



SAN JOAQUIN COUNTY

FLOOD CONTROL & WATER CONSERVATION DISTRICT

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KRIS BALAJI
DIRECTOR OF PUBLIC WORKS

ADVISORY WATER COMMISSION

May 17, 2017, 1:00 p.m.

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

AGENDA

Roll Call

Approve Minutes for the Meeting of March 15, 2017

SCHEDULED ITEMS

I. Discussion Items:

- A. Presentation on Public Works Flood Control & Water Conservation District 2017 Flood Response – Matthew Ward
- B. Presentation on Status of 2017 Winter Storm – Michael Cockrell
- C. Water Resources Update – Brandon Nakagawa

II. Communications (See Attached):

- A. April 21, 2017, Delta Counties Coalition Letter to Delta Stewardship Council, “April 27-28, 2017 Delta Stewardship Council Meeting – Amendments to the Delta Plan”
- B. April 24, 2017, San Joaquin County Board of Supervisors Letter of Support for Assembly Bill 1427 (Eggman) Beneficial Use: Storing of Water Underground
- C. May 9, 2017, San Joaquin Delta Coalition Letter of Support for Assembly Bill 200 (Eggman): Reclamation District No. 1614: Pump Station No. 7
- D. May 9, 2017, San Joaquin Delta Coalition Letter of Support for Senate Bill 231 (Hertzberg) Local Government: Fees and Charges
- E. May 9, 2017, San Joaquin Delta Coalition Letter of Support for Assembly Bill 791 (Frazier) Sacramento-San Joaquin Delta: State Water Project and Federal Central Valley Project (as Amended on March 21, 2017)

Public Comment:

Next Regular Meeting:

June 21, 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
March 15, 2017**

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

Roll Call

Present were Commissioners Nomellini, Alternate Houghton, Commissioners Holman, Flinn, Winn, Holbrook, Alternate Heberle, Commissioners Salazar, Jr., Hartmann, Secretary Nakagawa, and Vice-Chair Price.

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

Approval of Minutes for the Meeting of February 15, 2017.

The AWC Minutes of February 15, 2017 were distributed for approval and incorporated the requested edits in redline on page three. A motion and second was made to approve the minutes of February 15, 2017 as amended. The amended minutes were unanimously approved (Flinn/Salazar, Jr.).

SCHEDULED ITEMS

In absence of the Chair and Vice Chair, John Holbrook (AWC Commissioner) volunteered to lead the Commission agenda at the start of the meeting. William Price, Vice-Chairman of the AWC, joined the meeting at 1:07 p.m. resumed duties, leading the agenda for the remainder of the meeting.

I. Discussion Items:

A. Presentation and Discussion on Lower San Joaquin River Feasibility Study – Roger Churchwell

Mr. Roger Churchwell, San Joaquin Area Flood Control Agency (SJAFCA) Deputy Executive Director, provided background and updates on the Lower San Joaquin River Feasibility Study. In August 2016, the study was placed on hold due to additional funding and time needed for completion and a waiver to extend the time and grant additional funding was required per the United States Army Corps of Engineers (Corps) 3x3x3 Corps Planning paradigm. The District Corps Office submitted a request for waiver to Corps Headquarters, and in March 2017, the District received official notice of the approved waiver and was granted several hundred thousand dollars to complete the study. However, it could take up to six months to receive the additional revenue, which would result in the study remaining on hold status. To date, the Corps has spent millions of dollars on this study and other funding options have been discussed. SJAFCA will be traveling to Washington, D.C. in late April 2017 to Corps Headquarters and discussions will include this financial issue as well as reinforcing the importance of completing the study to the betterment of our communities. A status update will be provided should funding be received and/or to relay information on the Washington, D.C. trip.

Vice-Chair Price asked if the study needs more federal legislation to proceed. Mr. Churchwell responded more legislation is not needed. He added that in the past, money has been made

available from unused funds for other studies. Commissioner Hartmann inquired if funding will be requested from the partnering agencies in the feasibility study. Mr. Churchwell said no because there is an agreement in place and all partners have met their commitments. He expressed opinion that this funding issue is one that SJAFCA should be able to handle efficiently and locally in their partnership with the State. Commissioner Hartmann added that Brookside is a big beneficiary of the study and feels the trustees may be willing to contribute financially if asked. Mr. Churchwell responded this is something that could be looked into with review of the agreements.

Commissioner Flinn reiterated that the Corps is short in funding this project and he asked if there is any way to locally make up the shortfall and get the project completed. Mr. Churchwell answered that SJAFCA has requested an advancement from the Corps. However, the Corps cannot accept advanced funds without money appropriated to repay. With that said, SJAFCA and the Corps are exploring options towards a financial advancement for the study.

Vice-Chair Price asked if there are other Corps projects with a hold status due to this type of funding situation? Mr. Churchwell answered that his understanding is there were a number of Corps studies that were under waiver request, for which a waiver was not approved. He added that he does not know the funding status of these Corps projects.

Commissioner Winn expressed opinion that the report regarding the Corps practices sounds “common place” and drew attention to the number of years the agency may take to complete a task. He further commented that this inefficiency makes the system seem “broken,” and asked for insight into the situation. Mr. Churchwell responded that SJAFCA had concerns about partnering with the Corps. Initially, SJAFCA had been on its own to fund this study, then the State required SJAFCA to partner with the Corps of Engineers for eligibility to receive additional State funding. The partnership was not the preferred approach but was a necessity as levee projects are costly. Mr. Churchwell added that another new State requirement will involve the Smith Canal becoming part of the Water Resources Development Act in order to receive future construction funds. Commissioner Winn reiterated the dysfunction of some government agencies and hopes the new Administration will breathe new life and efficiency into them.

B. Presentation and Discussion on Smith Canal Gate Project – Roger Churchwell

Mr. Roger Churchwell's presentation began with a brief history and update on the Smith Canal Gate Project. He presented a map depicting the Stockton Deep Water Channel and the location of the project site at the backwater slough. The area levees are highly encroached upon and an analysis conducted concluded a \$100 million estimated cost to remove the encroachments. A more cost effective solution was needed for the benefit of the 8,000 properties in the area, which was the impetus for the Smith Canal Gate Project. This project will entail the construction of a 50-foot wall structure which connects to the Stockton Golf Course, a gate structure, and to Dad's Point. The structure will become a levee to provide additional flood protection to the area.

A company was hired to create a model that would demonstrate the result of continuous water flow. An analysis concluded there would be no difference in flow based upon the shallow level of water coming in and flushing out, which is an important environmental factor. Due to receipt of State funding, the project was required to be built at the level of 200-year flood protection standards. Federal Emergency Management Agency (FEMA) has acknowledged its error on the existing FEMA 100-Year Floodplain Map due to the topography used, and will revise the map depicting extended floodplains.

Construction on the Smith Canal Gate Project is scheduled to start in 2018, with the design 65% complete. Construction management bids and interviews should begin in April, with a firm brought on board early to confer on plans for constructability and specs. The California Department of Water Resources (DWR) is preparing the Urban Flood Risk Reduction grant for the additional funding needed for project design and construction (estimated at \$22 million).

In 2011, a Conditional Letter of Map Revision (CLOMR) was received from FEMA which was critical to moving forward on the project. Subsequently, the public voted to construct the Smith Canal Gate. In 2015, additional information was requested by FEMA. Over the last several years, SJAFCA has met with FEMA regularly and has complied providing additional studies and information upon FEMA's request. In December 2016, FEMA acknowledged total compliance by SJAFCA but requested more information, at which time SJAFCA requested a letter confirming compliance to date. Subsequently, FEMA sent a letter requesting more information. SJAFCA requested contact with higher level management. Mr. Churchwell expressed his opinion that FEMA's requests have been met and the project will move forward.

In addition, the Smith Canal Gate is involved in two lawsuits: 1) Atherton Cove Property Owners Association, and 2) Dominick Gulli. To date, over \$800,000 has been spent on the lawsuits of which the State is covering half the cost. Should the Court rule against SJAFCA on California Environmental Quality Act (CEQA) claims, SJAFCA will be required to rescind approval of the project and revise the Environmental Impact Report before reconsidering the project. The delays due to the lawsuit could jeopardize State grants, which are time sensitive.

Mr. Churchwell explained the operations of the project include tidal currents. As the tide rises, the gates will shut and remain closed. During low tide, the gates will open and remain open. It is predicted the gates will close at 8-foot high tides. Recently, high tides reached 8.2 feet and Smith Canal functioned well. He clarified, the main purposes for the Smith Canal Gates are the encroachments and the properties placed in the FEMA 100-year floodplain which will require flood insurance and building restrictions.

Mr. Churchwell concluded his presentation and discussion was opened.

Commissioner Flinn asked what the issues were concerning the Atherton Cove Property Owners Association. Mr. Churchwell responded issues included water hyacinth, aesthetics, right-of-way concerns, and water quality. The Courts dismissed the right-of-way complaint. Vice-Chair Price asked the status of this lawsuit. Mr. Churchwell answered it is a long process but feels resolution is forthcoming.

C. Presentation and Discussion on Central Valley Flood Protection Plan – John Maguire / Fritz Buchman

Mr. John Maguire, San Joaquin County Public Works – Engineering Services Manager, announced the Central Valley Flood Protection Board Public Hearing on the Draft 2017 Central Valley Flood Protection Plan (CVFPP) Update and Draft Supplemental Program Environmental Impact Report scheduled for March 17, 2017, 10:00 a.m. to 12:00 p.m., at the Robert J. Cabral Agricultural Center, Stockton, CA and distributed its meeting agenda. He offered explanation that in 2008, the State adopted a series of flood bills, one of which was Senate Bill 5 (SB 5) requiring 200-year level flood protection. Part of that legislation was for the State to prepare the Central Valley Flood Protection Plan, including the requirement of 5-year updates of the plan. This public hearing on March 17th, will address this CVFPP Update and allows for public comments.

Vice-Chair Price asked what the County stance is on the CVFPP Update. Commissioner Winn interjected that the County will respond to the plan as proposed. He commented that the plan addresses land use, flood way corridors, inversion of recreation, tourism and cost, and added that there is concern of property owners being charged additional fees to support this program. Upon review of a letter from the Delta Protection Commission, he expressed opinion that the plan addresses “how to flush water through the Delta.” He feels a simple solution would be protection from “too much water in too short amount of time” by creating additional storage, i.e. raising Don Pedro, Comanche, or St. Luis Reservoirs. This could allow a less expensive solution than the CVFPP or WaterFix, and provide water during drought or protection from excess.

Commissioner Winn asked why discussions of storage solution have been limited. Mr. Maguire responded the plan is flawed. There is concern regarding the State establishing policies, namely one on land use which would give the State authority under the President’s Executive Order 11988 via Governor’s authority at the State level. He added that though not mandated, SB 540 already states that in order to allow land development to occur, a certain level of flood protection must be provided. In addition, there is also concern regarding five or six components dealing with finance, which appear flawed. However, the State is developing a Basin Wide Feasibility Study that is intended to inform the CVFPP, which is the plan that addresses the need for additional storage in the San Joaquin Watershed – particularly the additional storage in dealing with climate change. DWR will be presenting a status update of the feasibility study at the San Joaquin County Flood Control Technical Advisory Committee Meeting scheduled later this afternoon at 3:00 p.m.

Mr. Maguire commented that what is lacking in the Basin Wide Feasibility Study is a strong commitment to developing additional storage. The need for an additional 4,000 AF of storage in the San Joaquin watershed has already been identified, as well as the need for partial change in dam operations using rainfall forecasts in support of water storage. He feels there is more opportunity in the feasibility study to convey the need for additional storage.

Discussion was raised amongst the Commission regarding the contradicting views of the State Water Resources Control Board’s proposed Substitute Environmental Document (SED) to increase water flows in support of fish populations in the Delta, and water storage issues contained in the feasibility study. Commissioner Hartmann asked the status of the County’s involvement to oppose this SED. Mr. Kris Balaji, San Joaquin County Public Works – Director, stated the County has been working with northern and southern stakeholders in anticipation of Phase 2 of the SED and work is being done on the opposing comments to submit. Mr. Fritz Buchman, San Joaquin County Public Works – Deputy Director, added that discussions with DWR regarding the CVFPP and State Wide Feasibility Study concluded that they are not using the SED proposal to inform the work on the CVFPP.

A member of the public, Ms. Jaqueline Shaw, provided comment that 100-year deep pure Delta dredging smooths water flow with soil absorption and aeration, is cost effective, employs people, and is beneficial to all. She stated when dredging stopped in 2014, flooding occurred. In addition, when levee maintenance funds were sent to Washington State, flooding occurred and algae grew. She feels the Corps should be interested in the cost-effectiveness aspect of dredging. Mr. Maguire addressed Ms. Shaw’s comments and stated that dredging has environmental impacts and was usually done for navigable access to ports. He asked Commissioner Nomellini for his insight on the history of dredging in the area. Commissioner Nomellini stated that dredging has negative water quality impacts including heavy metals from mining which would be absorbed into the soil. To obtain environmental clearance and water quality certification is very difficult, and the permit is

costly. He added the Port of Stockton has partnered with the Corps, which has provided years of study, effort, and funding for dredging efforts.

D. Presentation and Discussion on Delta Stewardship Council's (DSC) Delta Levees Investment Strategy – John Maguire / Fritz Buchman

Mr. Maguire provided background and insight on the Delta Stewardship Council's (DSC's) Delta Levees Investment Strategy. The Delta Reform Act required the Delta Plan recommend priorities for the State investment in levee operation, maintenance and improvements in the Delta. In response, the DSC has been developing the investment strategy to inform the Delta Plan. This process started in 2014 and is still ongoing. A consultant developed a "decision making tool" to establish priorities based on risk factors, i.e. loss of life, loss of property, endangerment of water supply, habitat, and protection of legacy communities. The DSC has held several public workshops. In February, the DSC reviewed an amendment to the Delta Plan to incorporate the Delta Levee Investment Strategy priorities, and is scheduled to hold a scoping session on the amendment on March 24, 2017.

The Delta Plan amendment identifies the investment priorities in 3 categories – very high, high, and other. The amendment requires this approach be used to guide state discretionary investments in Delta levees, which are defined as investments to improvements and major rehabilitation to Delta levees. The amendment specifies that DWR should fund projects in order of priority, thus funding all "very high priority" projects before "high priority" projects. This takes away the DWR's sole discretion in determining the funding projects. In addition, the DWR will be required to annually certify to the DSC consistency with the Delta Plan.

Vice-Chair Price asked, "What is the priority criteria?" Mr. Maguire stated determination of priority will be based upon the map of the Delta Islands and preliminarily developed prioritization (map displayed on slide). The map spanned from north Sacramento down through Stockton, included Reclamation District 17 and the islands that protect the water conveyance corridor, and identified the "very high," "high," "other priority" and "unleveed/flooded" areas.

Vice-Chair Price questioned if the outcome has been positive. Mr. Maguire stated there have been testimonies, and multiple meetings along with representatives from other local management agencies and he feels this has made an impact on the prioritization. Commissioner Nomellini interjected that urban areas are protected at a higher level while other areas, with a higher risk of failure, are ignored without emergency evacuations or transportation factored into the analysis.

E. Presentation and Discussion on the Fall 2016 Groundwater Monitoring Report – Gerardo Dominguez

Mr. Gerardo Dominguez, P.E., San Joaquin County Public Works – Engineer IV, presented the Semi-Annual Groundwater Monitoring Program Report for Fall 2016. The groundwater well measurements are from October 2016, and the rain data range is from October 2015 to October 2016. Groundwater monitoring and reporting has been conducted since Fall of 1971 and data is shared with California Water Service Company (CalWater), East Bay Municipal Utility District (EBMUD), and the DWR. Approximately 530 wells are monitored annually and this number varies depending upon access. The groundwater report is divided into three sections: 1) Rainfall Distribution, 2) Groundwater Quality Monitoring, and 3) Groundwater Elevation Monitoring.

1. Rainfall Distribution – San Joaquin County consists of three rainfall zones with higher levels in the northern sections. Rainfall measurements for 2016 reflected the City of Lodi at average levels, and the City of Stockton and City of Tracy at under average levels.
2. Groundwater Quality – Seven wells were tested in 2016 but the number of wells tested is decreasing due to destruction and inaccessibility, thus limiting available data. Locations of the wells include: one well in the Lodi / Woodbridge area, four wells in the Stockton area, and two production wells in the Lathrop area. There was not significant change in reporting from 2015. Slight changes include increases in concentration of chloride, total dissolved solids, and electrical conductivity.

Commissioner Flinn asked what these measurements signify. Mr. Dominguez answered that higher concentrations are typically reflective of lower groundwater levels.

3. Groundwater Elevations – Groundwater elevation measurements were varied this year. The northern portion of the County (City of Lodi) received average rainfall, thus, elevation measurements reflected an average increase of over 1 ft. for Woodbridge Irrigation District (WID). A yearly comparison table reflected the average changes in elevation from Fall 2012 through Fall 2016. From Fall 2015 to Fall 2016, elevation changes included an average drop of 1.5 ft. for Stockton East Water District (SEWD), an average drop of 2.5 ft. for Central San Joaquin Water Conservation District (CSJWCD), and an average drop of 1 ft. for South San Joaquin Irrigation District (SSJID). In conclusion, San Joaquin County elevation dropped an average of 0.7 ft. from Fall 2015 to Fall 2016, with past measurements averaging 2.0 ft. per year.

During the last week in March, well monitoring shall commence for the Spring 2017 measurements and a rise in groundwater levels is anticipated. This year, many fields are still flooded with standing water therefore farmers are not pumping. Last year at this time, many farmers had already begun pumping groundwater for irrigation.

Commissioner Holbrook asked what month the Spring 2017 report would be released? Mr. Dominguez answered that data is first shared with the EBMUD and the DWR. The Spring 2017 data could be available by May 2017.

A slide was displayed showing the wells in San Joaquin County and depicted the changes in groundwater elevations; red symbols reflected decreases, blue symbols reflected increases, and green symbols reflected no change. Most increases occurred in the Woodbridge Irrigation District (WID) area, and most decreases occurred in the eastern portion of the County. Decreases in groundwater elevations were also depicted in the Tracy area, which mainly consists of monitoring wells.

Vice-Chair Price asked if the report demonstrates the agricultural or urban effects on well usage. Mr. Dominguez responded and said no – this report is a collection of data. Ms. Shaw made a public comment concerning the effects of taking water from East Harney Lane to the detriment of West Harney Lane. Mr. Nakagawa stated that the Groundwater Monitoring Report is a data report and no conclusions are drawn about results, reason, policies or growth patterns. Allocations of water supply are not the function of this report. Commissioner Holbrook reiterated this presentation is for the purpose of receiving the report of accurate data collected.

Mr. Dominguez presented a slide of cross-section alignments displaying the highs and lows of the basin in Spring 1986, Fall 1992, and Fall 2016. Also presented was a map of groundwater level contours and listed measurements from Fall 2014, 2015, and 2016 at -60, and -70 contours. From Fall 2015 to Fall 2016, the map depicted the -60 contours grew approximately 10,000 acres, and the -70 contours grew approximately 5,000 acres. The depth of groundwater contours are shifting as a result of groundwater levels dropping.

II. Communications:

- 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:

Dominick Gulli, Green Mountain Engineering, provided public comment on the Smith Canal Gate. He stated residents in the Country Club area pay \$1.5 million a year to fund the project. Mr. Gulli feels the project is not a viable solution to the flood control problem in the area and added that the public is starting a petition to appeal this assessment for the 2016-2017 tax year. His research found that funding for the gate is conditioned upon becoming part of the San Joaquin River Feasibility Study, as well as the State Plan for Flood Control. He expressed his opinion that this will triple and quadruple the cost and time of the project.

Mr. Gulli referenced a public meeting held on March 13th, and stated discussion included that if the assessment district formation is not approved, the project would become a solution under the U.S. Army Corps of Engineers Lower San Joaquin Feasibility Study (funding 65% Federal, 35% State and local), and that the timeline would considerably increase. He questioned the decision of a public vote. Commissioner Hartmann interjected and asked Mr. Gulli if his topic is currently in litigation, thereby questioning his public comments. Mr. Gulli answered affirmative and that he is discussing the assessment. Mr. Nakagawa suggested the Commissioners not respond to Mr. Gulli’s public comments. Mr. Gulli continued with a comment regarding another plan of the DWR and the Corps entailing construction of a gate at Fourteen Mile Slough to Garlic Brothers, whereby the route from Smith Canal would be interrupted by two lights at 50-foot openings. He expressed concern of the inaccessibility for 2 boats to pass through simultaneously during changing tidal levels.

A member of the public introduced herself as Mrs. / Professor Jacqueline Shaw, J. Lauchland-Shaw Vineyard, Lodi, CA, and provided public comment regarding the EBMUD. Some concerns expressed by Ms. Shaw included her opinions that EBMUD has been taking groundwater via: Pardee from Mokelumne River and Lodi Lake; Freeport on North Delta River; and “now, they want 50% more with the Mokelumne Aqueduct in Lodi-Stockton, East Harney Lane.” Her comments and suggestions include hiring an independent hydrologist to: monitor; reduce fresh groundwater export to 25% or less; increase water rates from 6% in 2003 to 41%; require reports that EBMUD become self-reliant, “use salt energy in desalination process;” and have the EBMUD fund deep, pure Delta River dredging to

avoid flooding and soil salinity in drought cycles and prevent their added expenses to local expenses in piping. She concluded by stating, "Stop the muddling results in 10-year cycles causing losses in health; agri-tourism jobs; and crime."

Next Regular Meeting: April 19, 2017, at 1:00 p.m.
Public Health Conference Room

Adjournment: 2:15 p.m.



SAN JOAQUIN COUNTY
FLOOD CONTROL & WATER
CONSERVATION DISTRICT

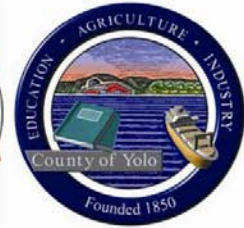
ADVISORY WATER COMMISSION

MEETING OF MARCH 15, 2017

ATTENDANCE SHEET

NAME	AFFILIATION	E-MAIL ADDRESS	PHONE
Darius Barney	SJC-WR	dbarney@sjgov.org	468-3089
Michael Callahan	SJC PW	mcallahan@sjgov.org	468-9360
Brent Williams	stakeholder	same	
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Gerardo Dominguez	SSC PW	gdominguez@sjgov.org	209 953-7486

ATTACHMENT
II.



Delta Counties Coalition

Contra Costa County · Sacramento County · San Joaquin County · Solano County · Yolo County

"Working together on water and Delta issues"

April 21, 2017

Randy Fiorini, Chair
Delta Stewardship Council
980 Ninth Street, Suite 1500
Sacramento, CA 95814

Re: April 27-28, 2017 Delta Stewardship Council Meeting - Amendments to the Delta Plan

Dear Chair Fiorini and Members of the Council:

The Delta Counties Coalition (DCC), comprised of Contra Costa, Sacramento, San Joaquin, Solano, and Yolo counties, reviewed the Notice of Preparation (NOP) for a Draft Program Environmental Impact Report (Program EIR) for the proposed Delta Plan amendments that cover: (1) Delta Levee Investment and Risk Reduction Strategies, (2) Delta Conveyance, Storage and Operations, and (3) Performance Measures. The DCC respectfully requests the Council's consideration of the comments below as it develops the Delta Plan amendments and the Program EIR.

While the California Environmental Quality Act sets forth the legal requirements by which the Council must evaluate potential environmental impacts, it is the Trial Court's May 2016 ruling that truly drives the need for the proposed Delta Plan amendments related to topics (2) and (3) above. The California Water Code is clear in its directive that coequal goals for the Delta to provide a more reliable water supply for the state, while protecting the Delta's ecosystem, "shall be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place."

The Council acknowledges in the NOP that the definition of coequal goals includes "Delta as an evolving place;" however, the 19 Principles for Water Conveyance in the Delta, Storage Systems, and for the Operation of Both to Achieve the Coequal Goals (as adopted by the Council in November of 2015) do not directly address protections for Delta communities and their unique cultural values as provided for in law. To continue to use the 19 Principles to guide the Council's views on conveyance, storage, and operations is a fatal flaw; therefore, the DCC strongly urges the Council to commit to the coequal goals of the Delta in the entirety of its statutory definition. This course correction is necessary to develop any Delta Plan amendments that are consistent with the statute.

The 19 Principles also do not recognize senior water rights and the promise that the areas of California where the water originates shall not be deprived of the prior right to all water reasonably required to meet the needs of the watershed (Water Code § 11460). These two major cornerstones of California water law are critical to determine how much water can be exported from the Delta.

The DCC is also concerned that the 19 Principles and the information contained in the NOP seem to pre-determine that the California WaterFix is the preferred conveyance solution for the Delta. This approach is especially troubling because it appears that the Council prematurely promotes the WaterFix despite impacts to other legal users of water. These potential impacts have come to light in the testimony provided by multiple parties in the State Water Resources Control Board's Change in Point of Diversion Hearings.

The WaterFix, as proposed as a standalone project, does not satisfy the criteria outlined in the Delta Reform Act for automatic incorporation into the Delta Plan. The DCC agrees with Council staff's assertion that the WaterFix is subject to the Delta Plan covered action consistency certification process. The DCC strongly urges the Council to commit to the coequal goals of the Delta in the entirety of its statutory definition and make the appropriate Delta Plan amendment course corrections.

Furthermore, the Trial Court was clear in its ruling to uphold the Council's authority beyond the boundaries of the legal Delta and to reduce reliance on the Delta for water supply reliability consistent with the coequal goals (Water Code § 85021). To lessen the impact of reduced water supplies, the DCC supports Council's direction for investments for above- and below-ground water storage, improved regional and local supply projects, water conservation, recycling, desalinization, and other advanced water technologies that address water supply and water management priorities for the state.

The DCC supports a comprehensive approach that 1) takes a broader view rather than promote the WaterFix and disregard other statutory protections for the Delta and senior water rights holders, 2) incorporates all statutory requirements to be included in the Delta Plan, and 3) includes programs to develop new water, such as wastewater reuse, storm water capture, desalination, and appropriate surface and groundwater storage. The Council, which is in its seventh year of having policy and regulatory oversight in the Delta and Suisun Marsh, is well-

Delta Stewardship Council

April 21, 2017

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positioned to move state water policy and Delta management forward in a productive, sustainable way, and we look forward to working with you on these important considerations.

Sincerely,



Don Nottoli
Supervisor, Sacramento County



John M. Vasquez
Supervisor, Solano County



Karen Mitchoff
Supervisor, Contra Costa
County



Jim Provenza
Supervisor, Yolo County



Chuck Winn
Supervisor, San Joaquin County



SAN JOAQUIN
— COUNTY —
Greatness grows here.

Board of Supervisors

Chuck Winn, Chair, Fourth District

Miguel Villapudua, Vice-Chair, First District

Katherine Miller, Second District

Tom Patti, Third District

Bob Elliott, Fifth District

Mimi Duzenski, Clerk of the Board of Supervisors

April 24, 2017

The Honorable Eduardo Garcia
Chairman, Assembly Water, Parks and Wildlife Committee
1020 N Street, Room 160
Sacramento, California 95814

**SUBJECT: ASSEMBLY BILL 1427 (EGGMAN) BENEFICIAL USE: STORING OF WATER
UNDERGROUND – SUPPORT**

Dear Chairman Garcia:

On behalf of the San Joaquin County Board of Supervisors, I write to inform you of the Board's support for Assembly Bill (AB) 1427 (Eggman). Current law does not recognize groundwater recharge as a beneficial use of water for the purposes of raising groundwater levels or repelling saline intrusion into a groundwater aquifer. AB 1427 will confirm into law what many Californians already realize: groundwater recharge via surface water is an inherently beneficial use of water, but it will also be a critical tool for meeting the requirements set forth in the Sustainable Groundwater Management Act of 2014. For these reasons, the San Joaquin County Board of Supervisors has included in its 2017-2018 State Legislative Platform a number of key principles by which groundwater sustainability should be achieved, among which is seeking recognition that groundwater recharge is a beneficial use of water under State law.

San Joaquin County is pleased to sponsor and support AB 1427, and respectfully requests your affirmative vote when this Bill is heard before your committee.

Sincerely,

A handwritten signature in blue ink that reads "Chuck Winn".

CHUCK WINN
Chair, Board of Supervisors

CW:FB:nt
AB 1427 EGGMAN - SUPPORT

c: The Honorable Susan Eggman
Honorable Members, Assembly Water, Parks and Wildlife Committee
Honorable Members, San Joaquin County State Legislative Delegation
San Joaquin County Board of Supervisors



May 9, 2017

The Honorable Susan Eggman
 California State Assembly
 State Capitol, Room 4117
 Sacramento, California 95814

SUBJECT: ASSEMBLY BILL 200 (EGGMAN): RECLAMATION DISTRICT NO. 1614:
 PUMP STATION NO. 7 – SUPPORT

Dear Assembly Member Eggman:



On behalf of the San Joaquin Delta Coalition, I write in support of your Assembly Bill 200 (AB 200), which will provide greatly needed funding to remove nearly 1,700 properties from a Federal Emergency Management Agency (FEMA) 100-year floodplain and eliminate mandatory flood insurance requirements.



Reclamation District 1614 (RD 1614) operates 11 pumping stations in central Stockton. Ten of RD 1614's pump stations provide sufficient protection for a 100-year storm event. The 11th, the Wisconsin Pump Station, pumps storm drainage from nearly 700 acres – the largest drainage shed in the District. Its 20,000 gallons per minute (GPM) pumping capacity is not sufficient, and runoff from a 100-year storm event would likely cause areas of residual flooding within RD 1614. Additionally, the antiquated pump station structure is danger of collapse.



In order to meet current FEMA 100-year flood protection standards within the Wisconsin drainage shed, the Wisconsin Pump Station facility must be replaced and its pumping capacity must be upgraded to approximately 30,000 GPM. Without these improvements, areas served by the pump station will remain within the FEMA floodplain and be subject to mandatory flood insurance. Given the dramatic increases in flood insurance premiums expected for the National Flood Insurance Program in the coming years, the economic impacts of remaining in the 100-year flood plain are likely to be devastating to the community.



To perform the pump station upgrades needed to meet current standards, RD 1614 has raised a 50 percent local funding match through an assessment district; however, after three attempts it has been unable to obtain State funding to pay

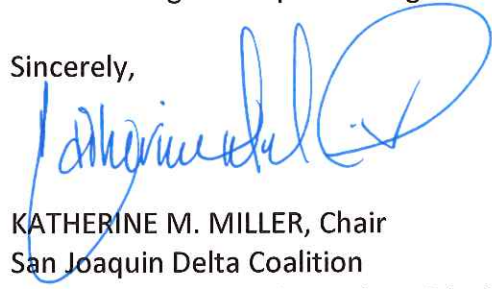
The Honorable Susan Eggman
AB 200 - SUPPORT

-2-

for the balance of the project. AB 200 would provide for the remaining 50 percent funding needed to proceed with the project.

For these reasons, the San Joaquin Delta Coalition is pleased to support your AB 200 and would like to thank you for authoring this important legislation.

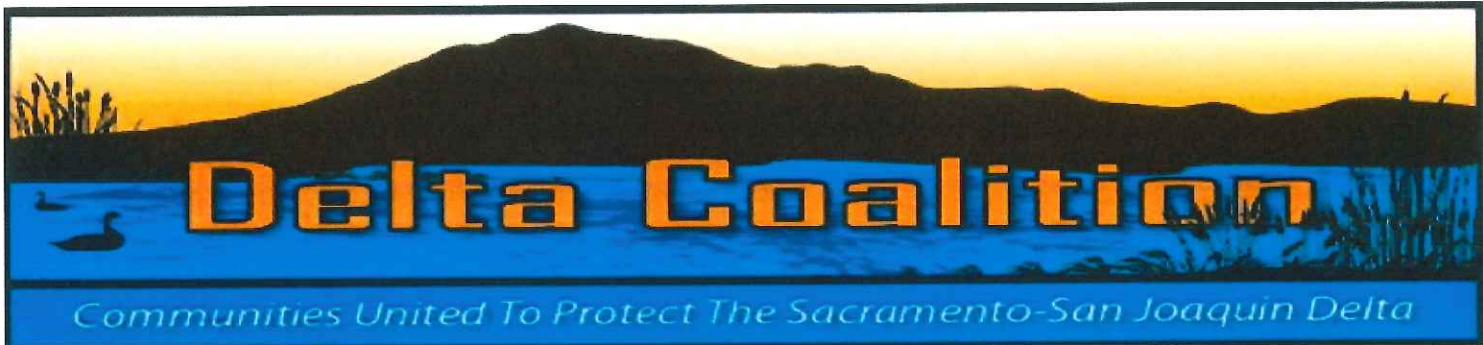
Sincerely,



KATHERINE M. MILLER, Chair
San Joaquin Delta Coalition
San Joaquin County Supervisor, District 2

KM:FB:nt
5-5-17 AB 200 SUPPORT

c: Honorable Members, San Joaquin County State Legislative Delegation



May 9, 2017

The Honorable Robert Hertzberg
 California State Senate
 State Capitol, Room 4038
 Sacramento, California 95814

SUBJECT: SENATE BILL 231 (HERTZBERG) LOCAL GOVERNMENT: FEES AND CHARGES – SUPPORT

Dear Senator Hertzberg:

On behalf of the San Joaquin Delta Coalition, I am writing to inform you of the Coalition's support for your Senate Bill 231 (SB 231), in which the Legislature reaffirms and reiterates that the definition found in Public Utilities Code 230.5 is the definition of "sewer" or "sewer service" that should be used in the Proposition 218 Omnibus Implementation Act.

Proposition 218 requires certain local property-related fees or charges to be approved by voters, but specifically excludes from the voting requirement fees and charges for water, sewer, and refuse collection services, which may be implemented by local agencies absent a protest by a majority of affected property owners. In 2002, an appellate court ruled that the meaning of "sewer" in Proposition 218 was "ambiguous." The court ignored the definition of "sewer service" found in Public Utilities Code 230.5, which the Legislature created in 1970, and instead proceeded to develop a new definition of "sewer service" that did not include storm water conveyance or treatment facilities and services. As a result, storm water fees and charges must now meet a higher standard than other water and sewer services to raise capital, preventing many important and necessary projects from being built, and to generate revenue to expand services in response to ever-increasing regulatory requirements.

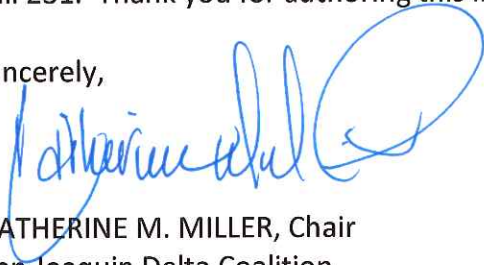
SB 231 recognizes the critical importance of storm water facilities and services in protecting the public's health, safety, and general welfare and clarifies statutory authority of local agencies to fund these facilities and services through the same

The Honorable Robert Hertzberg
SB 231 - SUPPORT

-2-

process as other essential water and sewer services, consistent with the strict transparency and accountability requirements of Proposition 218. For these reasons, the San Joaquin Delta Coalition is pleased to support Senate Bill 231. Thank you for authoring this important measure.

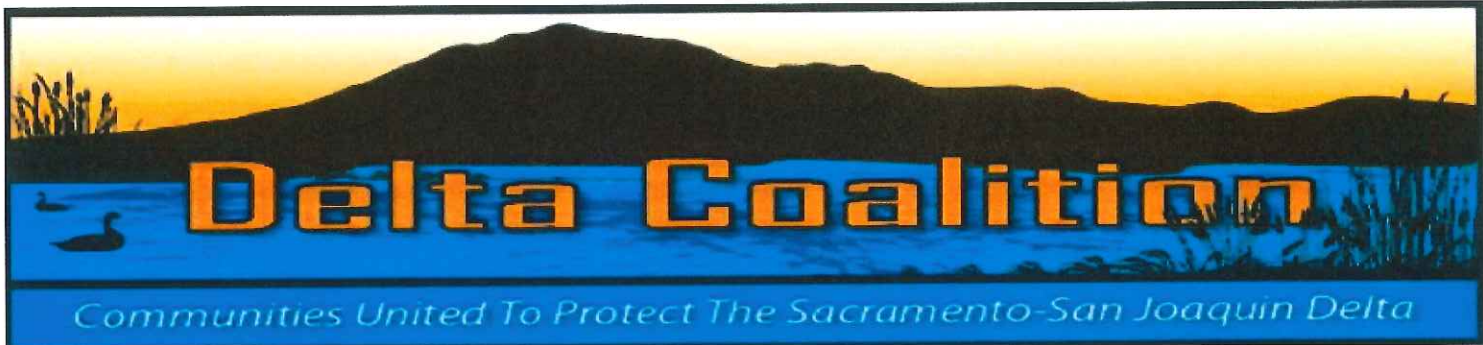
Sincerely,



KATHERINE M. MILLER, Chair
San Joaquin Delta Coalition
San Joaquin County Supervisor, District 2

KM:FB:nt
5-5-17 SB 231 SUPPORT

c: Honorable Members, San Joaquin County State Legislative Delegation



May 9, 2017

The Honorable Jim Frazier
 California State Assembly
 State Capitol, Room 3091
 Sacramento, CA 95814

SUBJECT: AB 791 (FRAZIER) SACRAMENTO-SAN JOAQUIN DELTA: STATE WATER PROJECT AND FEDERAL CENTRAL VALLEY PROJECT. SUPPORT (AS AMENDED ON MARCH 21, 2017)

Dear Assembly Member Frazier:

The San Joaquin Delta Coalition is pleased to support your AB 791, which would require water contractors to provide a breakdown of costs before entering into an agreement for a conveyance facility.

The Sacramento-San Joaquin Delta Reform Act of 2009 prohibits construction of a new Delta conveyance facility until those who contract to receive water from the State Water Project and the Federal Central Valley Project or a joint powers authority arrange or contract to pay for certain costs. These costs include the construction, operation, and maintenance of the facility. It also includes full mitigation of property tax or assessments levied for land used in the construction, location, mitigation, or operation of the facility.

AB 791 would require the lead agency to provide the breakdown of costs for each water contractor before entering into an agreement. This measure would also require each contractor to identify the benefits received based on its financed proportion of the proposed conveyance project.

For these reasons, the San Joaquin Delta Coalition supports AB 791 and thanks you for your leadership.

Sincerely,

 KATHERINE M. MILLER, Chair
 San Joaquin Delta Coalition
 San Joaquin County Supervisor, District 2

KM:FB:nt
 5-5-17 AB 791 SUPPORT

c: Honorable Members, San Joaquin County State Legislative Delegation