



SAN JOAQUIN COUNTY

# FLOOD CONTROL & WATER CONSERVATION DISTRICT

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KRIS BALAJI  
DIRECTOR OF PUBLIC WORKS

## ADVISORY WATER COMMISSION

March 15, 2017, 1:00 p.m.

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

### AGENDA

#### Roll Call

Approve Minutes for the Meeting of February 15, 2017

#### SCHEDULED ITEMS

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

- A. Presentation and Discussion on Lower San Joaquin River Feasibility Study – Roger Churchwell
- B. Presentation and Discussion on Smith Canal Gate Project – Roger Churchwell
- C. Presentation and Discussion on Central Valley Flood Protection Plan – John Maguire/Fritz Buchman
- D. Presentation and Discussions on Delta Stewardship Council’s Delta Levees Investment Strategy – John Maguire/Fritz Buchman (See Attached)
- E. Presentation and Discussion on the Fall 2016 Groundwater Monitoring Report – Gerardo Dominguez

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

- A. February 13, 2017, Letter from Senator Galgiani to Governor Brown, “Request for Proclamation of a State of Emergency for San Joaquin County”
- B. March 2, 2017, modbee.com, “Sustainability, Not Drought, Can Be the Future of Our State”
- C. March 4, 2017, modbee.com, “What Are We Supposed to Do with All This Water?”
- D. March 8, 2017, recordnet.com, “Disaster Declaration for SJ County”

#### Public Comment:

#### Next Regular Meeting:

**April 19, 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  
February 15, 2017**

The regular meeting of the Advisory Water Commission of the San Joaquin County Flood Control and Water Conservation District was held on Wednesday, February 15, 2017, beginning at 1:00 p.m., at Public Health Services, 1601 E. Hazelton Avenue, Stockton, California.

**Roll Call**

Present were Commissioners Nomellini, Roberts, Holman, Flinn, Winn, Herrick, Holbrook, Alternate Heberle, Commissioners Hartmann, Meyers, Secretary Nakagawa, Vice-Chair Price, and Chairman McGurk.

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

**Approval of Minutes for the Meeting of January 18, 2017.**

Motion and second to approve the minutes of January 18, 2017 (Holbrook/Meyers). Unanimously approved.

**SCHEDULED ITEMS**

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

**I. Action Items:**

**A. Election of Officers for 2017 – Brandon Nakagawa**

Secretary Nakagawa reviewed the San Joaquin County Ordinance Code of the Advisory Water Commission, Section F-1011 – Officers (included in agenda packet). Per language, a selection of officers must be conducted annually. Positions up for election today include Chairman, Vice-Chairman and Secretary, to be reaffirmed or newly elected.

**MOTION:** A motion was made to close nominations for the Election of Officers of the Advisory Water Commission and renew current officer positions, including Secretary. The motion was unanimously approved. (Nomellini/Holbrook).

Chairman McGurk offered an open invitation for suggestions on issues to present before the Commission. Vice-Chair Price inquired on the vacant position for General Business Community representative. He asked if an appointment has been made for this member organization. Mr. Nakagawa confirmed the vacancy and added it is an appointment made by the San Joaquin County Board of Supervisors (BOS). The process entails advertising the opening, vetting applications, and the BOS is the appointing authority. Currently, the position is being advertised, with no appointment as of February 15, 2017. Boards, Commissions, and Committee vacancies and an Application for Appointment to Boards/Commissions/Committees can be found at the County's website at: [www.sjgov.org/departments/COB/Boards\\_Commissions\\_Committees](http://www.sjgov.org/departments/COB/Boards_Commissions_Committees).

Vice-Chair Price referenced Section F-1015 – Report to Board of Supervisors. Language states reporting to the BOS will be done quarterly (every 3-month period) by the Chairman or Secretary of the Commission. He inquired whether this reporting is presented on an informal basis, or a formal documented procedure. Mr. Nakagawa answered that the BOS is provided with the AWC Meeting Minutes as approved by the Commission. In addition, the BOS assigns a County Board Supervisor to the Commission (Commissioner Winn), and the Ex-Officio Member of the Commission is Kris Balaji, Director – San Joaquin County Public Works, who maintains regular contact with the BOS. Mr. Balaji commented that following BOS meetings, Commissioner Winn reports to the Board on any appointed board, commission and/or committee activities including the AWC. Vice-Chair Price added he would be interested in a future discussion with Mr. Nakagawa regarding formalizing reporting presentations to the BOS. Chairman McGurk asked if there is ever feedback from the BOS regarding AWC issues, to which Mr. Nakagawa answered “plenty.”

**B. Discussion and Possible Action on Recommendation to the Board of Supervisors to Approve a Groundwater Export Permit for Demonstration Recharge, Extraction and Aquifer Management (DREAM) Project – Brandon Nakagawa**

Mr. Nakagawa gave an update on the DREAM Project including the recent application for a groundwater export permit submitted to San Joaquin County Public Works on February 3, 2017 by North San Joaquin Water Conservation District (NSJWCD) and the Eastern Water Alliance. The process calls for an affirmative recommendation by the Commission to the Board of Supervisors for the issuance of the groundwater export permit.

The presentation of the DREAM Project outlined:

1. Timeline and Schedule – History as well as future dates for the DREAM Project;
  2. Project Team – The initiation, funding and design of the project;
  3. Design Constraints – Why the project looks the way it does, with various constraints such as financial, design, ordinance, value, basin conditions, and outreach;
  4. DREAM Project – The concept, layout, location within the County, properties affected, and operation;
  5. Ordinance Requirements – Strict adherence to the ordinance; and
  6. Staff Recommendation
1. Timeline and Schedule: Mr. Nakagawa stated the timeline shown for the DREAM Project begins February 17, 2016, but the efforts date back years earlier. History of the entities includes a number of agreements the County entered into with East Bay Municipal Utilities District (EBMUD). The development of the DREAM Project entails a long history of a potential partnership with EBMUD. In October 1998, the AWC considered a recommendation to the Board of Supervisors to grant an export permit, to which consideration was denied by the Commission. Today, the Commission will have the opportunity to consider moving forward on the project with a recommendation to the BOS.

Milestones and future activities depicted on the Timeline and Schedule include:

- February 17, 2016 – DREAM Project presented to the AWC.
- February 24, 2016 – Multiple public meetings were held with landowners within a two-mile radius of the location of the extraction wells. The meeting outcomes were positive.
- March 4, 2016 – The Initial Study/Mitigated Negative Declaration (IS/MND) documents of the project were made public. This began a 30-day public comment period.

- April, May & June 2016 – Issues regarding water rights needed to be addressed, resulting in three public comment period extensions.
- August 17, 2016 – The AWC approved a recommendation to the BOS to adopt the IS/MND for the DREAM Project.
- August 23, 2016 – The BOS adopts the IS/MND.
- August 24, 2016 – Notice of Determination filed. This started a 45-day period in which an agency, entity, or person could legally challenge the document for accuracy.
- October 2016 – The 45-day challenge period closed.
- February 3, 2017 – Eastern Water Alliance, NSJWCD, SEWD, and CSJWCD met and approved the DREAM Project Export Permit Application and submitted it to San Joaquin County Public Works. Thereafter, the Notice of Permit Application was published, which began a 30-day public comment period.
- February 15, 2017 – Consideration of the AWC for recommendation to the BOS to issue the Groundwater Export Permit.
- March 21, 2017 – Upon recommendation by the Commission – Potential BOS Meeting to set public hearing date for the issuance of the Groundwater Export Permit.
- April 11, 2017 – Upon recommendation by the Commission – Potential BOS Public Hearing and consideration to issue a Groundwater Export Permit.

## 2. Project Team:

- Local Growers – A number of local growers are involved in the implementation of the DREAM Project. The project will call for underground piping through local farms and vineyards and a local grower (Mr. John Kautz—Kautz Farms) to take surface water in lieu of pumping groundwater.
- Eastern Water Alliance – A major player in the project. Per California Water Code Sections 1215-1222, water exports are prohibited from the area of the basin within the project location without an election process. Partnership with the Eastern Water Alliance on the Groundwater Export Permit Application, allowed for an exemption of this election process.
- North San Joaquin Water Conservation District – The entity that will be putting in the pipes, delivering surface water, contracting with growers, and operating pumps and delivery system. In addition, NSJWCD and the County will be monitoring the intake of water delivered by EBMUD, and releases of the water in the system.
- East Bay Municipal Utility District (EBMUD) – Will provide the water for the banking project with a portion (10%) of EBMUD's Permit 10477 water right. EBMUD will pay for the cost of the DREAM Project, which includes NSJWCD south system improvements, and a cost-share with the County for work contracted to develop the project. EBMUD has already deposited \$1.75 million for the NSJWCD south system project. The source of funding is the settlement agreement reached between EBMUD, NSJWCD, SEWD, the County and other Delta agencies. Per the agreement, EBMUD will provide up to 1,000 acre feet (AF) of water for use in our County by local growers and in return, be eligible to extract up to 500 AF in accordance with the agreement.
- Project Development Committee – The Project Development Committee was assembled comprised of SEWD, Woodbridge Irrigation District (WID), San Joaquin Farm Bureau (SJFB), NSJWCD, consultant Mark Williamson from GEI, and the County.

- San Joaquin County – The County’s role for the future will be the monitoring of extractions and groundwater levels in the area of the project and ensuring ordinance and permit requirements are followed.

3. Design Constraints:

- Physically export banked groundwater and test the groundwater export permit process.
- Improve basin conditions – For the amount of water provided by EBMUD (up to 1,000 AF), only up to 50% can be extracted by EBMUD.
- Must fit within \$4 million budget.
- Strict adherence to Groundwater Export Ordinance – No modification to the Ordinance while the project is being developed.
- Maximize additional value beyond the “Demonstration” including:
  - Permanent upgrade to NSJWCD pump station (\$1.75 million funding deposited by EBMUD) – Will reduce the cost of providing surface water by over 50%;
  - South System diversion facility improvements including permanent improvements to Pixley Slough;
  - Could leverage additional funding opportunities – i.e. WaterSmart Grant;
  - Minimum fill cover for the pipeline – 3 to 4 feet fill cover;
  - Tees and blind flanges along return pipeline – Includes future utility of return pipeline for use by farmers; and,
  - Utilize existing wells for pump back and monitoring.
- Seek neighbor’s support for DREAM Project – requires outreach and notification(s).

4. DREAM Project:

- Site Plan –
  - Surface water delivery – The source of surface water delivery would be Lake Camanche upstream, the rehabbed NSJWCD South System Pump Station, and the water conveyed in its existing cast-in-place pipes to Pixley Slough.
  - In-lieu recharge – The quantity of water is 1,000 AF of EBMUD’s water. The water would be conveyed down Pixley Slough and pumped out to Kautz vineyards for irrigation of approximately 350 acres, for approximately two years of delivery.
  - 2.8 Mile return pipeline – Will return water from the existing Kautz well to EBMUD. The return pipeline will be high-density polyethylene (HDPE) pipe, 12” diameter, and 4’ cover.
- Return Pipeline –
  - Pipeline mapping depicts the Pixley Slough Meter, the Extraction Well Meter, crossing over Bear Creek, two minor stream crossings, and two road crossings. Vice-Chair Price asked if there would be inverted syphons over the top for the stream crossings. Mr. Mark Williamson, GEI, answered affirmatively for the smaller streams.
  - Approximate cost based on the engineer’s estimate is \$1.85 million.

- Monitoring –
  - The extraction well is in the center of the monitoring area within a two-mile radius, at approximately 1,000 gallons per minute.
  - Pumping for export to EBMUD to occur only during non-irrigation season.
  - There will be a monitoring network of existing wells.
  - Local monitoring committee – Will have authority to recommend and/or shut down export if impacts occur.

Mr. Nakagawa invited questions on the physical project. Commissioner Holbrook asked for clarification if cast in place concrete pipes will be used. Mr. Nakagawa responded it will be existing cast in place pipes used. Commissioner Hartmann questioned how 1,000 AF will affect the water level in the basin. Mr. Nakagawa responded there are no theorized effects on water levels but added the monitoring network may demonstrate incremental benefits. He stated the project will be serving 1,000 AF of surface water in lieu of groundwater – thereby not pumping 1,000 AF of groundwater. Discussion included accounting will be done on pumping but water levels may not be measurable.

5. Ordinance Requirements: Per the Groundwater Export Ordinance, Mr. Nakagawa referenced the Application for a Permit to Export Groundwater from San Joaquin County, page 22 – Monitoring Committee and Monitoring Plan. A copy of the application was distributed to the Commission.

- Monitoring Committee will consist of the San Joaquin County Public Works Director, San Joaquin County Environmental Health Director, a representative of the Permittee (Eastern Water Alliance), a representative of the local agency that provides water service in the project area (NSJWCD), and a representative of landowners within two miles of the project area (to be determined).
- Monitoring Plan includes hydrographs, historical data of groundwater levels and proposed minimum operating levels (Table 2, page 24), and a map depicting wells in the project area currently in use and that will be part of the monitoring program – some of the wells will be outside the two-mile radius area (page 25). Wells could be measured monthly, with more frequent measurements as extractions occur, based upon recommendations from the Monitoring Committee.

Vice-Chair Price asked a two-part question– Are there stages by which the process of extractions would be stopped?; and, Are these stages established or to be determined? Mr. Nakagawa replied that the Ordinance states if there is a five-foot drop in a neighboring monitoring well, the project could be stopped. In addition, per Table 2, page 24, the data shown reflects the lowest operating levels recorded for the wells listed. Commissioner Nomellini expressed opinion that the project should be a success.

- Findings and Proposed Conditions for Export – The Ordinance is very specific about what findings the Board is granted to make, and what conditions will be imposed on the project prior to approval. These conditions are listed on page 33 of the handout, directly from Division 8 of the San Joaquin County Ordinance Code – Section 5-8335. Required findings are also shown in Table 3, pages 34-36.
- Proposed Conditions for Granting of Permit are listed on pages 36 through 38, directly from Division 8 of the San Joaquin County Ordinance Code – Section 5-8340. Proposed conditions are also shown in Table 4, pages 38-41. As specified in the Ordinance,

limitations on extraction amounts will include a 5% loss factor per year of water available for export. A hypothetical accounting of water available with migration loss is shown in the table located on page 41, footnote 8.

To clarify – Any amount of water available to EBMUD and not exported, will decrease annually per a 5% loss factor.

Mr. Nakagawa concluded his presentation. Staff recommendation is that the Advisory Water Commission recommend to the Board of Supervisors that the DREAM Project Application for a permit to export groundwater be granted by the Board of Supervisors. He reiterated the Board could set the public hearing date for the Groundwater Export Permit at the Board of Supervisors Meeting on March 21<sup>st</sup>, and the Board of Supervisors Public Hearing to consider granting the Groundwater Export Permit could be held as soon as April 11<sup>th</sup>.

Vice-Chair Price asked if there is a provision in the design of the DREAM Project in which the Commission would receive status reports of the project. Mr. Nakagawa responded it is not a requirement of the Ordinance but added that the future role of the County is to help monitor the progress of the project. That said, Staff would be happy to provide status reports to the Commission. Commissioner Flinn concurred that DREAM Project status reports would be beneficial. There was discussion amongst the Commission regarding a reporting schedule. Commissioner Holbrook commented that parties involved in the project could better determine the most advantageous times for Mr. Nakagawa's updates to the Commission. Commissioner Nomellini expressed opinion on a "great project" and commended all parties involved for "staying with it."

Alternate Heberle acknowledged the length of time it took to bring the DREAM Project to fruition and added that Woodbridge Irrigation District (WID) had concerns about the source of the water – whether it was flood control releases or EBMUD Water Right Permit 10478 stored water. Contingent on the fact that the source of water will be Permit 10478 stored water, WID Board of Directors does not oppose to the DREAM project application for permit.

A member of the public, Jacqueline M. Shaw, commented on the DREAM Project Application for a Permit to Export Groundwater, page 33, Section 5-8335 – Findings for Granting of Permit, and questioned the process by which proof is provided for the findings to grant the permit. Other concerns also expressed by Ms. Shaw included the long-term ability to store or transmit groundwater within the aquifer, land subsidence, soil salinity, vineyards, desalting options for EBMUD, etc.

Chairman McGurk responded to Ms. Shaw's concerns and explained the DREAM Project is narrowly focused and currently funded. Commissioner Holbrook added that there were opportunities to express opinions of the project during the public comment periods (Third Extension of Public Review Period ended 7/8/16). Commissioner Holbrook reiterated the fact that only 500 AF will be pumped out of the ground, thus subsidence is not anticipated to occur. In addition, he suggested she research the beneficial objectives of the project. Mr. Kris Balaji, Public Works Director, offered discussion offline to address any concerns of Ms. Shaw or members of the public.

Commissioner Nomellini stated that many have worked diligently over the years on the Ordinance to provide protections for the concerns raised by Ms. Shaw and that there is confidence the protective mechanisms in the Ordinance will address these concerns. He added it is a small project and the impacts should be nil. He concluded that the DREAM Project is a joint effort to test whether local entities and EBMUD can work together on mutually beneficial water projects.

**MOTION:** Alternate Heberle moved and Commissioner Nomellini seconded a motion to advance the application to the Board of Supervisors and recommend that the DREAM Project permit to export groundwater be granted by the Board of Supervisors. The motion passed unanimously.

**II. Discussion Items:**

**A. Notice of 2016/2017 Statement of Economic Interests Form 700 Annual Filing –  
Brandon Nakagawa**

Mr. Nakagawa informed the Commission that the 2016/2017 Statement of Economic Interests Form 700 is due. Included in today's agenda packet are the Form 700 for 2016/2017, the San Joaquin County Board Order B-91-1900, and the Conflict of Interest Code abided by Public Works and adopted by the Board of Supervisors on December 10, 1991. Completed forms should be submitted to Kelly Villalpando, Management Analyst II - San Joaquin County Water Resources, prior to the April 1, 2017 deadline. Any questions can be directed to Mr. Nakagawa or Staff at 468-3089.

**III. Communications:**

- A. January 27, 2017, newsdeeply.com, "California Water Diverters Scramble to Satisfy New Reporting Rules"**
- B. February 5, 2017, recordnet.com, "San Joaquin's Clogged River"**
- C. February 6, 2017, mercedsunstar.com, "Gray Proposes Legislation to Overhaul State's Water Management System"**
- D. February 6, 2017, recordnet.com, "Delta Legislators Seek Clout"**

**Public Comment:**

**Next Regular Meeting:** March 15, 2017, at 1:00 p.m.  
Public Health Conference Room

**Adjournment:** 1:50 p.m.



**SAN JOAQUIN COUNTY  
FLOOD CONTROL & WATER  
CONSERVATION DISTRICT**

**ADVISORY WATER COMMISSION  
MEETING OF FEBRUARY 15, 2017**

**ATTENDANCE SHEET**

| NAME                               | AFFILIATION           | E-MAIL ADDRESS                    | PHONE          |
|------------------------------------|-----------------------|-----------------------------------|----------------|
| Darwin Barney                      | SJC - PW              | dbarney@sjgov.org                 | 468-3089       |
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| Kelly Villalpando                  | SJC - PW - BUR        | KRVillalpando@sjgov.org           | 468-3073       |
| Michael Callahan                   | SJC PW                | mcallahan@sjgov.org               | 462-9360       |
| Alex Breiter                       | The Record            | abreiter@recordnet.com            | 546-8295       |
| MARK WILLIAMS                      | GR                    | markwilliams@griconsultants.com   | 916 631 4559   |
| Joe Valente                        | NSJWCD                | jvalente@softcom.com              | 481-0611       |
| Julianne Phillips                  | SJFB                  | jphillips@sjfb.org                |                |
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| Daniel de Graaf                    | City of Ripon         | ddegraaf@cityofripon.org          |                |
| Mike Tognolini                     | EBMUD                 | michael.tognolini@ebmud.com       | 510-287-0125   |
| Richard Sykes                      | EBMUD                 | richard.sykes@ebmud.com           | 510 287-1629   |
| Alice Towey                        | EBMUD                 | alice.towey@ebmud.com             | 510-287-1105   |
| Jon Crawford                       | CITY OF STOCKTON      | jon.crawford@stocktonca.gov       | —              |
| Chuck Schermesser                  | EBMUD                 |                                   | 209 224 5858   |
| Brent Williams                     | stakeholder           | Same                              |                |
| ANNETTE HENNERBERRY<br>SCHERMESSER | AWC - act             | zmooncoin@att.net                 | 209 839 1101   |
| Kris Balaji                        | SJC - PW              | kbalaji@sjgov.org                 | 209 468 3000   |
| Rod Attebery                       | Newmiller / SJC       | RAttebery@newmiller.com           | 209-948-8200   |
| Katie Lucchesi                     | Newmiller / SJC       | klucchesi@newmiller.com           | 209-948-8200   |
| Gerardo Dominguez                  | SJC PW                | gdominguez@sjgov.org              | 209-953-7978   |
| Elbert Holman                      | Stockton City Council | DISH@stocktonca.gov               | 209-423-3778   |
| CHUCK WINN                         | SJC                   | CWINN@SJGOV.ORG                   | 209 468-3113   |
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# California State Senate

SENATOR  
**CATHLEEN GALGIANI**  
FIFTH SENATE DISTRICT



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April 3, 2017

The Honorable Edmund G. Brown  
Governor of California  
State Capitol  
Sacramento, CA 95814

The Honorable John Laird  
Secretary, California Natural Resources Agency  
1416 Ninth Street, Suite 1311  
Sacramento, CA 95814

Dear Governor Brown and Secretary Laird:

As you may know, my district includes the County of San Joaquin, which is home to the majority of the Sacramento-San Joaquin Delta. The County and jurisdictions within the County's boundaries are working hard to enhance flood protection and make levee improvements. The recent winter storms have stressed the County's flood protection system. And, given the state of the snowpack, the system will continue to be stressed during the traditional spring run-off and possibly into the late summer.

More resources must be brought to the Delta to prevent and fight flooding. The Administration's proposal, outlined on February 24, 2017, to accelerate Proposition 1 funds through a letter to the Joint Legislative Budget Committee – and subsequent documents available from the Department of Water Resources (DWR) – raise serious concerns about how the Administration plans to allocate *emergency funding to fight and prevent floods and improve levees*.

As we all remember from the intense negotiations over the final contents of the legislation that became known as Proposition 1, there were commitments made at every level – from the author and from the Administration – that no Proposition 1 funds would be used to benefit the Delta tunnels. I, along with other members who represented the Delta at the time, conditioned our support for Proposition 1 based

on the assurance that these funds would not, in any manner or fashion, facilitate a Delta conveyance facility. In fact, the following language appears in multiple sections of the Proposition:

“Funds provided by this division shall not be expended to pay the costs of the design, construction, operation, mitigation, or maintenance of Delta conveyance facilities. Those costs shall be the responsibility of the water agencies that benefit from the design, construction, operation, mitigation, or maintenance of those facilities.”

The accelerated funding the Administration is proposing to spend is directly out of the specific sub-category of Proposition 1 funding that was approved by the voters to fund levee improvements in the Delta. The DWR document that provides examples of how these levee funds might be spent indicate that a significant amount of that funding (\$130 million) could go to “system-wide benefits” such as habitat projects. There is a separate chapter of Proposition 1 intended to fund such system-wide projects. That chapter included \$2.7 billion and is named “Statewide Water System Operational Improvement and Drought Preparedness.” Yet, according to documents associated with the accelerated funding, the Administration is proposing to spend absolutely critical levee funds on habitat projects that will provide no emergency benefit to the Delta.

There are real projects in the Delta to protect those who live and work behind Delta levees that are in desperate need of funding. Such examples include: North and Central Stockton levee improvements and the Smith Canal Gate project to increase protection for more than 100,000 people in the Stockton Metropolitan area, and RD 17 levee improvements that would increase protection for approximately 50,000 people in the south Stockton, Lathrop and Manteca area.

With these specific examples in mind, funding for the proposed accelerated flood control investments should be modified. The \$130 million for Systemwide Flood Risk Reduction should be redirected to fund projects through the Delta Special Projects and the Urban Flood Risk Reduction accounts.

Furthermore, I have questions about the efficacy of using Proposition 1 funding for the 102 DWR staff positions as outlined in the proposed accelerated funding proposal. We urgently need to repair and upgrade levees with that money and these funds should only be relied upon for DWR staff positions directly related to levee improvements and flood protection.

Finally, it is my understanding that there is a 2-year expenditure limit on the accelerated funds. Certainly, DWR staff is entirely familiar with the permitting process for making levee repairs and improvements. In most cases it takes longer than 24 months to get all the necessary permits approved before any work can begin. Insisting on such a time-limit only hampers our effort to protect the Delta.

Using Delta levee funds on anything but Delta levees is a breach of trust with the voters and the many legislators who represent the Delta who supported Proposition 1. Again, I ask that you reconsider the proposed allocation of Proposition 1 funding. I stand ready to speak to you or any of your representatives on this matter at your convenience.

Sincerely,



Cathleen Galgiani  
Senator, District 05

CC: Honorable Kevin de Leon, California Senate President pro Tempore  
Honorable Anthony Rendon, Speaker of the California Assembly  
Honorable Holly Mitchell, Chair, Senate Committee on Budget and Fiscal Review  
Honorable Phil Ting, Chair, Assembly Budget Committee  
Honorable Jim Nielsen, Vice Chair, Senate Budget and Fiscal Review Committee  
Honorable Jay Obernolte, Vice Chair, Assembly Budget Committee  
Honorable Bob Wieckowski, Chair, Senate Budget and Fiscal Review Subcommittee No. 2  
Honorable Richard Bloom, Chair, Assembly Budget Subcommittee No. 3  
Mr. Mac Taylor, Legislative Analyst (3)  
Mr. Mark Ibele, Staff Director, Senate Budget and Fiscal Review Committee  
Mr. Mark McKenzie, Staff Director, Senate Appropriations Committee  
Mr. Kirk Feely, Budget Fiscal Director, Senate Republican Fiscal Office  
Mr. Craig Cornett, Senate President pro Tempore's Office (2)  
Mr. Christian Griffith, Chief Consultant, Assembly Budget Committee  
Mr. Pedro R. Reyes, Chief Consultant, Assembly Appropriations Committee  
Ms. Cyndi Hillery, Staff Director, Assembly Republican Fiscal Committee  
Mr. Seren Taylor, Director of Strategic Policy, Assembly Republican Leader's Office  
Mr. Jim Richardson, Policy and Fiscal Director, Assembly Republican Leader's Office  
Mr. Christopher W. Woods, Assembly Speaker's Office (2)  
Mr. Bryan Cash, Deputy Assistant Secretary, Natural Resources Agency  
Mr. Kristopher Tjemell, Special Assistant for Water Policy, Natural Resources Agency  
Mr. Gary Bardini, Deputy Director, Department of Water Resources  
Mr. Duard MacFarland, Budget Officer, Department of Water Resources

ATTACHMENT  
II.

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# California State Senate

SENATOR  
**CATHLEEN GALGIANI**  
FIFTH SENATE DISTRICT



## STANDING COMMITTEES

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February 13, 2017

The Honorable Governor Jerry Brown  
State Capitol  
Sacramento, CA 95814

### **RE: Request for Proclamation of a State of Emergency for San Joaquin County**

Dear Governor Brown:

We write to you tonight to request that under the power of your authority, given under the California Emergency Services Act, Government Code Section 8630, you include San Joaquin County in California's Proclamation of a State of Emergency. **As of 8:45 pm tonight," the National Weather Service in Sacramento has issued a Flood Warning for the San Joaquin River near Vernalis (in San Joaquin County) from Tuesday afternoon until further notice....Or until the warning is cancelled."**

On January 23, 2017, a State of Emergency was declared for 49 California counties, including the counties immediately adjacent to San Joaquin County. On January 20, the San Joaquin County Board of Supervisors voted to declare a local emergency due to storms, asking for state and federal funding to combat damages caused by flood and storm conditions. However, since that time, San Joaquin County's request has been denied, pending further information and review.

State and local agencies operate and maintain Sacramento and San Joaquin flood protection structures, and flood control projects, which were constructed mostly by the Federal Government, to protect California communities and facilities within the "State Plan of Flood Control. The Sacramento, San Joaquin Delta region is an area that has historically suffered the brunt of flood damage, as exemplified by the flooding catastrophe of 1997.

By January 4, 1997, more than 40 inches of rain fell within a five day period in the Sierra Nevada watershed, which feeds regional rivers, causing then Governor Pete Wilson to declare 37 of California's 58 counties, "disaster areas." An evacuation mandate sent 110,000 people fleeing from their Yuba and Sutter County homes, 12,000 from Sacramento County along the Consumnes River, and 2,500 from Thornton in San Joaquin County along the Mokelumne River. The evacuation mandate covered a 500 square mile region ranging from 3 miles north of Yuba City south to the Sacramento County line. Major transportation arteries for the state were closed

including a 20 mile stretch of Interstate 5 south of Sacramento, Highway 99 south of Sacramento, and portions Interstate 80, US 50, and US 101 due to flooding and mudslides.

By Tuesday, January 7, 1997, levee breaks along the eastern side of the San Joaquin River had flooded 25 square miles, forcing the evacuation of approximately 3,000 more people, turning the southeast portion of San Joaquin County into a giant lake. Crews from the Army Corp of Engineers worked feverishly to barricade the underpasses at Highway 120, converting the highway into a solid six mile levee, protecting more than 40,000 residents within the City of Manteca. Flood waters put pressure on a Southern Pacific Railroad Company line that cut through Stewart Tract, in the San Joaquin Delta, causing it to buckle. Flood waters carried everything from gas tanks full of propane, to containers of windshield washer fluid, leaving toxic materials and hazardous waste behind as waters subsided.

Governor, once again the Sacramento, San Joaquin Delta region, which provides drinking water for two-thirds of California's population, is facing imminent danger. Furthermore, without a Proclamation of Disaster, and the mutual aid resources that would otherwise follow, state and federal assets (Interstate 5, Sharpe Army Depot, and Duel Vocational Institution to name a few) could be vulnerable to another devastating flood, for which the State's taxpayers would be forced, again, to cover losses.

The effects of three atmospheric river storm systems, not to mention expected increased flows from the release of Lake Oroville, are all taking and will continue to take a toll on this important region. While reclamation districts have been busy placing rip-rap rock, sand bags and plastic sheeting along the sides of local levees, the anticipated level of rising water are raising serious concerns. Delta island community levees have been breached, and with each overflow, additional pressure is being put on other similar levees. It's been reported that levees have broken in the White Slough along with others on the south bank of the Mokelumne River. As each smaller levee system falls, a much larger pressure builds up on levees that have a great role in protecting many more homes and lives.

While much attention has been given to the situation at the Oroville Dam, we are deeply concerned that the Don Pedro Dam, which feeds water into the Delta, could be facing a similar crisis, as it did in 1997 when cracks were reported in the emergency spillway. As of the writing of this letter, the Don Pedro Dam is at 99 percent capacity, and is currently reporting 9,961 cubic feet per seconds (cfs) of outflow, with 12,544 cfs of inflow, leaving a rising balance of 2,583 cfs.

**Adding to the intensity of these conditions is the fact that California is bracing for yet another storm beginning Wednesday evening, which is expected to last for 7 days.**

Unless more mutual aid resources are in place and available, it is only time before San Joaquin County faces a major catastrophe, and facilities within the state plan of flood control are subject

to imminent threat. These resources can only be brought to bear upon your decision to declare a Proclamation of Emergency for San Joaquin County. Therefore, it is with great urgency that I request your approval of San Joaquin County's request for a Proclamation of a State of Emergency.

Sincerely,



Cathleen Galgiani  
Senator, District 5



Richard Pan  
Senator, District 6



Susan Eggman  
Assemblymember, District 13



Jim Cooper  
Assemblymember, District 9



Heath Flora  
Assemblymember, District 12

Cc:

Charles Winn, Chair, San Joaquin County Board of Supervisors  
Steve Moore, Sheriff, San Joaquin County  
Mike Cockrell, Director, San Joaquin County Office of Emergency Services  
Michael Tubbs, Mayor, City of Stockton  
Steve DeBrum, Mayor, City of Manteca  
Sonny Dhaliwal, Mayor, City of Lathrop  
Robert Rickman, Mayor, City of Tracy  
Doug Kuehne, Mayor, City of Lodi  
Jeff Laugero, Mayor, City of Escalon  
Dean Uecker, Mayor, City of Ripon

STATE ISSUES MARCH 2, 2017 2:25 PM

# Sustainability, not drought, can be the future of our state



BY NICK BLOM

From the 188,000 residents who were evacuated two weeks ago below the Oroville Dam, to the 14,000 in San Jose who were recently rescued from contaminated water, no Californian has been unaffected by the historic storms beating down on our state. Sometimes it feels like it will never end, reminding us of past floods and the challenges that result from so much water coming in such a short period.

The situation is serious, which is why you might think I'm making a bad joke when I say that according to the U.S. Drought Monitor, more than 10 million Californians are still living under drought conditions. And even when this drought officially ends, it won't be the last dry spell that our state sees.

In 2014, spurred into action amid this horrific drought, California voters passed the \$7.5 billion water bond, a major milestone in creating a more sustainable water future for our state. The largest bucket of funding – \$2.7 billion – is allocated for water storage, yet as of today, not a cent has been awarded for spending.

Whether above ground or below, increasing water storage is key to addressing the water supply concerns of today as well as preparing our state for future droughts and the impacts of a changing climate. We cannot continue to operate with a “feast or famine” mindset, but we can't break out of this frame of mind without making drastic changes to our water infrastructure.

Millions of gallons of water are flowing directly to the ocean as wasted rainfall instead of being stored underground or in reservoirs for drier days. We must act now to create a more resilient California water future.

In my almond orchards near Modesto, I have volunteered two plots of land for groundwater recharge research, looking to refill the underground aquifers that act as California's single largest water storage system. These aquifers are a shared resource between farmers, families and businesses, so the act of replenishing them through recharge brings benefits to a much wider community.

Through this research we will understand how almond orchards across the state can play a role in storing extra flood flows like the ones we're getting this year.

This work, a potential solution for some of California's water woes, would not be possible without the collaborative effort and funding from the Almond Board of California in partnership with Sustainable Conservation, UC Davis, Land IQ and Lawrence Berkeley Labs.

The California almond community has received an unfair amount of negative attention around the drought, increased through misinformation about my industry and our farming practices. But I can say the ongoing leadership of the California almond community – a group of more than 6,800 farmers – in the areas of irrigation and water advancements is something I am immensely proud of.

While the drought did trigger this initiative, let me be clear that this project is not an isolated effort. The California almond community has invested in more than 180 water research projects since 1982 to more efficiently use, manage and protect water resources.

This long-term approach to water sustainability will help us ensure that California remains a place where crops and future generations can grow and thrive.

So we can celebrate this rain, but do not be fooled into thinking this quick fix will protect us. My hope is that when the next drought comes, we will have made fundamental changes to our water infrastructure for the better. Let's not repeat history when solutions are within reach.

*Nick Blom grows almonds in Stanislaus County and is a director of the Modesto Irrigation District. He wrote this for The Modesto Bee.*



## MORE STATE ISSUES

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## SUGGESTED FOR YOU

EDITORIALS MARCH 4, 2017 6:07 PM

# What are we supposed to do with all this water?



BY THE EDITORIAL BOARD

Danger could be headed our way. Again. Those living near the San Joaquin and Tuolumne rivers west of Modesto have already seen high water, and they're going to see much more.

A week of higher temperatures in the mountains could turn snow into runoff. That would be nice if we had some place to put the water, but we don't. The state is dragging out the process of spending the \$2.5 billion voters approved in 2014 for more storage.

Our reservoirs are full, or close to it. That's especially true of Don Pedro on the Tuolumne River. Built to hold 2,030,000 acre-feet, it had 1,980,360 as of Friday – leaving a 2 percent cushion. Knowing there's 17 feet of snow in Tuolumne Meadows and an estimated 2 million acre-feet of frozen water in the watershed, dam managers would like to increase flows now to avoid an emergency later.

If the snow melts slowly, the Tuolumne River can likely handle it – though it will remain high for months as it flows through Modesto. But if all that water arrives at once, we'll have the same kind of problems the folks living along the San Joaquin and lower Tuolumne are having already.

The San Joaquin River is already out of its banks in places in western Stanislaus and southern San Joaquin counties. The U.S. Bureau of Reclamation is releasing twice as much water as is flowing into Fresno's Millerton Reservoir (10,500 cubic feet per second) and another 7,600 cfs is flowing out of the Merced. Add 10,000 from the Tuolumne, and the San Joaquin looks more like the Sacramento on an average day.

What does 28,000 cfs look like? It's roughly 200,000 gallons a second, or 12.6 million gallons a minute. That's enough water to cover a football field 36 feet deep. And that's *without* any additional snowmelt or rain.

All that water is putting some badly dilapidated levees near Manteca under extreme stress. In the last storm, a large gap opened in one levee; if not for some fast-acting farmers who risked their heavy equipment to close it, it could have been a disaster.

If those levees fail, hundreds of homes in Manteca and Lathrop could be flooded.

That's why the U.S. Army Corps of Engineers – knowing full well how much water awaits above – won't allow greater releases from Don Pedro. They'd rather bet on continued cool weather than create “unnecessary risk downstream,” said Corps spokesman Rick Brown.

It's hard to fault the logic, but we know all that snow eventually will melt. So isn't keeping Don Pedro so full chancing a greater risk to more people later?

“We are already above danger stage downstream,” Brown said. “That ‘known danger’ is what we have to deal with.” But he admitted, “looking into a Magic 8 Ball is a little precarious.”

We didn’t need a Magic 8 Ball to see this coming. It’s been obvious for years.

In 2015, state Sen. Cathleen Galgiani requested \$110 million from a 2006 bond to fix these very same levees. Her legislation died. So Galgiani asked for \$5 million to study possible solutions. Before providing even that much, state and federal agencies wanted local officials to identify where the water would go if it topped stronger levees.

“It’s unbelievably frustrating,” Galgiani said. “The bureaucracy is so strong that we end up fighting to address a crisis after it happens instead of getting in front of it. I was trying to get ahead of it, but I got shot down.”

So, we must rely on already-full reservoirs to hold back any deluge.

Manteca and Lathrop aren’t blameless. In 1997, Manteca had only the Highway 120 bypass to protect it from flooding if those old levees broke. It threw sandbags onto Union Road, which runs under the bypass, to halt any floodwater. Yet, the city allowed hundreds of homes to be built behind those same century-old levees south of the bypass. The city should have known better.

Perhaps the weather won’t warm quickly. Perhaps we won’t get another late-winter storm. Perhaps we’ll dodge another flood.

We’re not the only people dealing with floods; we’re just the only ones getting so little help.

The people of the Northern San Joaquin Valley deserve the same kind of concern shown those living closer to Sacramento, the same kind of solutions being considered for those living in San Jose. We need to make our levees stronger *before* they break. Danger is headed our way; we need help in heading it off.



## MORE EDITORIALS

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## SUGGESTED FOR YOU

## Disaster declaration for SJ County

### Wednesday

Posted Mar 8, 2017 at 6:21 PM

Updated Mar 8, 2017 at 6:21 PM

By **Alex Breitler**

Record Staff Writer

**@Alexbreitler**

Gov. Jerry Brown has declared a **state of emergency** in San Joaquin County and most of California, hours after county leaders publicly questioned why notoriously flood-prone San Joaquin had not been included in other declarations.

The governor's latest move focuses on the February storms that have caused an estimated \$9.8 million in damage in the county, a number that will likely go up as more information becomes available.

Property owners will now be eligible for state disaster assistance, and potentially federal help as well if President Donald Trump declares a federal disaster as the governor has requested.

San Joaquin is not included, however, in two other emergency declarations for storms in **early January** and **late January**, a fact which has not gone unnoticed here.

"I think it's great that we're on (the latest declaration), but it begs the question: Why weren't we on it before?" county Supervisor Kathy Miller said Wednesday.

One day earlier, at a Board of Supervisors meeting, she said publicly that she had recently met with business leaders who questioned why San Joaquin was not among the 49 counties (there are 58 in the state) that were declared a disaster under Brown's first state of emergency in January.

"(Local business leaders) have the perception that we're being picked on unfairly at the state level," Miller said at Tuesday's meeting. She did not speculate why.

Hours later, the governor included San Joaquin in his third declaration.

The situation has been complicated by the separation of the 2017 storms into three different events, each requiring counties to report damage in order to qualify for aid, said Michael Cockrell, head of San Joaquin County's Office of Emergency Services.

The three sequences of storms span Jan. 3-10, Jan. 18-23, and the month of February, Cockrell said.

"I've never seen the state and feds break up an emergency so much into little bitty pieces," he said Wednesday. "You've got all these levee agencies and cities who are going to have to have three separate documentation processes. There are so many forms you have to submit to request for assistance. You're tripling it."

State and federal damage assessment teams have also used a "stronger approach" than in the past, Cockrell told supervisors this week, seeking past levee inspection reports and payroll records among other things. The levee agencies that keep those records, meanwhile, have been busy fighting the floods.

Most have hired engineering firms who also represent districts in other counties that were included in the governor's previous disaster declarations. "They feel they compiled their documents the same way" as those other counties, Cockrell told supervisors on Tuesday.

Asked about the perception of unequal treatment, Brad Alexander, a spokesman for the state Office of Emergency Services, wrote in an email: "All local jurisdictions are part of the same documentation process for disaster recovery." No one answered the phone late Wednesday at the governor's press office.

The good news is that the county can still submit the more detailed information to the state in an effort to get added to the two previous declarations, Cockrell said. He told supervisors this week that the most recent meeting with a damage assessment team was "very, very positive."

And the inclusion in the governor's most recent declaration for the February storms is "a big relief," Cockrell said.

"It does show our jurisdictions are trying to comply," he said.

— Contact reporter Alex Breidler at (209) 546-8295 or [abreitler@recordnet.com](mailto:abreitler@recordnet.com). Follow him at [recordnet.com/breitlerblog](http://recordnet.com/breitlerblog) and on Twitter [@alexbreitler](https://twitter.com/alexbreitler).