, this report identifies several lessons for agencies and stakeholders to consider as they grapple with decisions over consolidated or coordinated approaches to basin management:

For entities involved in the GSA formation process:

- The presence of a convening entity — whether it is a county government, a water district, or a water users' association — proves helpful in bringing stakeholders together for basin-wide discussions.
- Creating an inclusive, basin-wide process can help stakeholders to become aware of the range of governance options under SGMA, provide a constructive forum to discuss representation, and assess resource needs.
- In basins with more than one GSA, whether one or multiple GSPs are developed, mechanisms will be needed for coordination. Key topics for discussion include the type of agreement needed among GSAs — a memorandum of understanding or a joint powers agreement — and how costs will be shared.
- No matter which approach to GSA governance is chosen in a particular basin, it will likely need to be modified as SGMA implementation proceeds. In meeting the June 2017 deadline, it is helpful to focus on defining core principles and creating clear avenues for amending governance structures once they are formed.

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For promoting learning about governance during SGMA implementation:

- Formal learning forums will be needed to ensure the success of SGMA. State agencies should support the development of learning platforms that enable a broad range of GSAs and stakeholders to participate, such as regional workshops, pilot studies to test innovative approaches and online learning resources.
- Researchers can also play an important role in helping to understand and assess the performance of specific governance arrangements under SGMA. Partnerships between researchers, state agencies and GSAs can enable the design of research projects to inform how GSA governance structures evolve over time to meet SGMA's goals, as well as help identify ways to improve implementation and needs for revisions to state law.

## Conclusions

The patterns seen in this preliminary analysis may change in the coming months, but thus far, a wide array of governance arrangements is emerging. Many basins are likely to be managed through coordination among multiple GSAs. Whether they prepare one or multiple GSPs, these GSAs will need to develop robust mechanisms to coordinate with one another in order to agree upon and implement coherent, basin-wide goals and management strategies. Finally, the diversity of governance approaches, combined with the unprecedented nature of the GSA formation process, creates an imperative for learning and adapting as SGMA's implementation proceeds.

## About the Authors

This research was led by **Esther Conrad**, a postdoctoral Fellow at the Martin Daniel Gould Center for Conflict Resolution at Stanford Law School and the Water in the West Program at Stanford University; **Janet Martinez**, Director of the Martin Daniel Gould Center for Conflict Resolution at Stanford Law School; **Tara Moran**, Sustainable Groundwater Program Lead at the Water in the West Program at Stanford University; **Marcelle DuPraw**, Managing Senior Mediator and Director of Practice

Development at the Center for Collaborative Policy at California State University Sacramento; **David Ceppos**, Associate Director and Sustainable Groundwater Management Act Program Manager at the Center for Collaborative Policy at California State University Sacramento; and **William Blomquist**, professor of political science at Indiana University-Purdue University, Indianapolis, and Landreth Visiting Fellow at the Water in the West Program at Stanford University.

## About Water in the West

Water in the West, a joint program of the Stanford Woods Institute for the Environment and the Bill Lane Center for the American West, marshals the resources of one of the world's preeminent research universities to answer one of the most urgent questions about the American West's future—how can the region continue to thrive despite growing water scarcity? Through Water in the West, Stanford University's world-class faculty, researchers and students are working to address the West's growing water crisis and to create new solutions that move the region toward a more sustainable water future. Learn more: [waterinthewest.stanford.edu](http://waterinthewest.stanford.edu)

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**ATTACHMENT  
II.B.**



## Guest view: Tell Water Resources Board no on increased river flow proposal

### Wednesday

Posted Dec 14, 2016 at 3:54 PM

Updated Dec 14, 2016 at 3:55 PM

By Katherine Miller and Chuck Winn, San Joaquin County Supervisors

An Open Letter to San Joaquin County Residents:

This Friday, Dec. 16, all people who live, work, or recreate in San Joaquin County need to make your voices heard at a public hearing in Stockton being held by the State Water Resources Control Board (SWRCB). During this hearing, County residents and stakeholders have an opportunity to help oppose a proposal that could have a lasting and negative impact on our local farmers, business and commercial interests, cities, developers, recreational users, water customers and our local economy.

The SWRCB will present its revised Substitute Environmental Document (SED) for the Delta Water Quality Control Plan. The SED proposes that 40 percent, or more, of the natural flow remain in the Stanislaus, Merced and Tuolumne Rivers for ecosystem purposes, rather than be put to beneficial use for agricultural, industrial or municipal uses in our communities. In the same proposal, the SWRCB also plans to increase salt limits in the southern Delta, which would have detrimental impacts on long-term viability of Delta agriculture.

It is imperative that we speak out on this latest proposal which appears to be yet another ploy to promote the Governor's Twin Tunnel plan. Even though the SWRCB cites the need for increased river flows to "improve aquatic ecosystems", it appears the real desire is for additional water to flow through the damaged Delta to facilitate the export of billions of gallons of water south.

The state has historically ignored input related to the Delta, and the burden is on us to demonstrate the will of the people, the science, historical references and existing law, to prove that this latest attempt to drain us of our most precious resource must be shelved. The evidence is irrefutable:

### **The SED could result in economic devastation**

- The state claims that as many as 250,000 acres could be fallowed each year and underestimates the region's economic loss at approximately \$64 million. In reality, the Central Valley would lose billions of dollars in revenue in addition to experiencing higher unemployment rates, reduced property values, harm to economically disadvantaged communities and workers, and permanent salt accumulation on prime agricultural land.
- The loss of more water from our rivers and tributaries also means less groundwater recharge and more pumping, making it increasingly difficult to comply with the State's Sustainable Groundwater Management Act.

### **The SED runs counter to the law**

- Water Code Section 11460 states that no water shall be diverted for export unless all the needs of the Delta watersheds are met including irrigation, municipal, industrial, and fish and wildlife. The SWRCB's current proposal is in direct violation of State law.
- The SWRCB concluded in 1978 that in order for all impacted fish populations to recover, virtually all exports would need to cease. Now that additional water is needed for the Twin Tunnels project, SWRCB seems to have changed its opinion and determined that exports are permissible and currently proposes increased flows.

The SED won't ensure increased fish populations

- The SWRCB's representatives want to say that the county doesn't care about the ecology and places farmers over fish. This is clearly wrong. San Joaquin County supports increasing water supplies statewide to ensure there is enough water for fish, farms and communities. We acknowledge that more water could be beneficial to fish populations, but we should look to the science and put the responsibility squarely on the true cause of fish population decline. Reducing

exports from the Delta should be targeted first, before turning to our communities which have been lawfully irrigating from the Stanislaus River and the Delta for over a century and responsibly addressing the fish needs.

Delta stakeholders agree that a comprehensive statewide water plan to enhance the health of Delta is necessary. California will never solve its water crisis until the governor and his officials stop pitting one part of the State against another. The SWRCB's proposal is just another attempt by the Brown Administration to abuse the rule making process and build the Twin Tunnels at any cost. It's time to voice your opinion against this latest water grab. Our unified voice will help make a difference. Our community deserves better, and so does the Sacramento-San Joaquin Delta. Like the Governor's Twin Tunnels, the SED is bad for San Joaquin County and won't deliver on its empty promises to save our Delta. We hope to see you at the hearing on Friday at 9 a.m. in the Stockton Memorial Civic Auditorium.

*- Katherine Miller (2nd District) and Chuck Winn (4th District) both serve on the San Joaquin County Board of Supervisors.*



**ATTACHMENT  
II.C.**

# Capitol Journal Everyone is at odds over Gov. Brown's delta tunnels plan — here's a compromise that could stop the fighting



A waterway that connects to the Sacramento-San Joaquin River Delta runs along Route 4, just outside Stockton. (Los Angeles Times)



By **George Skelton**  
Capitol Journal

DECEMBER 15, 2016, 12:05 AM | REPORTING FROM SACRAMENTO

**W**hen enemies are in face-to-face combat, they're often blind to an obvious path to potential compromise.

That's certainly true of water warriors, who have been battling over California's most valuable and limited resource since statehood. Fights don't get any more ferocious than over water in this state.

Agriculture just won a major battle over environmentalists in Congress because of an alliance between House Majority Leader Kevin McCarthy (R-Bakersfield) and Sen. Dianne Feinstein (D-Calif.).

But still raging in the Sacramento-San Joaquin River Delta is a decades-long struggle that will affect 25 million Californians and 3 million acres of farmland.

Gov. **Jerry Brown**, San Joaquin Valley farmers and the Metropolitan Water District of Southern California are trying to burrow two 40-foot-wide, 35-mile tunnels through the heart of this bucolic estuary.

They want to siphon fresh water from the Sacramento River before it flows into the delta and pour it into southbound aqueducts on the other end.

The tunnels are needed, the projects' promoters say, to fix the current north-to-south water delivery system.

Pumping at the south end of the delta is unreliable because it kills baby salmon and other endangered fish, so federal judges often tighten the spigot on water releases.

Plus, there's the danger of delta levees collapsing in an earthquake, although this has never happened in recorded history. Global warming also could raise seas, advocates argue, and send more saltwater into the estuary. Therefore, the water should be captured at the delta's north end while it's still fresh.

Naturally, delta farmers, recreationists, local communities and the salmon fishing industry are vehemently opposed to the twin-tunnel monstrosity. They consider it a water grab — similar to Los Angeles' virtual draining of the Owens Valley in the Eastern Sierra a century ago.

That water raid was fictionally immortalized in the movie "Chinatown," which should be part of every school kid's lesson plan.

Delta people and Northern Californians generally don't trust the governor, San Joaquin Valley irrigators and L.A. when they promise to limit their delta water pilfering.

"Just trust us' doesn't work," John McManus, head of the Golden Gate Salmon Assn., wrote in a recent Sacramento Bee op-ed piece. "Our salmon runs [have been] decimated by broken promises."

"The twin tunnels are big enough to drain the entire Sacramento River dry at most times of the year," McManus wrote. The project is "too big, too expensive and too damaging, which is why it is hopelessly bogged down."

### **Updates from Sacramento »**

The state pegs the tab at \$15.5 billion. But it's double that when borrowing costs are added. Water users — homeowners, farmers — would pay through their monthly bills.

Fortunately there are think tanks. One of them thought about the tunnels and suggested a solution so simple that all the warriors should be embarrassed. Build just one tunnel, it advised.

The nonpartisan Public Policy Institute of California came up with that non-rocket science concept, calling it "a grand compromise."

“If we fail again to find common ground, the political paralysis that has plagued the delta for decades will continue,” the policy institute’s water experts wrote in another Bee op-ed article.

They noted that eliminating one tunnel would limit the water that could be taken and “greatly reduce” construction costs. The best guess is that costs could be lowered by 30% — to less than \$11 billion, plus interest.

It would still “significantly improve the reliability and quality of water supply,” they wrote.

To help delta counties, the institute suggested strengthening vulnerable levees to reduce flood risk. Local residents should also be provided access to the fresher water, the experts said.

“One way to put minds at ease is to downsize the infrastructure,” Ellen Hanak, longtime director of the institute’s Water Policy Center, told me. “It gives people more confidence there can’t be a water grab.”

Why two tunnels and not just one anyway? “Redundancy,” says the state Department of Water Resources. If one tunnel clogged up or needs repair, the other would be available.

But come on! That’s like buying two yachts so one is always available if the other is in dry dock.

At any rate, Hanak notes, the south delta pumps would still be a redundant water mover. And they could be modernized to make them more fish-friendly.

The best argument for two tunnels, however, is that they could gulp twice as much water as one during a very heavy storm.

Of course, neither side is wild about the “grand compromise.” But when I contacted them, nobody said absolutely no way.

“It’s an idea to kick around,” says Roger Patterson, assistant general manager of the Metropolitan Water District. “But my guess is one tunnel wouldn’t perform very well.”

Barbara Barrigan-Parrilla, who heads an anti-tunnel group called Restore the Delta, told me: “We’re not going to say ‘no’ to everything forever.... But we absolutely will hold their feet to the fire on drinking water quality. The estuary is going to die if you keep taking so much fresh water out of it.”

There are political dynamics to be considered.

Brown will be termed out in two years and his most likely replacements, in interviews with me, have expressed views ranging from skepticism to hostility toward the twin tunnels.

And who knows about President-elect Donald Trump? He might want to drain the whole estuary.

Hanak gets the last word: “We’re suggesting that one tunnel is better than none. The status quo is getting us nowhere fast. That’s the worst alternative.”

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**ALSO**

**Lawmakers approve audits of UC spending and delta tunnels project**

**Let bass off the hook in Gov. Jerry Brown's delta tunnel plan**

**Updates from Sacramento**

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