



SAN JOAQUIN COUNTY

FLOOD CONTROL & WATER CONSERVATION DISTRICT

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KRIS BALAJI
DIRECTOR OF PUBLIC WORKS

ADVISORY WATER COMMISSION

August 16, 2017, 1:00 p.m.

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

AGENDA

- I. Roll Call
- II. Approve Minutes for the Meeting of July 19, 2017
- III. **Discussion/Action Items:**
 - A. Acampo Area Drainage Innovation Project Update
 - B. Follow-up Discussion on Responses to Survey of the Advisory Water Commission Regarding Items to Work on for Recommendation to Board of Supervisors
 - C. Standing Updates:
 1. Delta
 2. SGMA
- IV. **Informational Items (See Attached):**
 - A. August 7, 2017, sfchronicle.com, "Storm Water Bill Would Evade Taxpayer Protections"
 - B. August 17, 2017, newsdeeply.com, "Battle Looms as California Moves to Dedicate More Water to Fish"
- V. Public Comment:
- VI. Commissioners' Comments:
- VII. Adjournment:

Next Regular Meeting
September 20, 2017, 1:00 p.m.
Public Health Conference Room

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

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**REPORT FOR THE MEETING OF
THE ADVISORY WATER COMMISSION OF THE SAN JOAQUIN COUNTY
FLOOD CONTROL AND WATER CONSERVATION DISTRICT
July 19, 2017**

The regular meeting of the Advisory Water Commission of the San Joaquin County Flood Control and Water Conservation District was held on Wednesday, July 19, 2017, beginning at 1:00 p.m., at Public Health Services, 1601 E. Hazelton Avenue, Stockton, California.

I. Roll Call

Present were Commissioners Nomellini, Roberts, de Graaf, Holman, Flinn, Herrick, Holbrook, Salazar, Jr., Hartmann, Neudeck, Alternates Houghton, Reyna-Hiestand, Heberle, Henneberry-Schermesser, and Chairman McGurk.

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

II. Approval of Minutes for the Meeting of June 21, 2017.

Commissioner Holbrook inquired on Section III.B. – Presidential 2017 Winter Storm Disaster. Commissioner Neudeck clarified the title was reflective of the Presidential Disaster Declaration. Motion and second to approve the minutes of June 21, 2017 (Nomellini / de Graaf). Unanimously approved.

SCHEDULED ITEMS

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

III. Discussion / Action Items:

A. Coordination Between SJAFCA and San Joaquin County on Funding of Flood Protection Programs – John Maguire

Mr. John Maguire, San Joaquin County Public Works – Engineering Services Manager, gave an update on the coordinated efforts between San Joaquin Area Flood Control Agency (SJAFCA) and the San Joaquin County Flood Control and Water Conservation District (District) to pursue additional funding for flood protection programs. Mr. Maguire provided history of the District including the State statute to establish zones, specifically for the purpose to generate funding. Zone No. 9 was established in 1961 under the Flood Control and Water Conservation District to fund channel and levee maintenance. Maintenance of District levees and channels is jointly funded by SJAFCA and Zone No. 9: SJAFCA – generates approximately \$975k annually; Zone No. 9 – generates approximately \$3.4 million annually.

Mr. Maguire presented a slide of the levees and channels in the Stockton metropolitan area depicting those having cost shared maintenance with SJAFCA, non-cost shared maintenance, or maintained by a reclamation district. SJAFCA's participation in the joint-funding of levees and sloughs, a portion of the Diverting Canal, and the upper portion of Mormon Slough is because these areas were improved upon by SJAFCA as part of their project in the late 1990s. During that time, the Federal Emergency Management Agency (FEMA) was threatening to remap much of the Stockton metropolitan area into the special flood hazard area. The areas in question did not carry mandatory flood insurance purchases and/or building restrictions. To avoid FEMA's involvement, SJAFCA was formed and established Assessment District 96-1, which generated a \$70 million project to build and improve levees, as well as build flood walls. Also established was a funding mechanism for ongoing Operations and Maintenance (O&M) of these additional facilities.

O&M costs have increased over the years due to an increase in State and Federal standards. Due to a lack of increase in revenue, O&M costs have been satisfied from reserve funds of SJAFCA and the District. Currently, SJAFCA generates over \$900k annually for O&M but administrative costs are funded through their reserves which are not generating additional revenue. Zone No. 9 reserves are almost depleted. In June 2014, both agencies entered into a cost-share agreement to study this fiscal issue and identified needs, costs, and mechanisms for generating additional revenues. In 2015, the study was completed and both agencies entered into a second cost-share agreement to move forward on these efforts. A slide was presented depicting agency activities, the activities funded by Zone No. 9 and SJAFCA, and the annual funding needs and funding deficits summarized by the study. Totals specific to levee and channel maintenance are \$6.5 million funding needed annually for O&M, with an annual \$2.6 million funding deficit. Additional costs that may be funded from reserves include levee recertification of the Bear Creek, Calaveras River, and Mormon Slough areas, SJAFCA operating costs, and the maintenance and expansion of an Alert System that monitors levee and stream levels for possible flood threat within the Stockton metropolitan area. SJAFCA's current operating expenses are \$1.3 million annually and funds staff, legal counsel, and lobbying efforts.

In September 2016, the San Joaquin County Board of Supervisors (BOS) entered into an agreement with SCI Consulting Group. The scope of work will involve generating preliminary cost allocations and benefit assessment rates to determine funding for additional programs on a parcel or acreage basis. The next phase will involve conducting initial public opinion research to determine voter support of bearing these additional costs. Should research conclude voter support, and upon authorization from respective County and SJAFCA Boards, intent will be to move forward with the formation of the funding mechanisms deemed appropriate. Should research conclude voters are not supportive of the additional costs, then a reduced level of funding costs will be explored. There was discussion amongst the Commission regarding outreach to educate the public on the accomplishments and work done by the District and SJAFCA, in addition to conducting the research for voter opinion of bearing additional costs. The intent of the initial outreach process will be to help "shape" the program.

Current Zone No. 9 assessments are approximately \$1.00 monthly for a single family home, with a potential increase to \$2.00 monthly. A member of the public commented on the significant benefits gained by Cal Trans from flood control operations. Other discussion included identifying the areas in need, and the purpose of the consultant's Phase 1 mailer to assess the priorities of resident communities and evaluate their responses. Mr. Maguire added that the Corps identified deficiencies in our levees which need to be addressed or these areas will become "decertified," and this would have a major impact on flood insurance costs.

B. Funding Flood Projects with State Funds after Senate Bill 5 – 200-Year Protection Requirements – Roger Churchwell

Mr. Roger Churchwell, San Joaquin Area Flood Control Agency – Deputy Executive Director, gave a presentation regarding the funding of flood projects. Due to the increasing costs of flood projects, securing needed funding in the near future will be a challenge. Projects can be locally-funded, or State-funded – though the latter comes with conditions to meet a higher level of protection than FEMA and include 200-year and Urban Levee Design Criteria (ULDC).

Slides were presented depicting ULDC (20 criteria), and ULDC geometry requirements.

The Commission discussed 200-year protection, State Proposition 1E Bond Funding, Smith Canal, as well as constructing "improvements," which will require improvement to the current standards.

However, if you are certifying an existing system you may not be required to meet the newest standard. The 200-year protection is not an Army Corps standard, but rather a State standard. The local land use authorities have the level of responsibility to ensure the levels of the law are being met.

Mr. Churchwell presented slides of urban levees at Smith Canal, Bishop Tract/South Levee, and Diverting Canal/Calaveras River. Future actions for Smith Canal to remove the 100-year floodplain would include: Smith Canal Levees – 1) Encroachments removed at a cost of \$106 million; 2) If cost-shared with the State, the levees would need to become SPFC/Federal levees; and, 3) Levees improved to the State 200-year level of protection. Smith Canal Gate – 1) Estimated \$37 million cost-shared with the State; and, 2) Will meet the 200-year standard and become part of the SPFC/Federal Facility. Mr. Churchwell concluded it would be cheaper to construct the Smith Canal Gate at \$37 million, than to purchase the properties and remove encroachments at \$106 million.

C. Pending Grant Applications and Recent Awards – Matthew Ward

Mr. Matthew Ward, San Joaquin County Public Works – Engineer IV, gave a summary of the grants recently pursued by the San Joaquin County Flood Control and Water Conservation District (District). In the last four years, the District has successfully applied for and has secured or is in the process of securing six grants. All the grants were State-funded and include:

- Flood Emergency Response Projects – Statewide Grant #1 - \$179,750 (100% State) – Awarded. Work completed to re-instate the County’s Flood Alert System. The Alert System was used heavily by the Office of Emergency Services (OES) and the District during the last year’s storm events. Provides real-time data and projections of water thresholds.
- Flood Emergency Response Projects – Delta Grant #1 - \$249,737 (100% State) – Awarded. Ongoing work to expand the Alert System. Work is 50% completed.
- Flood Emergency Response Projects – Statewide Grant #2 - \$317,205 (100% State) – Awarded. Further expansion of Alert System. A Flood Safety Plan was created for the Woodbridge area (Flood Zone 10). Work is 30% completed.
- Flood Emergency Response Projects – Delta Grant #2 - \$ TBD (100% State) – Award pending.
- Critical Erosion Repair Project – Mormon Slough - \$4.9 million (90% State, 10% County) – Awarded. Project will provide enhanced channel improvements to the Mormon Slough system at Escalon-Bellota Road and Hwy. 26. Project is in design phase. The District’s 10% cost-share obligation was met through a current bridge project that starts at the Escalon-Bellota Road Bridge and extends downstream (west) 450’. DWR certified the channel downstream of the Escalon-Bellota Road Bridge as critical. The District’s project could therefore start as far upstream (east) as the Escalon-Bellota Road Bridge, thereby, overlapping the current bridge project and resulting in the District’s cost-share obligation being met.
- Small Communities Flood Risk Reduction Program Grant - \$3 million (100% State) – Award pending. Applied for six small unincorporated communities to receive increased flood protection including Banta, Stoneridge, Kasson, Weatherbee Lake, French Camp, and Morada. Maximum award could be \$500,000 per community. San Joaquin County was the applicant for this grant, complying with the condition that the applicant has land-use authority.

Mr. Ward added that the District submitted Letters of Intent (LOIs) for three different projects under the California OES Hazard Mitigation Grant Program. The largest project grant application submitted is for the Acampo Area Drainage Innovation Project which aims to provide increased flood protection to Cooper's Corner at the Acampo Road / Hwy 99 area – with anticipated completion of Phase 2A (of 3) of this project during the construction season.

Mr. Michael Callahan, San Joaquin County Public Works – Engineer V, gave a summary of grants pursued by Water Resources.

- Counties with Stressed Basins – Prop 1 Sustainable Groundwater Planning (SGWP) Grant - \$249,950 – Awarded. The total committed investment in this effort is \$499,950 (50% State, 50% County). The County Funds applied towards the efforts that will support the development of the Groundwater Sustainability Plan (GSP) for the Eastern San Joaquin Groundwater Authority, as required by SGMA. RMC Water and Environment (RMC) is compiling data submitted by cities and districts within the Eastern San Joaquin Groundwater Basin and will produce a groundwater model in the next few months. Future activity will include establishing a water budget for the basin, and exploring a monitoring program.
- Proposition 1 Integrated Regional Water Management (IRWM) Disadvantaged Community (DAC) Involvement Program - \$3.1 million (100% State) – The \$3.1 million is allocated to the San Joaquin Basin region encompassing areas of Contra Costa, Sacramento, San Joaquin, and Madera Counties, with only one application accepted per region. There has been communication among the counties and cities to establish a course of action. Initial outreach to these DACs will be conducted to establish a needs assessment. The San Luis & Delta Mendota Water Authority volunteered to take the lead to obtain a consultant, and Request for Proposals (RFPs) will be ready for distribution in a month.
- Facilitation Support Services for Groundwater Sustainability Plan (GSP) Development – (100% State) – A previous grant was awarded for facilitation support of establishing the Groundwater Sustainability Agencies (GSAs) and resolve boundary overlap issues. This new grant will be Phase 2 with facilitation to develop the GSP, as required by SGMA. Completion and submittal of the application is forthcoming.
- GSP Development – Prop 1 SGMA Grant - up to \$1.5 million (50% State, 50% County) – The grant is currently in draft form with final facilitation rules to be released in August 2017, grant applications submitted in October 2017, and grant awards issued in December 2017. The amount awarded with require a match from the County at the same amount. The Eastern San Joaquin Groundwater Authority has authorized contracting a consultant to assist in activities including the application process, establishing a work program schedule, estimating cost projections to establish a GSP, and identifying stakeholder outreach efforts. A selection panel will decide upon this consultant on July 26, 2017, with approval of the contract anticipated in the next month.

D. Status and Future of Integrated Regional Water Management Plan (IRWMP) – Brandon Nakagawa

This agenda item is postponed to be rescheduled at a later date.

E. Summary of Responses to Survey the Advisory Water Commission Regarding Items to Work on for Recommendation to Board of Supervisors – Brandon Nakagawa

Chairman McGurk referenced an email, sent by Mr. Brandon Nakagawa to each member agency of the Advisory Water Commission and the Public, requesting the submittal of three potential projects for the AWC to work on, and recommend to the San Joaquin County Board of Supervisors (BOS). The suggested projects resulted from a discussion at the AWC meeting held on June 21, 2017 regarding the Commissioners’ desire to be more proactive in working on items for recommendation to the BOS. To date, eight member agencies and two members of the public have submitted project ideas.

Upon Chairman McGurk’s request, each of the eight member agencies provided an overview of their submitted responses. A summary of potential projects submitted by the participating member agencies include:

Project Topic	Total Suggested	Project Topic	Total Suggested
Advocate for Water Efficiency Fixtures	1	Advocate for Residential Landscape Irrigation Best Practices	1
Flood Prevention	2	Funding for Capital Improvements	1
GSP Funding	1	Groundwater Recharge	3
Levee Repair Funding	1	Oppose the SED	2
Oppose the Twin Tunnels	2	Partnerships in Renewable Energy	1
Regional Flood Control Matters Associated with the Delta Stewardship Council (DSC) Influence	1	Regional Flood Management and Planning	1
Regional Integrated Water Coordination	1	Regular Updates on SGMA Matters Throughout Our Region	1
Regular Updates on Water Fix	2	Water Cycle Reclamation	2
Water Supply	1		

There was discussion amongst the Commission regarding Staff compiling and organizing the ideas suggested by each member agency, and the contributions each member agency could provide to the projects. It was reiterated that the AWC is a collective group of “minds” and agencies that act as advisors making recommendations to the BOS. Chairman McGurk stated the summary of suggestions is the initial step of shifting the emphasis of the AWC towards proactive projects to work on. Chairman McGurk will confer with Mr. Nakagawa, and Mr. Fritz Buchman, San Joaquin County Public Works – Deputy Director, on moving forward to bring recommendations to the BOS, and to fruition. Mr. Buchman suggested a follow-up email to the remaining member agencies requesting potential AWC projects, to which Chairman McGurk concurred.

IV. Informational Items:

- A. **June 7, 2017, San Joaquin County Board of Supervisors Letter of Support, “H.R. 434, The New Water Act – Support”**
- B. **June 22, 2017, Bay-Delta Fish and Wildlife Office, “Questions and Answers on California WaterFix Biological Opinion”**
- C. **July 1, 2017, sfchronicle.com, “Costly Approval Doesn’t Guarantee the Governor’s Delta Tunnels”**
- D. **July 5, 2017, recordnet.com, “More Details as Twin Tunnels Decision Nears”**
- E. **July 5, 2017, redgreenandblue.org, “LA Ratepayers Will Pay for Jerry Brown’s Delta Tunnels (But Big Agriculture Gets All the Water)”**
- F. **July 6, 2017, Delta Counties Coalition Letter to The Honorable David Valadao Opposing H.R. 23, “Gaining Responsibility on Water Act,” unless amended**

V. Public Comment:

A member of the public, Mr. Brent Williams, inquired on the status of the RMC Groundwater Model and if it will be accessible online. Mr. Buchman answered that RMC is developing the model with anticipated completion by the end of the 2017 calendar year. He added that the database will not be a resource available online. In addition, the SGMA WG Ad Hoc Technical Review Committee holds a monthly meeting, open to the public, for parties interested in participation of conversations pertaining to the development of the model.

Mr. Balaji announced that Governor Brown has appointed Mr. Grant Davis as the new Director of the California Department of Water Resources. Mr. Davis had been the General Manager of the Sonoma County Water Agency since 2009, and also served as the Assistant General Manager from 2007 to 2009.

Mr. Balaji announced the resignation of Mr. Gerardo Dominguez, San Joaquin County Public Works – Engineer IV, who has accepted a position with Cal Trans. Mr. Dominguez said that after 11 years of service and attending the AWC meetings, he has learned a lot and will miss all. Mr. Buchman thanked him for his service and asked everyone to join in wishing Mr. Dominguez well and much success on his future endeavors.

A member of the public, Mr. Dom Gulli, commented about the installation work of a 36-inch stormdrain system on Pershing Avenue, just south of Hammer Lane. He noted the location of pump stations at UJ’s Family Restaurant and Swenson Park, and the unlevied 5-mile creek that spans to Plymouth Road. He expressed concern of the creek’s capacity to handle the flow of this 36-inch stormdrain. He inquired on procedure and the correct agency to direct his concerns to. The Commissioners responded that the area in question is within City jurisdiction, thus the point of contact will be Mr. Gordon McKay at the City of Stockton – Public Works Department.

VI. Commissioners’ Comments:

Next Regular Meeting: August 16, 2017 at 1:00 p.m.
Public Health Conference Room

Adjournment: 3:06 p.m.



SAN JOAQUIN COUNTY
FLOOD CONTROL & WATER
CONSERVATION DISTRICT

ADVISORY WATER COMMISSION

MEETING OF JULY 19, 2017

ATTENDANCE SHEET

NAME	AFFILIATION	E-MAIL ADDRESS	PHONE
DANIELLE BARNEY	SJC PW-WR	dbarney@sjgov.org	468-3080
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George V. Hartman	RD 2074 / 2030	gushlaw@gmail.com	956-9940
John Herrick	SDWA	jherrick@aol.com	956 0150
Dante John Nomellini	CDWA		
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Tom Flinn	NSJWCD	tomflinn2@gmail.com	463-8760
Roger Churchill	SJAFCR	rogerchurchill@sjafcr.com	373-8484
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Matthew Ward	SJ County PW	mward@sjgov.org	209 468-3060
Steven Wiesner	Kleinfelder	swiesner@kleinfelder.com	209.948.1345
Dom Gulli	Various RD's	greenmountain@domgulli.com	649-4555
M. Lynn Hoffman	SJC-PW-WR	mlhoffman@sjgov.org	468-3531
Kelly Villalpando	SJC-PW-WR	KRVillalpando@sjgov.org	468-3073
Michael Callahan	SJC PW	mcallahan@sjgov.org	469-9360
Alex Breiter	The Record	abreiter@recordnet.com	548-8295
SEAN CASH	SJC County Counsel		
Brent Williams	Stakeholder	Same	
Elbert Holman	City of Stockton		423-3778
DOUG HEBERLE	WID	heberlewid@gmail.com	625-8438
Reid Roberts	CSJWCD		466-7952

ATTACHMENTS

IV



Storm water bill would evade taxpayer protections

By Geoff McIntosh | August 7, 2017 | Updated: August 7, 2017 4:58pm



Photo: Michael Short, Special To The Chronicle



Water that rushes down storm drains is considered waste and is lost to water-starved California. Proposed legislation would change how storm water is considered under the law and allow communities to capture and clean it for use.

If Senate Bill 231 (Hertzberg, D-Van Nuys) becomes law, property owners would be saddled with thousands of dollars in additional, annual property taxes. What's worse is that this bill would allow these tax increases to be implemented without a vote of the people.

2:34 PM
Trump has huffed and puffed, with little to show for it

1:51 PM
Give Trump his due for stock market surge



1:14 PM
Health care repeal efforts' misguided idea of 'freedom'

SB231 redefines the word “sewer” to include storm-water and storm drains, thereby allowing local governments to evade **Proposition 218** taxpayer protections. That 1996 initiative requires that all new property-related taxes and most fees proposed by a local government or agency be approved by two-thirds of voters. If SB231 is enacted, local governments can assess property owners to fund storm-water infrastructure projects without voter approval.

Proponents argue the **law needs to be tweaked** for communities to fund improvements that will capture storm water that **they claim is flushed out to sea**. This may be true, but local governments should simply make the case to voters and follow the law. Suggesting that voters should not have a voice is disrespectful and degrading.

Here’s the reality of the situation. California faces an unprecedented housing shortage and affordability crisis. As California’s median home price soared past \$555,000 (\$908,000 in the San Francisco Bay Area) earlier this summer, the state’s homeownership rate of 54 percent ranked last in the nation. A prospective homeowner in California would need an annual income of more than \$100,000 to afford a median-priced home, well above the state’s median income of \$63,570.

Giving local government the ability to increase property taxes by thousands of dollars annually, without a public vote, would only make the housing affordability crisis worse. We need to reduce the cost of owning a home, not make it worse.

For example, the City of Glendora (Los Angeles County) has calculated that the additional property tax levy to home and business owners would be on average \$1,200 a year to meet regulatory storm-water requirements. This, at a time when Glendora’s median home price of \$575,000 and average rent of \$1,912 are significantly higher than state and national averages.

SB231 would hurt the very people who can afford it the least: Millennials and first-time home buyers who would be hampered by yet another property tax levy. Existing homeowners, as well as tenants, many of whom have already absorbed additional levies, or “add-ons,” to their property tax bills, would be at the mercy of local jurisdictions to impose more property taxes on a wide range of storm water-related infrastructure projects.

In short, SB231 sets a terrible precedent by using a political sleight of hand to allow local governments to impose new taxes without state constitutionally-required voter approval.

California cannot further burden property owners with more taxes and pass along fees that will affect tenants and exacerbate a housing crisis that threatens California’s overall economic health.

SB231 simply just doesn’t hold water.

Geoff McIntosh is the president of the California Association of REALTORS®.



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Battle Looms as California Moves to Dedicate More Water to Fish

The state plans to boost streamflows in the troubled San Joaquin River by amending hundreds of water rights. It hopes settlement deals will avoid a showdown, but will they produce enough water to help imperiled salmon?

WRITTEN BY
Matt Weiser

PUBLISHED ON
Jul. 17, 2017

READ TIME
Approx. 8 minutes



Cattle roam along the Eastside bypass of the San Joaquin River in Merced County, Calif. Large parts of the river are stagnant like this during much of the year due to inadequate streamflows.

ON THE HEELS of the worst drought in California history, state officials are telling water users in the San Joaquin River basin to give up a major share of their water supplies – permanently.

The timing, in some ways, couldn't be worse for farmers who struggled through the drought. On the other hand, the time is right for imperiled salmon that live in the river and its tributaries. This iconic species may not survive the next drought without more water.

The State Water Resources Control Board announced in September that it plans to return the San Joaquin River to 40 percent of its “unimpaired flow.” This means the amount of water that would naturally flow through the river without existing dams and diversions.

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Nov. 21, 2016

The goal, according to the water board, is to rebalance water demand on the state's second-largest river. Policy and practice have long favored human water consumption over water quality and wildlife like Chinook salmon, a species in a steep decline for decades.

The board plans a similar process for the Sacramento River, the state's largest river.

"We recognize this is very hard to do," said Les Grober, the water board's deputy director for water rights. "We just have to be smarter about how water is used overall."

To reach the 40 percent goal on the San Joaquin River, hundreds of companies and individuals will have to give up a portion of their right to divert water from the river and three of its tributaries: the Tuolumne, Stanislaus and Merced rivers. The biggest water users are farms and irrigation districts, who use the water to grow crops like almonds, cherries, peaches, apples and tomatoes.



Bud Rank walks on his property along the San Joaquin River in Fresno, Calif., in 2005. Rank and his family have fought for years to keep the river in its original wild form. Now state officials are pressing for flow increases in the river and three tributaries in order to improve water quality and wildlife habitat. (Marcio Jose Sanchez, Associated Press)

Major municipalities will also be affected, including San Francisco, which diverts water from the Tuolumne River.

The water board has the legal authority to take back water rights when public trust resources, like Chinook salmon populations, are threatened. But it has rarely exercised that authority, partly because to do so requires long and painful deliberations that are likely to result in litigation.





The board's process is effectively a water-quality action: The board is proclaiming that streamflows aren't sufficient to keep water temperatures cold enough for salmon survival.

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Five Things to Know About Desalination

Since California has so much oceanfront, desalination may seem like a no-brainer to increase water supply. But there are a few things that are important to understand about why it's not always the best solution. Apr. 21, 2016

- 2  **One of the Largest Dam Removals in California History Inches Forward**
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- 3  **Carbon Farming: California Focus on Soil to Meet Climate, Water Goals**
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- 4  **How Water Became the New Focus of Corporate Sustainability**
Aug. 4, 2017
- 5  **An Unconventional New Captain for California's Water Agency**
Jul. 24, 2017

In fact, the federal Clean Water Act requires the water board to review streamflows every three years to maintain healthy water quality. The state water board holds this responsibility under a custodial arrangement with the United States Environmental Protection Agency.

In the case of the San Joaquin River, the board is 20 years late reviewing streamflows: They have not been comprehensively updated since 1995. As part of the water quality plan it adopted that year, the water board also set a goal to double salmon populations, a target that has never been achieved.

Supporters of flow increases note that the San Joaquin River today is routinely far below the 40 percent target – sometimes near zero. In many of its reaches, the river becomes a series of stagnant pools for weeks or months at a time.

“The board’s ability to revise water rights in order to rebalance the system and protect public interests is very powerful,” said Doug Obegi, an attorney with the Natural Resources Defense Council. “Significantly more water is going to be required to achieve the salmon doubling goal.”

The water board acknowledges that the 40 percent goal is a compromise. Recent studies have shown salmon actually need 60 percent, including a 2013 “**flow criteria**” report by the board itself, and analysis that same year by the California Department of Fish and Wildlife.

But Grober said 40 percent acknowledges that river flows must continue serving multiple purposes in the 21st century. So it has called for a range of 30–50 percent of unimpaired flow, with 40 percent as an interim target.

“If you were only considering protection of fish, you’d of course be at the upper end of that range,” Grober said. “The measure isn’t adopting an objective that provides absolute protection, but what is the number that reasonably protects fish and wildlife.”

To those who have to give up water, however, the number isn’t reasonable at all.

“It will have enormous economic consequences,” said Jake Wenger, general manager of Modesto Irrigation District. “During a dry year, we would essentially have no water.”

Wenger’s district serves about 100,000 acres of farmland with water diverted from the Tuolumne River. It stores much of that water in Don Pedro Reservoir, which it owns jointly with Turlock Irrigation District and the San Francisco Public Utilities Commission.

The water board has received more than 20,000 comment letters from supporters and opponents of the flow increase measure. While many of these are form letters generated by interest groups, Grober said “thousands” are unique letters sent by individuals.

The water board staff is in the process of reviewing all these comments, and will then prepare a revised proposal for the board to vote on by the end of this year.

Modesto and Turlock irrigation districts estimate the streamflow revisions could cost their region \$1.6 billion in economic output. They launched a website, WorthYourFight.org, to rally support for their cause.

Wenger is critical of the state's proposal, he said, because it requires the 40 percent unimpaired flow target to be met continuously between February and June of every year.

"That means you're putting a lot of water downstream when fish are not present," he said. "Whereas the state's plan is sort of a shotgun approach, we're proposing a sniper approach."

Wenger says his district is willing to give up some water for what he calls "functional flows." This means releasing water for instream habitat when monitoring shows salmon are actually present in the river. This ensures the water will be there when fish need it for migrating and spawning, and won't require farmers and others to give up so much water.

The San Francisco Public Utilities Commission supports this approach, as well. The agency delivers water not just to San Franciscans, but also as a wholesaler to several other Bay Area cities. This water comes from Sierra snowmelt in the Tuolumne River that is stored in Hetch Hetchy and Don Pedro reservoirs.

Steve Ritchie, the commission's assistant general manager for water, said the hit to his agency could be even worse than the water board has estimated because of contract language between San Francisco and the Turlock and Modesto Irrigation districts. The contract, which involves their partnership to operate Don Pedro Reservoir, may require San Francisco to absorb 52 percent of any required streamflow increases.

As a result, Ritchie said San Francisco could be required to build 900,000 acre-feet of new water storage to make up for the proposed streamflow losses. To put that in perspective, 900,000 acre-feet is nearly triple the capacity of its existing Hetch Hetchy Reservoir.



The San Joaquin River is seen at Friant, Calif. The State Water Resources Control Board plans to order hundreds of water users to increase streamflow in the San Joaquin and three of its tributaries to improve water quality and fish habitat. (Gary Kazanjian, Associated Press)

It could also require the city to impose conservation measures “that we just wouldn’t be able to achieve,” Ritchie said. That’s because San Franciscans are already the state’s water conservation leaders. Their daily water consumption during the drought fell to just 41 gallons per person, the lowest in the state.

“How low can you go when you are the lowest? It’s a real issue when you are already that efficient,” Ritchie said. “We would have to generate some new water.”

San Francisco says “functional flows” would ease the pain by ordering more water only when and where needed, not all the time.

“We know we have to give up some water,” Ritchie said. “But the state board proposal really doesn’t work for us.”

Grober counters that the state’s proposal accomplishes something similar. By phrasing the flow increases as a percentage of unimpaired flow, it is naturally flexible. Water users would be required to give up a percentage that varies according to the season and according to the presence or absence of drought.

Obegi, the environmental attorney, notes that continuous flow increases over a period of months is important because more than salmon need that water. More flow boosts the food chain, helping to breed aquatic insects that salmon and other species depend on, and it sustains plants that create vital riparian shade in the scorching San Joaquin Valley.

“Rather than prescribing specific flows for all different times and places, it’s really providing a budget of water – an account of water that can be used to best provide the benefits to fish and wildlife,” Grober said. “We’re not locked into a set flow objective.”

Adjusting water rights in the traditional manner requires the board to start a complicated adjudication process. This is similar to a court proceeding in which the board functions like a panel of judges, hearing testimony as water users summon witnesses.

It is tedious and time consuming: Resolving all the water rights to increase streamflow could take years.

In hopes of a faster result, Grober said the state is “vigorously” encouraging water users to offer settlements as an alternative to simply taking back water rights.

A settlement would make streamflow improvements happen much faster. Water users would voluntarily enter into a binding agreement to give up some lesser amount of water in addition to making other habitat improvements, such as controlling invasive species and restoring streambed spawning gravels.

To push the process along, the state brought in a high-powered mediator: Bruce Babbitt, the former U.S. Interior Department secretary under President Clinton. Babbitt has been holding a series of closed-door meetings among the parties in hopes of reaching settlements between water users, environmental groups and state officials.

Participants were required to sign a confidentiality agreement, so little information is available about how the talks are proceeding. But word is that the parties remain far apart.

Some environmental groups, for example, view the state’s 40 percent unimpaired flow target as a starting point, and they want to see an even higher number in any negotiated settlement. Water users, of course, want less than 40 percent – a lot less, in some cases.

If they can’t reach a settlement, the water board is expected to adopt a new flow requirement by the end of this year. Then it would move into an adjudication process to actually begin amending water rights to make the flow increases happen.

This is likely to bring separate lawsuits from water users, which would further delay any streamflow improvements.

“Essentially, you have this piano hanging over your head with someone waiting to cut the string,” said Wenger. “We have a lot of hope that we can move these settlement talks along.” ■

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