



SAN JOAQUIN COUNTY

FLOOD CONTROL & WATER CONSERVATION DISTRICT

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KRIS BALAJI
DIRECTOR OF PUBLIC WORKS

ADVISORY WATER COMMISSION

September 20, 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 August 16, 2017
- III. Discussion/Action Items:
 - A. Presentation and Discussion on Integrated Regional Water Management Plan (IRWMP) Projects – Brandon Nakagawa (See Attached)
 - B. Update on San Joaquin Area Flood Control Agency (SJAFCA) Activities – Roger Churchwell (See Attached)
 - C. Standing Updates
 1. Delta (See Attached)
 2. SGMA
- IV. Public Comment:
- V. Commissioners' Comments:
- VI. Adjournment:

Next Regular Meeting
October 18, 2017, 1:00 p.m.
Public Health Conference Room

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

If you need disability-related modification or accommodation in order to participate in this meeting, please contact the Water Resources 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
August 16, 2017**

The regular meeting of the Advisory Water Commission of the San Joaquin County Flood Control and Water Conservation District was held on Wednesday, August 16, 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, Murken, Swimley, de Graaf, Holman, Flinn, Winn, Herrick, Holbrook, Hartmann, and Neudeck, Alternates Reyna-Hiestand, and Heberle, Secretary Nakagawa, Vice-Chair Price, and Chairman McGurk.

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

II. Approval of Minutes for the Meeting of July 19, 2017.

Motion and second to approve the minutes of July 19, 2017 (Holbrook/Swimley). Unanimously approved.

SCHEDULED ITEMS

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

III. Discussion / Action Items:

A. Acampo Area Drainage Innovation Project Update – Matthew Ward

Mr. Matthew Ward, San Joaquin County Public Works – Engineer IV, provided an update on the Acampo Area Drainage Innovation Project, which he first presented to the Commission at the meeting held on May 17, 2017. In the 2016-17 winter season, storm events resulted in flooding along east Hwy 99 in the Cooper's Corner area. As a result of the flooding, the County conducted a study and identified drainage and flood control improvement projects for the area encompassing west to Hwy 99, east to Jack Tone Road, north to Peltier Road, and south to Woodbridge Road. The primary objectives for the improvements are: 1) Improve drainage within the area; and, 2) Identify and consider means to capture and retain stormwater for groundwater recharge. The project area is composed of three watersheds including Gill Creek, Acampo Rd., and Woodbridge Rd.

Mr. Ward presented slides depicting the flooding which occurred during the Winter 2017 season. He also showed slides of the mobile pumps (provided by the County) in the Brandywine Road area to divert the water north around Cooper's Corner.

A key component of the project will entail a phased approach manner so improvements will be implemented based on need, funding, and feasibility of implementation. The phases include:

- **Phase 1 – Emergency response for Cooper's Corner:**
 - Immediate need with temporary solutions to be implemented in winter 2017-18.
 - Set up mobile pumps and temporary drainage lines; pump water around Cooper's Corner and into a concrete-lined roadside ditch. Potential placement of temporary pumps at Houston Elementary School and AM Market are also possibilities.

- **Phase 2a – Near-term permanent improvements for Cooper’s Corner:**
 - Placement of a permanent storm drain system to divert water around Cooper’s Corner; placement of 42-inch gravity lines to permanent pump station; pump water into concrete-lined ditch, and storm drain along frontage road.
 - Construction anticipated to begin in September 2017.
 - Estimated cost \$2.4 million.

- **Phases 2b1 and 2b2 – Improved Acampo Road, Woodbridge Road, and Kennefick Road drainage to incorporate groundwater recharge:**
 - Phase 2b1 – Provides increased flood protection east and west along Acampo Road, and north and south along Kennefick Road.
 - Capture stormwater flowing northeast to southwest; divert to roadside ditches and into Mokelumne River.
 - Phase 2b2 – Drainage improvements with north to south roadside ditches.
 - Capture water flowing northeast to southwest; divert south to Mokelumne River.

- **Phase 3 – Peltier Road drainage improvements:**
 - Construct roadside ditch east to west along the north side of Peltier Road to alleviate excess flows from Gill Creek.
 - Capture overflow west along Gill Creek and divert back into Gill Creek at Hwy 99.

Mr. Ward stated the County is pursuing grant funding for future phases (2b1, 2b2, and 3) through the Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant Program. The recently submitted Notice of Interest (NOI) was approved, with the formal application process forthcoming. In addition, he announced that an Open House will be held at Houston Elementary School on August 23, 2017 at 6:30 p.m. Technical information and project details will be presented to the residents affected by potential flooding, and to those who reside within the project area.

Mr. Ward concluded his presentation and discussion was opened.

A member of the public asked how Phase 1 was being funded. Mr. Ward answered that Phase 1 is a “temporary solution,” which was implemented in the 2016-17 winter season by the Department of Public Works on an emergency basis. Phase 2a is funded by Local Road District funds (25%) and Community Development Block Grant (CDBG) funds (75%).

Questions were raised amongst the Commission regarding the cement-lined channel and whether it meets stormwater standards. Mr. Brandon Nakagawa interjected that the project, at this point, is not subject to many of the established standards given it is not adding impervious covers, nor dealing with “post-construction” issues, but rather is a “development-type” phase. He added that recharge is already occurring due to the oversaturation from the wet winter.

Commissioner Winn commented on the need for the project as original drainage outlets are no longer in place due to agriculture, vegetation, diversion, or blockage. He expressed the benefits of projects for surface water storage and referenced the loss of 1 billion gallons per second of water released into the San Francisco Bay during the winter storms. There was discussion amongst the Commission regarding surface water storage projects including the water “stored” would be diverted water; rent paid to the property owner of the parcel(s) used for water storage; leasing land for temporary or permanent water retention facilities; identifying parcels within the County ideal for water storage; or water districts asking for their property owners to volunteer their land for water

storage. Commissioner Holbrook stated that until the statute is changed and the groundwater is deemed “beneficial use,” the water will be lost. Mr. Nakagawa added that the “project water” is water that is nuisance during peak storm season, thus causing damage to properties and roads. Mr. Fritz Buchman, San Joaquin County Public Works – Deputy Director, interjected that the project could be categorized into the Integrated Regional Water Management Program (IRWMP).

A member of the public, Ms. Jane Wagner-Tyack, commented on Agenda Item # IV.A, August 7, 2017, sfchronicle.com, “Storm Water Bill Would Evade Taxpayer Protections,” and asked if it would be to an advantage to have the word “sewer” redefined, as proposed in the bill. Mr. Buchman responded affirmative and the County has expressed support of Senate Bill 231. He added the bill would be broader than stormwater capture, but also applies to flood control and stormwater quality.

B. Follow-up Discussion on Responses to Survey of the Advisory Water Commission Regarding Items to Work on for Recommendation to Board of Supervisors – Brandon Nakagawa

Mr. Brandon Nakagawa reviewed a discussion item which had begun in the June and July AWC meetings, in which the commissioners discussed developing a proactive approach to make recommendations of potential projects to the San Joaquin County Board of Supervisors (BOS). Mr. Nakagawa provided a follow-up discussion on the commissioners’ survey responses indicating their priorities. The survey responses had been summarized and distributed to the Commissioners in preparation of the discussion to take place at today’s meeting. The summary of priorities was classified as follows: 1) Challenges of Countywide Importance; 2) Objectives for AWC Meeting Enhancements; 3) Potential Issues for Discussion and Possible Recommendation to Board of Supervisors; and, 4) Discussion Ground Rules.

1. Challenges of Countywide Importance: The County prioritizes and is committed to flood protection. The Department of Public Works annually maintains many miles of levees and channels. Other issues include localized drainage, erosion and overtopping issues, coordinated San Joaquin River operations, water supply reliability, surface water rights, the Sustainable Groundwater Management Act (SGMA), WaterFix (litigation, outreach, campaigning), emergency response, and economic sustainability. These are current topics the County addresses and the Commission could support.
2. Objectives for AWC Meeting Enhancements: Mr. Nakagawa addressed the revised meeting seating arrangement as a means to promote interactive dialogue between Commissioners. This new room set-up will also engage conversation amongst the Commission and staff, and provide an atmosphere of mutual respect for each other and their respective jurisdictions. The task remains for the commission to further develop the ideas and to make recommendations to the BOS.
3. Potential Issues for Discussion and Possible Recommendation to Board of Supervisors: Commissioner Hartmann commented that AWC Staff would have the most “insight” with regards to projects with the highest priority.

On a separate note, Commissioner Hartmann announced that he served as Ombudsman to the SGMA Work Group and assisted in the formation of the Joint Powers Agreement. He added he is no longer acting as the SGMA Ombudsman, and remains the AWC attorney representative of the Urban Flood Control Reclamation Districts.

Commissioner Winn addressed Commissioner Hartmann’s comment regarding projects and said that while the BOS has authority and responsibility, the AWC body has collective years of wisdom and experience and could offer this during discussions with staff. As

representatives of their respective agencies, the BOS looks to the Commission for suggestions coming from the “ground level.” Commissioner Winn added that in his position on this AWC body, he is a representative of the Commission and is not acting as a member of the BOS.

Vast discussion amongst the Commission included upstream storage and the entailed regulatory hurdles, concept divergence and the need to broaden our thinking, each entity’s contribution to benefit the common goal, public support and education, and the innovation of new ideas or regeneration of old ideas. Commissioner Nomellini requested a presentation on the status of the IRWMP. Mr. Nakagawa referred to the IRWMP and stated the plan is a “wish list” of projects including those related to surface storage. He added that while the IRWMP does not contain implementation or phases of projects, it can be used to direct discussions and provide structure. Since the adoption of IRWMP in 2007 and update in 2014, the elements of SGMA and Water Fix have occurred. Mr. Nakagawa will provide an update on IRWMP potential projects at the next AWC meeting.

4. Discussion Ground Rules: A basic list of meeting guidelines was shared to demonstrate mutual respect amongst the Commission during the meeting.

C. Standing Updates – Brandon Nakagawa

As requested at the AWC meeting held on June 21, 2017, Mr. Nakagawa provided the standing, monthly update on Delta and SGMA issues.

1. Delta:
 - The San Diego County Water Authority recently sent a request via email regarding another court appeal before the Supreme Court. Staff is working on a response.
 - The BOS has authorized San Joaquin County Counsel to challenge the Environmental Impact Report (EIR) and Environmental Impact Statement (EIS) on Water Fix. Some partners on this challenge include South Delta Water Agency, Yolo County, Solano County, and North Delta Water Agency. The lawsuit must be filed by Monday, August 21, 2017.
 - Commissioner Neudeck informed the Commission of a recent Supreme Court decision in favor of Reclamation District (RD) 17 over Manteca Unified School District (MUSD). The issue involved exempting public agencies from assessments for flood control improvements as allowed under Prop 218. Commissioner Nomellini added that there were two exemptions in the Water Code pertaining to reclamation district authority to level assessments with the Court finding that MUSD must pay assessments to RD 17.

Mr. Nakagawa reiterated that the “regular updates” will be the opportunity to discuss real-life factors, constraints and problems. These discussions can lead to advice on future actions. He mentioned updates can be provided by district, irrigation districts, city, watershed, or County area (north, south, east, or west).

2. Sustainable Groundwater Management Act: Regular updates could include SGMA activities and Eastern San Joaquin Groundwater Authority action. Commissioners involved in SGMA efforts could also provide comments and input regarding SGMA to the AWC.
3. Flood Protection, Zone 9, San Joaquin Area Flood Control Agency (SJAFCA) Revenue and Augmentation Efforts: Mr. Nakagawa suggested these topics could also be included as a regular AWC Standing Update agenda item.

Chairman McGurk inquired on the status of the Zone 9 potential fee increase, presented at the AWC Meeting held on July 19, 2017. Mr. Buchman responded that opinion polling and outreach efforts should start within a few weeks. Based on the outcome of the community responses, these efforts will help shape the program by priority and community support. The next step will be to establish a finance mechanism and proceed with a Prop 218 process. The area in question overlaps SJAFCA, thus SJAFCA's assessment will cost-share in funding.

A member of the public, Mr. Dave Peterson (Peterson Brustad, Inc.), commented that the State's Central Valley Flood Protection Plan (CVFPP) is scheduled to be adopted on August, 25, 2017. Mr. Peterson stated the final CVFPP has been posted on the California Department of Water Resources (DWR) website. There were not many changes made to the draft, and some comments on policy were addressed. He added that a significant topic specific to the San Joaquin region is a 200-year plan with climate change for the Stockton metropolitan area, including an enlargement of the flood pool in New Hogan Reservoir by 42,000 acre feet. In addition, based on a scientific analysis, the San Joaquin River's 200-year flow is projected to triple within 50 years, and the flow at Vernalis is projected to be 300,000 cubic feet per second. The CVFPP is updated every five years by DWR.

Further discussion included the plan's enlargement of Paradise Cut and Don Pedro's storage capacity. Commissioner Nomellini theorized on a way to move New Hogan's wet period water into groundwater storage, thus leaving additional space in the reservoir. Mr. Peterson responded that to accomplish this, the reservoir must be "dried down" every year by 42,000 AF, thus allowing for carry-over storage in the fall. Logistics would include the scheduling and moving of the water into a groundwater bank.

IV. Informational Items:

A. August 7, 2017, sfchronicle.com, "Storm Water Bill Would Evade Taxpayer Protections"

Commissioner Hartmann commented on the alteration of flows of the Sacramento and San Joaquin tributaries as more water is taken for fish under a public trust fund through which the State Water Board can start modifying water rights. He stated that Stanislaus County estimates economic damage up to \$2 billion as a result of Phase 1 of the Bay Delta Water Quality Plan Substitute Environmental Document (SED). Phase 2, which pertains to the San Joaquin region, is in the biological report stage and discusses dedicating more water to fish flows. Commissioner Hartmann expressed opinion that if resolution cannot be settled voluntarily, the result could lead to water rights adjudications. He advised to "keep it on the radar."

B. July 17, 2017, newsdeeply.com, "Battle Looms as California Moves to Dedicate More Water to Fish"

V. Public Comment:

No comments were offered.

VI. Commissioners' Comments:

No comments were offered.

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

Adjournment: 2:53 p.m.



SAN JOAQUIN COUNTY
FLOOD CONTROL & WATER
CONSERVATION DISTRICT

ADVISORY WATER COMMISSION
MEETING OF AUGUST 16, 2017

ATTENDANCE SHEET

NAME	AFFILIATION	E-MAIL ADDRESS	PHONE
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Brandon Nityagan	SJC PW WR		
TOM MCGURK	SEWD		
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ATTACHMENTS
III. A.



Capitol Alert

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CAPITOL ALERT

Democrats seek \$4 billion bond for water, flood control, parks

BY ANGELA HART
ahart@sacbee.com

AUGUST 31, 2017 6:00 AM

As torrential rains and dangerous floodwaters pummel large swaths of Texas and parts of Louisiana, California lawmakers are eyeing legislation to prevent similar damage from the state's own disasters.

Senate Bill 5 from state Senate President Pro Tem **Kevin de León** would ask voters this upcoming June to approve a \$4 billion bond to fund water, flood and parks projects across California.

To make it to the governor's desk, it would need to clear the Assembly, where another water and open space bond from Assemblyman **Eduardo Garcia**, D-Coachella, is under debate.

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De León has characterized the bond as critical following the state’s historic five-year drought, and the 2017 winter storms that marked the wettest water year for California in more than a century.

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If passed, bond proceeds would fund flood and water infrastructure projects, and expand and improve local parks and open space. It would allocate \$550 million for water projects, \$750 million for flood control projects such as levee repair, and \$2.6 billion for local and regional parks – including \$800 million to build new parks in lower income communities. It would also fund deferred maintenance and other projects at California’s State Parks system, including construction of new trails, plant and wildlife habitat restoration, and coastal climate change adaptation projects.

It comes about three years after Proposition 1, a \$7.12 billion bond approved by more than 67 percent of voters in November 2014. If Gov. **Jerry Brown** signs off, de León’s bond would go to voters in June. Brown, de León and Assembly Speaker Anthony Rendon are also behind a \$4 billion bond for housing, which would go before voters in November 2018 if it clears the Legislature.

Lawmakers have until the legislative session ends Sept. 15 to send the measures to Brown’s desk.

Welcome to the AM Alert, your morning rundown on California policy and politics. To receive it regularly, please sign up here.

WORTH REPEATING: “I just hope he has the ability to learn and change. If he does, he can be a good president.”

Sen. Dianne Feinstein, on President **Donald Trump**. She was booed by the audience in San Francisco.

TRANSGENDER SOLDIERS: A joint resolution, authored by Assemblyman **Evan Low**, D-Campbell, between the Assembly and Senate, would formally declare the Legislature’s opposition to President Donald Trump’s proposed ban on transgender people serving in the military.

Trump has proposed an indefinite ban on transgender troops. Defense Secretary **Jim Mattis** is studying the issue.

The resolution is up at 9 a.m. in Room 437 of the Capitol.

MUST READ: After 24 years, wealthy inventor gets his day in tax court – and wins

CELEBRATE: Happy birthday to state Sen. **Ben Hueso**, D-San Diego, who turns 48 on Saturday, and to Assemblyman **Al Muratsuchi**, D-Manhattan Beach, who turns 53 on Monday.

Angela Hart: 916-326-5528, @ahartreports

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MY FEED



DWR adopts state flood plan update

Issue Date: [September 6, 2017](#)

By Christine Souza



A flood management plan by the state Department of Water Resources involves expansion of setback levees and bypasses, as well as retaining productive agriculture and increasing floodplain habitat, such as benefitting salmon on the Yolo Bypass.

Photo/Kate Campbell

The flooding catastrophe in Texas and along the Gulf Coast as a result of Hurricane Harvey is a reality check for those living in flood-prone areas, including in California.

Coincidentally, the day before Harvey caused such devastating flooding, on Aug. 25 the Central Valley Flood Protection Board—under the California Department of Water Resources—adopted the 2017 Central Valley Flood Prevention Plan Update. The update, required under the Central Valley Flood Protection Act of 2008, is meant to improve the Central Valley system of state and federal-backed levees.

The updated flood plan released in late August is designed to improve flood protection for over 1 million Californians and \$70 billion in homes, businesses and infrastructure, and is the first five-year update since the plan was initially adopted in 2012.

Taking a new approach to flood management, DWR's strategy relies in part on use of farmland to create new "flood space" or system flow capacity that would come from new setback levees and bypass expansions. By taking a "multi-benefit approach," DWR also intends to restore river health and increase floodplain habitat for fish and wildlife. Other goals could include groundwater recharge, decreasing the risk of Delta levee failures, improving water quality and preserving agriculture.

DWR's 2012 plan caused controversy after proposing that 40,000 acres of farmland be used for bypass expansions (30,000 acres would remain farmable subject to flood easements and seasonal flooding), with 10,000 acres set aside for permanent habitat.

Richard Reinhardt, engineer for MBK Engineers based in Sacramento, and representative for the Central California Flood Control Association, said DWR involved local stakeholders, so the updated plan has therefore taken "a more targeted approach."

"The mistake they made in 2012 is they took a broad brush approach and said, 'we're going to take these agricultural lands and put them into the bypasses and 25 percent of that land we'll put into habitat,'" Reinhardt said. "What you often see from state and federal government is top-down planning. Whereas, we went in and talked to the property owners, talked to the reclamation districts and counties and devised a plan that they could get behind.

"Everybody is giving up something, but they are getting something in return," Reinhardt said.

Under the flood plan update, Reinhardt said, DWR divided the area into six geographic regions, "providing money so that those regions could organize themselves and build stakeholder consensus on a vision for flood management. To the extent that that vision matched the state's goals, the (local) plan would be eligible for grant funding for implementation."

Knowing that DWR's vision for the entire flood control system could not be accomplished immediately, Reinhardt said, the department proposes focusing over the next decade, on a phased series of levee setback and weir widening plans for the Yolo Bypass and for Paradise Cut off of the San Joaquin River.

While some improvements have been made, Justin Fredrickson, environmental policy analyst for the California Farm Bureau Federation, said "Concerns still remain for farmers in and adjacent to bypasses." These include: agricultural conversion and compatibility issues, disagreement on bypass expansions, questions about levee financing and proposed fees and reservations about conservation strategy habitat targets.

"Land retirement shouldn't be the only option when it comes to agricultural resources. Not only Paradise Cut, but other areas where they just widen the areas and take the land out of production," said San Joaquin Farm Bureau Federation Executive Director Bruce Blodgett. "That's some of our most valuable land and our best soil along these rivers. In terms of floodplains, we want to see areas maintain their agricultural productivity."

For the Yolo Bypass expansion, according to a basin-wide feasibility study that supports the 2017 update, which has local support, DWR's preferred option involves some 10,300 acres of land, of which DWR assumes 25 percent would be converted to habitat, with 75 percent likely retained in some form of agriculture, at an estimated cost of \$1.8 to \$2.4 billion, Fredrickson said. That's in contrast to a preferred option supported by local flood agencies, consisting of roughly some 4,550 acres, at an estimated cost of \$1.5 to \$2 billion.

David Burroughs, president of the Yuba-Sutter County Farm Bureau, said landowners in Yolo County are not necessarily opposed to the Yolo Bypass expansion south of their area, but it is a different story to the north.

"There may be some opportunities for strategic levee setbacks to straighten out bends in the river and flood points, but we do not agree with the notion of wholesale levee setbacks in Yuba-Sutter," Burroughs said. "In Sutter, they want to convert 50 percent of agriculture to riparian habitat. We oppose that."

Burroughs suggested that DWR consider the deterioration of the Oroville Dam spillway and how that has impacted the downstream channels.

"They need to restore channel capacities to the original specs. They need to be cleaning them up and removing the debris. There are millions of cubic yards of material in all of the channels that need to be removed," Burroughs said. "This plan was put into place before the Oroville debacle and that has exacerbated the loss of channel capacity."

In addition to bypass expansions, the flood plan update includes a conservation strategy to restore habitat. Fredrickson said of the strategy, "One of the things we fought hard for and was included is strong language that agriculture is a wise and compatible use of the floodplain that should be mitigated for and maintained as a dominant use."

Fredrickson added, "another key concession was clear language that the conservation strategy is a planning tool only, with no regulatory effect."

To fund the plan's implementation, which is estimated to cost up to \$20 billion over a 20- to 25-year period, DWR included three new fee mechanisms, expected to be a topic of debate in the next phase of planning.

Fredrickson noted that one proposal is "reactivating the Sacramento-San Joaquin Drainage District fee, where lands benefitted by the flood project would be assessed and monies used to maintain and improve levees." A second idea is a river basin assessment in landowners are assessed and funds used for water and flood projects within each watershed. The third proposal involves a proposed state flood insurance program.

View the 2017 Central Valley Flood Protection Plan Update at www.water.ca.gov/cvfmpp/docs/2017/2017CVFPPUpdate-Final-20170828.pdf.

(Christine Souza is an assistant editor of Ag Alert. She may be contacted at csouza@cfbf.com.)

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NEWS

Water: Setting the sights on Sites



BY **DANIEL MARACCINI** POSTED 09.06.2017

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Sites Reservoir has been talked about for decades, but now that project officials — and backed by

70.000/SHLGE) have formally submitted an application for state bond money, the question arises: Will this \$5 billion project actually come to pass?

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The proposed surface reservoir would be located in Colusa County, but is competing with 11 other applicants for part of a \$2.7 billion coffer of state money devoted to water storage projects. Sites wants \$1.6 billion in state money, the largest amount of any applicant, then will cover the rest through revenue from water agencies that benefit from the reservoir and even federal sources.

Even if the state funds don't get approved, Sites can still be built, although on a reduced scale.

The 32 local water agencies that have already signed on for the project could provide enough money for a smaller reservoir, said Project General Manager Jim Watson.

“We don't need (the state) to give us money to fund the project, because we could build this project all on our own today, but that would come at the extent of providing water for the environment,” Watson said. He said that if the reservoir is not granted any of the state funds, the authority board would then seek investments from other water groups.

The state bond money originates from Proposition 1, a \$7.5 billion water-measure passed by voters in 2014 amidst California's historic drought.

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The state bond money originates from Proposition 1, a \$7.5 billion water-measure passed by voters in 2014 amidst California's historic drought.

Sites, which would divert water from the Sacramento River and store as much as 1.8 million acre feet, is one of three applicants proposing a completely new surface reservoir. The added storage space could produce an average annual yield of 500,000 acre feet of water — enough to serve the needs of roughly 13 million Californians for one year.

According to the Sites Project Authority website, the facility is

To receive Proposition 1 funds, the 12 projects must show they provide environmental benefits to the Sacramento-San Joaquin River Delta or its accompanying tributaries.

environmentally friendly, at least in part because it would be an “off-stream reservoir,” meaning the project would not dam an existing river.

Instead, the project would take water from the nearby Sacramento River via a constructed pipe and, in the process, spare the migration flow of the area's salmon population.

But environmentalists suggest the benefits to the state would be marginal in comparison with the huge outlay in costs, and note the potential for environmental damage.

To receive Proposition 1 funds, the 12 projects must show they provide environmental benefits to the Sacramento-San Joaquin River Delta or its accompanying tributaries. The delta is the heart of the state's water system, and these benefits may include ecosystem improvements, water quality improvements, flood control benefits, emergency response, or recreational purposes.

Watson said Sites would help the environment in part because it would aid the state's declining smelt population by moving water into the Yolo Bypass area. The additional water would give the area more nutrients, and as a result, provide the smelt with a more reliable food supply. According to the Sites Project Authority website, the project would also improve Pacific Flyway habitat for migratory birds.

Thad Bettner, the General Manager of the Glenn-Colusa Irrigation District, said the reservoir would also protect the

“You’re basically trying to use Sites as a regulating reservoir to bring water into the system to meet downstream demands.” — Thad Bettner

Sacramento River salmon by providing them better access to cold water pools.

He said that during dry periods California could use Sites’ water for downstream irrigation needs instead of completely relying on Lake Shasta’s supply. Shasta could then better maintain the cold water temperatures that its salmon population needs during spawning and rearing season.

“You’re basically trying to use Sites as a regulating reservoir to bring water into the system to meet downstream demands” he said. “Then you’d save a like amount water up in Shasta that would then be available for winter and spring (salmon) runs.”

“Surface water reservoirs are not a panacea, but they are valuable for capturing water when it’s available in the peak flows.” — Dave Bolland

Environmental groups argue that Sites does not provide enough public benefits to justify use of taxpayer dollars or the potential harm the facility may do toward the environment.

Ron Stork, policy advocate for the Friends of the River Foundation, said that even if all the projects vying for Proposition 1 funding were completed, they still would not provide anywhere near enough water to meet California’s growing demands.

“If these (water storage) projects, that essentially dam rivers or divert from rivers that have already been diverted and heavily tapped, are going to make a difference, then they will only make a difference in the one percent level,” Stork said.

But, Dave Bolland, the director of State Regulatory Relations for the Association of California Water Agencies, said building surface reservoirs can be part of a broader approach to revamping California’s water system.

Bolland said if these storage projects are accompanied by other changes to state water use, such as the construction of new conveyance systems or the passage of more efficient environmental laws, California will be better prepared for the potential effects of climate change, such as a smaller Sierra snowpack.

“Surface water reservoirs are not a panacea, but they are valuable for capturing water when it’s available in the peak flows” he said.

The California Water Commission, the group that determines which projects receive funding, is currently reviewing the 12 applicants.

The Commission will be measuring the cost of each project against the public benefits they would supposedly provide.

“It’s not a beauty pageant. It’s an investment program,” California Water Commission spokesman Chris Orrock told Water Deeply (<https://www.newsdeeply.com/water/articles/2017/08/28/with-billions-on-the-line-california-begins-vetting-water-projects>), a news site that covers water issues.

The California Water Commission will announce which of the 12 projects receive Proposition 1 funding between May and June next year.

Temperance Flat Dam, another proposed surface-level facility, would provide an estimated 1.26 million acre feet of additional water storage, applied for \$1.3 billion. The project would be located on the San Joaquin River about seven miles upstream from Fresno County’s Friant Dam. The area is in the heart of California’s agricultural empire, and the farming community has long pushed for the reservoir.

Other applicants, like the Los Vaqueros Reservoir Expansion Project, aim to adjust existing facilities.

Los Vaqueros, a nearly 20-year-old reservoir located in northern Contra Costa County, would have its earthen dam raised by 55 feet. The project would ultimately increase the facility’s storage capacity from 160,000 acre feet to 175,000 acre feet and provide enough annual water for 1.4 million people. The Contra Costa Water District, which oversaw the application, is seeking \$434 million.

Six different environmental groups have come out in support of the Los Vaqueros expansion, in part because the project would provide habitats for wildlife as well as storage water for local residents and farmers, according to The East Bay Times (<http://www.eastbaytimes.com/2017/08/14/east-bay-reservoir-expansion-plan-wins-support-of-environmental-groups/>),

The California Water Commission will announce which of the 12 projects receive Proposition 1 funding between May and June next year.

'Shot in the arm' for water district

By **Alex Breitler**
Record Staff Writer
@Alexbreitler

Posted Sep 7, 2017 at 4:42 PM

Updated Sep 7, 2017 at 6:44 PM

A water-starved agricultural area in north San Joaquin County finally got some good news recently with the proposed awarding of \$4 million in state and federal grants.

The money will allow farmers on about 6,000 acres east of Lodi to finally take advantage of a water right on the Mokelumne River that they haven't been able to use even during last year's floods because their crumbling infrastructure is half a century old.

Instead, farmers south of the river have relied mostly on groundwater to grow their crops. But groundwater levels have declined over time. Bringing river water into the area could help correct that decline and help the region comply with state regulations that eventually will require more sustainable use of groundwater, which should be managed as a kind of emergency savings account.

"They'll be able to use surface water that is available to them in the future. It's a big shot in the arm," said attorney Jennifer Spaletta, who represents North San Joaquin.



This is not the only effort underway in the area. The water district also is launching a groundwater banking program with the **rival East Bay Municipal Utility District**, which exports Mokelumne River water to the Bay Area. That pilot program is revolutionary in San Joaquin County, which guards its water supply carefully. It allows for a small amount of East Bay MUD water to be taken from the river and used by local farmers, who then use less groundwater as a result. A share of that unused groundwater can then be withdrawn and sent to the Bay Area.

As part of a **larger settlement** over water right disputes, East Bay MUD is also paying for the new pumping station to feed the water district's aging distribution system. This latest batch of funding will take that one step further by providing some of the money required to replace seven miles of cracked concrete pipeline with a new and more efficient pressurized system.

The \$4 million won't be enough to build the whole system, Spaletta said.

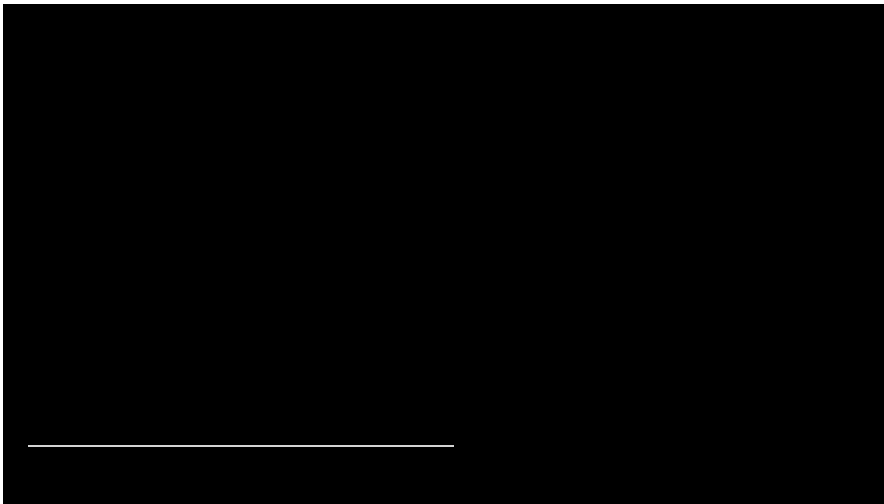
"We're in the process now of putting together a proposal for landowners to see if they're willing to pay for the balance," she said.

Of the new funding, \$1 million is coming from the **U.S. Bureau of Reclamation**. State officials, meanwhile, have proposed **another \$3 million** for North San Joaquin from the voter-approved Proposition 1 water bond.

While the grants are intended to improve efficiency, Spaletta said that taking 6,000 acres of farmland off groundwater and onto river water is "the bigger win."

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

MOST POPULAR STORIES



Water reuse capacity to increase 37% over next ten years

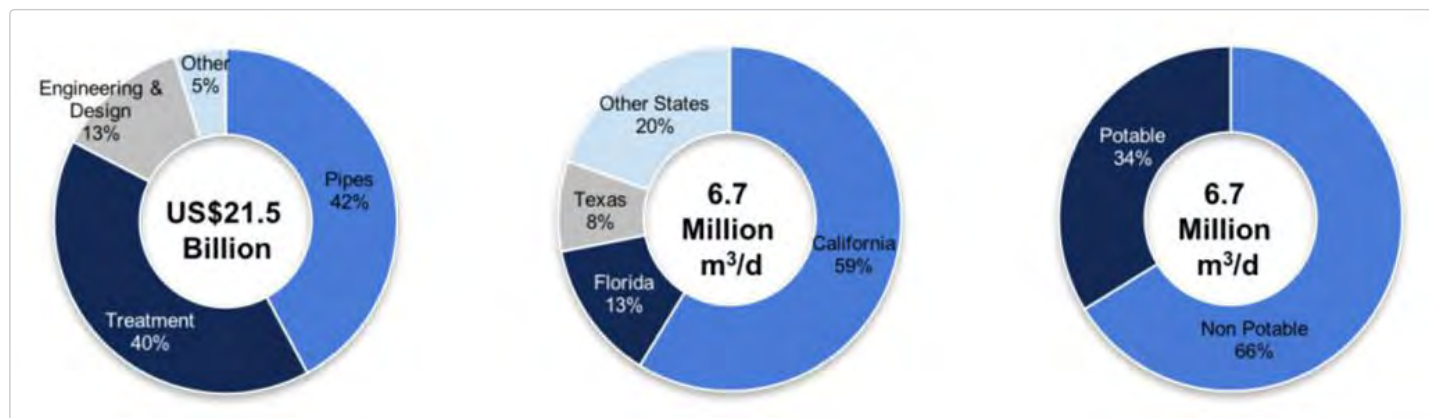
By: AJOT | Sep 13 2017 at 07:17 AM | International Trade (<https://www.ajot.com/news/channel/international-trade>)

Boston, Massachusetts - An increasing focus on resiliency and water supply risk is driving investment in water reuse, or reclaimed wastewater solutions. New capacity additions in the U.S. municipal water sector are forecasted to surpass US\$21.5 billion from 2017 to 2027, according to a new report from Bluefield Research, U.S. Municipal Water Reuse: Opportunities, Outlook, & Competitive Landscape, 2017-2027.

“Climate volatility, such as the hurricane in Houston and California’s five-year drought, are forcing municipal utilities to seek alternative strategies to de-risk existing water supplies, and water reuse has become key solution in their contingency plans,” says Erin Bonney Casey, Bluefield Research Director. “Just look at the rise in reuse projects in the pipeline. In 2015, Bluefield monitored 247 projects across 11 states. Now we are tracking more than 775 reuse projects across 19 states,” added Ms. Bonney Casey.

At the epicenter of U.S. reuse activity are three states— California, Texas and Florida— which represent 80 percent of planned capacity additions. Even after the rains arrived last year, California utilities demonstrated a paradigm shift by proceeding to move forward with more than 6.0 million m³/d of new reuse supplies, including systems for potable application. Bluefield forecasts 2.2 million m³/d of potable capacity additions over the next decade, across the U.S., mainly in urban centers.

The U.S. Municipal Wastewater Reuse Landscape, 2017-2027



Source: Bluefield Research

“Central to the adoption of potable reuse are California regulators, who are progressing towards a streamlined potable reuse policy. This is important nationwide, because the passage of a dedicated policy is expected to serve as a template for other state regulators seeking to facilitate efficiencies in water usage,” according to Bonney Casey.

With investment in municipal reuse expected to grow 15% over ten years, compared to only 1% annually for municipal water infrastructure generally, reuse presents a major growth opportunity in a traditionally slow-paced sector. The majority of CAPEX spend for reuse over the next decade will go to pipes (42%), advanced treatment technologies & solutions (40%), and engineering & design (13%).

“Competition is high, as the potential for growth and more advanced systems has attracted a host foreign and domestic players. Market growth, coupled with demand for potable water solutions, benefits those firms supplying reverse osmosis, ultraviolet, and membrane bioreactor systems, among others. As a result, companies like IDE Technologies, Trojan UV, Calgon Carbon, GE, and Xylem are poised for growth.”

While much focus is centered on municipal utilities, industrial companies are expanding their role in water reuse adoption, as an off-taker for treated wastewater to supplement their ongoing water needs. Bluefield has identified electric power plants, oil refineries, and upstream oil & gas players as the biggest opportunities for reclaimed wastewater.

“Historically, irrigation for agriculture, urban green spaces, and golf courses have been the primary applications,” says Bonney Casey. “But now, we see craft breweries and data centers using recycled wastewater, as well as an increasing interest in onsite, or decentralized reuse systems, in commercial facilities for toilets, cooling, and landscaping.”

Discussion

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ATTACHMENTS
III. B.

USACE Funding:

Fiscal Year 2008 Funding Received	\$ 44,248
Fiscal Year 2009 Omnibus Appropriations	\$ 454,000
Fiscal Year 2010 Appropriation	\$ 897,000
Fiscal Year 2011 Work Plan	\$ 519,829
Fiscal Year 2012 Work Plan	\$ 300,000
Fiscal Year 2013 Work Plan	\$ 563,870
Fiscal Year 2014 Omnibus Bill	\$ 751,000
Fiscal Year 2015 Work Plan	\$ 863,556
Fiscal Year 2016 Reprogramming	\$ 50,000
Fiscal Year 2017 Work Plan	\$ 200,000
	\$ 4,600,000

Non-Federal Sponsors:

SJAFCA & State Combined Contribution	\$ 4,500,000
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NOTE: An amendment was made to the Feasibility Cost Share Agreement between the Corps, the State and SJAFCA to accelerate funds.

Local Agency Contacts:

James B. Giottonini, Executive Director
 San Joaquin Area Flood Control Agency
 22 East Weber Avenue, Suite 301
 Stockton, CA 95202
 (209) 937-8339

Kris Balaji, Director
 San Joaquin County Public Works
 1810 East Hazelton Avenue
 Stockton, CA 95202
 (209) 468-3100



Lower San Joaquin River Feasibility Study Stockton, California

Request:

- ◇ \$100,000 - FY 2018 work plan for District to implement Design Agreement
- ◇ Project to be authorized in next WRDA

Status:

- ◇ Chief's Report: March 2018

The Study

The Lower San Joaquin River Feasibility Study (LSJRFS) was started in 2009, and to date, \$9.1 million has been invested in this study to identify major infrastructure/flood issues in the City of Stockton metro area. The levees in the feasibility study area protect the residents from potential flooding from the San Joaquin and Calaveras rivers, as well as the Delta. The study has made significant strides forward.

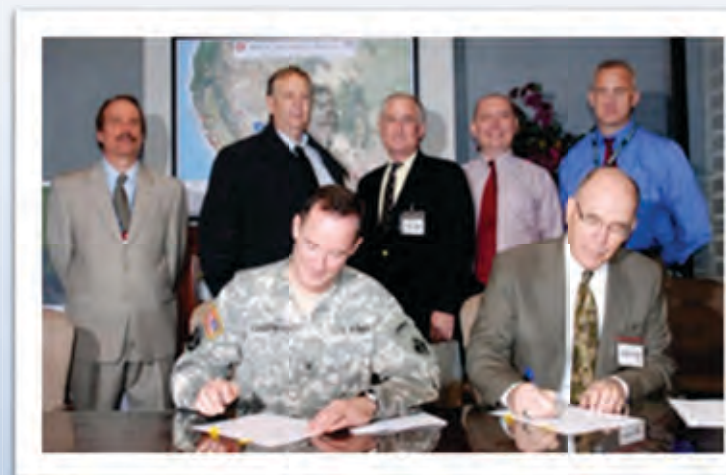
Planning for the next steps, funding will be needed for preconstruction engineering and design as well as project authorization included in WRDA 2018.

Project Schedule

Milestone	Actual / Anticipated Dates
Feasibility Cost Share Agreement Signed	February 2009
Alternatives Milestone	March 2013
Tentatively Selected Plan Milestone	August 2014
Agency Decision Milestone	October 2015
Chief's Report Signed	March 2018

Participating Agencies:

- *U.S. Army Corps of Engineers
- *San Joaquin Area Flood Control Agency
- *Central Valley Flood Protection Board
- *San Joaquin County Flood Control and Water Conservation District
- *California Department of Water Resources
- *Federal Cost Share Agreement Partner
- *City of Lathrop
- *City of Lodi
- *City of Manteca
- *City of Stockton
- *Reclamation Districts 2126, 2115, 2074, 2062, 2042, 1614, 1608, 828, 404, 403, and 17



Cost-Share Agreement Signing, February 19, 2009

Cost-Share Partners:

- *U.S. Army Corps of Engineers (USACE)
- *Central Valley Flood Protection Board (State)
- *San Joaquin Area Flood Control Agency

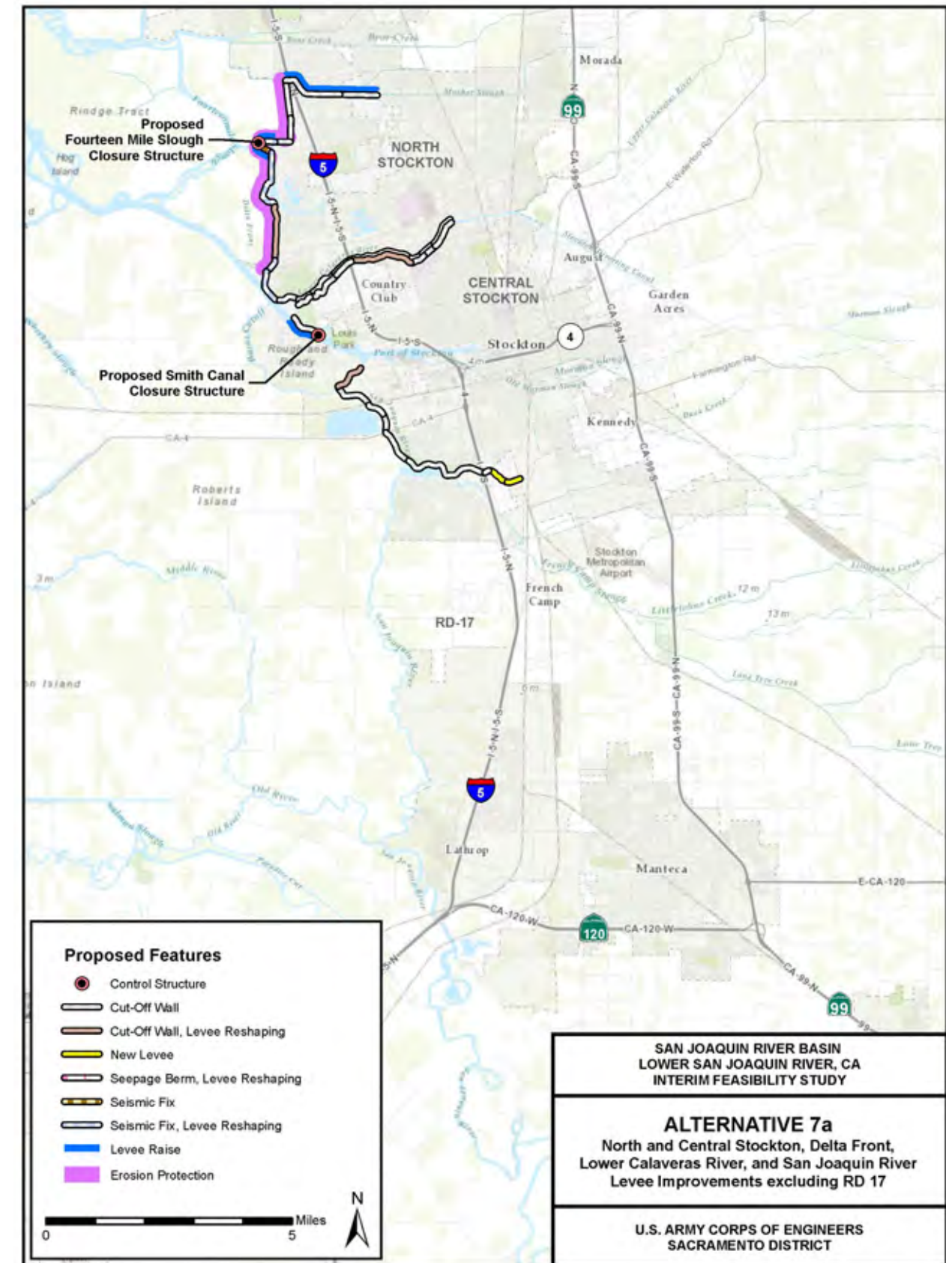
Next Steps

The LSJRFS Tentatively Selected Plan and National Economic Development (NED) Plan are supported by both SJAFCA and the State. The Project will address flooding concerns for multiple systems within the area. Due to the overall size of the project with multiple benefit areas, and the overall cost of the project reaching over \$1.5 billion, it is locally preferred to phase the Project. The ideal first phase would be to address flood protection improvements along the western side of Stockton improving continuously loaded Delta levees where adjacent land is below sea level and deep flooding could occur from a levee failure.

After the Chief's Report in March 2018, the District will undertake preparing the Design Agreement with an estimated cost of \$200,000 (\$100,000 Federal and \$100,000 non-Federal.) The total cost of PED is \$9,000,000.00 over 3 years. The goal is to have the Lower San Joaquin River project authorization included in the WRDA 2018 bill.



Proposed Project (Alternative 7a)



Reimbursement

September 2017



REQUESTS:

1. For Congress to appropriate adequate funds and direct USACE to provide at least \$15 million of reimbursement funding in the FY 2018 Work Plan.
2. For USACE to include \$5 million in the FY 2018 Work Plan for reimbursement for SJAFCA's Stockton Area Metropolitan Project

Background

Prior Water Resources Development Acts authorized the San Joaquin Area Flood Control Agency (SJAFCA), the non-Federal sponsor, to construct flood control improvements in the Stockton metropolitan area and receive reimbursement for the federal share of project costs. SJAFCA financed the Stockton Metropolitan Area project through property assessments and bonds and advanced the federal share. Construction was completed in 1998 and the federal share, based on the U.S. Army Corps of Engineers' (USACE) final report, is \$33.5 million.

From 2001-2005, Congress consistently provided SJAFCA funds for reimbursement. Starting in 2006, reimbursements to SJAFCA decreased significantly, and in some years, Congress did not provide any funds for reimbursement. SJAFCA has used all of the federal reimbursement funds for flood improvement studies and projects.

In the FY 2017 and FY 2018 Energy and Water Appropriations measures, Congress expressed explicit support for reimbursements to USACE projects in instances where the non-federal sponsors intend to apply the reimbursement toward additional water resources development activities, such as flood control projects:

Of the additional funds provided in this [construction] account for flood and storm damage reduction, navigation, and other authorized project purposes, the Corps shall allocate not less than \$10,000,000 [\$15,000,000 in the FY18 Senate E&W bill] to authorized reimbursements for projects with executed project cooperation agreements and that have completed construction or where non-federal sponsors intend to use the funds for additional water resources development activities.

As a result of the FY 2017 Omnibus directive language, the FY 2017 Work Plan contained over \$26 million in reimbursement funds for five projects, but did not include reimbursement funding for SJAFCA's Stockton Metropolitan Area Flood Control Project. SJAFCA has not received any reimbursements for this project since 2010.



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James B. Giottonini, Executive Director (209) 937-8339 cell: (209) 639-7713
jim.giottonini@ci.stockton.ca.us or visit our website at www.sjafca.com

Reimbursement

Issue

It has been 15 years since the MOA for reimbursement was signed. The slow rate of reimbursement has resulted in considerable added expenditures in interest payments and administrative costs that are not eligible for Federal reimbursement. The delay in reimbursements punishes SJAFCA for its proactive approach to the flood control problem. The balance of the remaining Federal cost share, pursuant to the existing MOA of March 2, 2002, is \$10.516 million.

Requests

1. For Congress to appropriate adequate funds and direct USACE to provide at least \$15 million of reimbursement funding in the FY 2018 Work Plan construction account for those projects “where non-federal sponsors intend to use the funds for additional water resources development activities.”
2. For USACE to include \$5 million in the FY 2018 Work Plan for reimbursement for SJAFCA’s Stockton Area Metropolitan Project so as to continue to provide reimbursement for the unreimbursed federal share which would be used for the preliminary engineering & design and construction phases of USACE’s Lower San Joaquin River Flood Control Project.

ATTACHMENTS
III.C.1.

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THIS JUST IN ... More lawsuits filed against California Water Fix project

August 21, 2017 Maven [Breaking News](#)



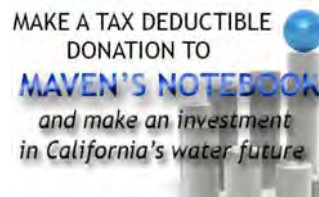
Local Governments and Delta water agencies file twin tunnels lawsuit

Department of Water Resources' twin tunnels approval ignores environmental impacts and viable alternatives

Today, representatives from Contra Costa County, San Joaquin County, Solano County, Yolo County, Contra Costa County Water Agency, Central Delta Water Agency, South Delta Water Agency and Local Agencies of the North Delta filed a lawsuit in the Sacramento County Superior Court challenging the Department of Water Resources' flawed approval of the Environmental Impact Report (EIR) for the California WaterFix project, commonly known as the "Twin Tunnels." Representatives of the agencies that filed the lawsuit provided the following statements:



"Contra Costa County has long been a protector of the Delta and this California Environmental Quality Act (CEQA) challenge should not come as a surprise. Like many other Bay Delta stakeholders, we have identified major flaws with the WaterFix proposal, significant impacts to water quality and the ecosystem, and continue to urge consideration of other more viable alternatives. What is surprising is the continued panicked rush



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by the state to push for a project that does not pencil out. Clearly, the enormous project costs and the lack of new water will have exporters walking away," *said Contra Costa County Supervisor Karen Mitchoff.*

"This EIR process was always rigged in favor of the misnamed California WaterFix. The truth never mattered and pertinent facts were ignored because the state had already predetermined the selection of the twin tunnels. This lawsuit should provide some accountability by the state to accurately disclose negative impacts of the project, genuinely examine viable alternatives that will avoid environmental harm and legitimately give the public and affected agencies the opportunity to review and comment on anticipated and significant tunnel impacts," *said San Joaquin County Supervisor Chuck Winn.*

"The Tunnels project threatens the Delta's water quality and agricultural heritage, but the lead agencies have still not fully disclosed or mitigated the project's significant, negative impacts on Solano County and the Delta region. The environmental review that we're challenging today simply fails the basic legal requirement to inform decision makers and the public about the true impacts of the project, but at least one thing is clear: the Tunnels represent a major missed opportunity to find a real solution for the challenges facing the Delta and the state," *said Solano County Supervisor Skip Thomson.*

"The WaterFix poses serious and unacceptable risks to the Delta environment, economy, and way of life. This lawsuit asserts that the state's analysis of those risks is deficient and fails to afford full and proper consideration of other viable alternatives. The state cannot simply paper over the fears of Delta communities and farmers. Yolo County has a responsibility to protect the values of the Delta, the ongoing viability of its many small local agencies and reclamation districts, and communities like Clarksburg that are ground zero for a project of unprecedented cost, scale, and uncertainty," *stated Yolo County Supervisor Oscar Villegas.*

"The environmental review for the WaterFix has substantial flaws and the entire process has been corrupted by Federal and state predetermination of the outcome prior to initiation of the environmental review process," *said Central Delta Water Agency representative, Dante Nomellini.*

"Challenging the state's [CEQA](#) document was an easy decision considering the massive unmitigated impacts to the Delta's residents, fish and water quality. Despite a decade or more of development, the Twin Tunnels proposal is still unable to capture any new water when flows through the Delta are at their highest because there is no new storage south of the Delta. What's clear is the WaterFix fails to achieve the co-equal goals of securing a more reliable water supply while restoring and enhancing the Delta ecosystem and protecting the Delta as a place," *said Contra Costa County Supervisor Diane Burgis on behalf of the Contra Costa County Water Agency.*

"The ongoing WaterFix hearings being conducted by the state Water Resources Control Board have revealed that with the tunnel project in operation, there will be time when the salinity in the southern Delta will increase two-fold or more, and at times when the salinity standard is already being violated. South Delta Water Agency has no choice but to oppose a project designed to injure local diverters," *said John Herrick, an attorney representing South Delta Water Agency.*

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UPCOMING CALENDAR EVENTS

"For ten years we've been fighting to get the tunnels' proponents to look jointly for better solutions that don't destroy the Delta. They didn't listen and now we're turning to the courts to enforce critical environmental protections to save the Delta and Delta communities," noted *Osha Meserve, counsel for the Local Agencies of the North Delta*.

"As farmers growing wine grapes and producing wine, we rely on adequate fresh water flows from the Sacramento River as we all have for the last 165 years. The tunnels threaten family farms throughout the Delta, along with its fish, wildlife, and all its environmental values," concluded *Clarksburg farmer, Mark Wilson*.

Lawsuits challenging the Department of Water Resources' approval of the proposed project have been filed in the Superior Courts of several California counties. Because of the large number of lawsuits expected, the parties anticipate an effort to coordinate them in a single venue, which could take several months. The petition can be found [here](#).

Lawsuit Challenges Destructive Delta Tunnels Project in California

A coalition of conservation groups today sued the California Department of Water Resources over its approval of the controversial Delta tunnels project.

The [lawsuit](#) was filed in Sacramento Superior Court by AquAlliance, California Sportfishing Protection Alliance, California Water Impact Network, Center for Biological Diversity, Center for Food Safety, Friends of the River, Friends of Stone Lakes National Wildlife Refuge, Planning and Conservation League, Restore the Delta, Save Our Sandhill Cranes and Sierra Club California.



"Once again Big Ag in the San Joaquin Valley has come begging for more corporate welfare," said Adam Keats, a senior attorney at the Center for Food Safety. "Only this time it's at an obscene scale, with tens of billions of dollars to be pilfered from the people's pockets, an entire ecosystem driven to collapse, and incredible harm caused to the Delta farming economy and California's sustainable salmon fishery."

The suit challenges the proposal to build two 35-mile-long tunnels to siphon water from the Sacramento River and San Francisco Bay-Delta to send to Southern California, which could cost up to \$67 billion. The project would increase extinction risk for several endangered species and potentially devastate Delta farmers, Sacramento Valley communities and fishermen throughout the region.

"This project no doubt sets the all-time record for the combination of environmental destruction and economic waste threatened by a single California public-works project," said Bob Wright, senior counsel for Friends of the River.

The project's approval violates the state's environmental review law, as well as laws and policies intended to fairly allocate water resources and

SEP 14 THU	Delta Independent Scienc 📅 14 Sep — 15 Sep @ All-day
SEP 15 FRI	Last day for each house t 📅 15 Sep @ All-day
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	Groundwater Sustainabili 📅 20 Sep @ 01:00 pm
SEP 21 THU	Delta Protection Commis 📅 21 Sep @ 05:30 pm
SEP 22 FRI	Central Valley Flood Prote 📅 22 Sep @ 09:00 am
SEP 25 MON	WEBINAR: California-Nev 📅 25 Sep @ 11:00 am
SEP 27 WED	California Water Plan Upd 📅 27 Sep @ All-day
SEP 28 THU	Delta Stewardship Council 📅 28 Sep — 29 Sep @ All-day
OCT 2 MON	2017 Groundwater Law St 📅 02 Oct @ 08:00 am
OCT 3 TUE	Groundwater Resources / 📅 03 Oct — 04 Oct @ All-day
	State Water Resources Co 📅 03 Oct @ 09:30 am
OCT 4 WED	Water Smart Innovations : 📅 04 Oct — 06 Oct @ All-day
OCT 6 FRI	Dam Exciting: Accomplis 📅 06 Oct @ 08:00 am

preserve salmon and other natural resources. The agency's flawed and misleading environmental impact report for the project failed to consider alternatives to building the tunnels.

"The environmental impact report is an 80,000 page omelet of distortion and half-truth pretending that massive water diversions won't harm this severely degraded estuary," said Bill Jennings of the California Sportfishing Protection Alliance. "The Delta has already been deprived of most of its natural flow. This project would push native fisheries into extinction and significantly diminish the quality of water to farmers, municipalities and the environment."

The Department's project approval is one of a number of hurdles the tunnels project must clear before construction. The county of Sacramento and cities of Antioch and Stockton filed separate lawsuits last week against the state water department's approval.

Conservation and fishing groups have already filed two lawsuits challenging flawed federal Endangered Species Act permits for tunnel construction. Challenges are likely against issuance of state endangered species permits, the inadequate federal environmental review, additional permits from federal wildlife agencies, wetlands fill permits and water-rights changes.

"Californians aren't going to sit back and let this multibillion-dollar boondoggle destroy the Bay-Delta ecosystem and what's left of our salmon runs," said Jeff Miller at the Center for Biological Diversity, one of the groups suing. "This Southern California water grab would be an economic and ecological nightmare for everyone."

The two giant Delta tunnels, both expected to be as wide as a four-story building is tall, would withdraw enormous amounts of freshwater from the Sacramento River to pumping plants in the South Delta. The tunnels could divert up to 15,000 cubic feet per second, on top of diversions from the existing Delta pumping facilities of the Central Valley Project and State Water Project.

"DWR's project won't create new water, but will create huge environmental and economic damage," said Kathryn Phillips, director of Sierra Club California. "It's irresponsible for the agency to not consider alternatives that are more responsible."

The water diversions would significantly degrade environmental conditions in the Delta by reducing flows, increasing salinity, damaging the food web and promoting harmful algal blooms. They would prevent flows needed for fish habitat and water quality, during critical life stages for protected fish species including chinook salmon, steelhead trout, green sturgeon, and delta and longfin smelt. Transmission lines associated with the tunnels project are also likely to harm and kill greater sandhill cranes, in violation of California's "fully protected species" statutes.

Background

The complaint states that the project approval violates the California Environmental Quality Act, Delta Reform Act, California's "Fully Protected Species" statutes and California Public Trust Doctrine.

The Department of Water Resources ignored project alternatives even though the California Environmental Quality Act requires consideration of

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September 8, 2017 (865)

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a range of reasonable alternatives, and conservation groups repeatedly called for analyses of alternatives that would increase freshwater flows and reduce water system reliance on Delta water through recycling, conservation and water use efficiency. Despite demands from the public that a new environmental review be prepared, the Department certified the flawed review and approved the project on July 21, 2017.

The 2009 Delta Reform Act mandated state water-policy reforms intended to solve the decades-long conflict over California's water resources and saving endangered salmon runs. The tunnels project violates the Act's "coequal goals" of providing a more reliable water supply while protecting the Bay-Delta ecosystem. A required conservation plan has been abandoned, and the tunnels are now simply a water diversion project.

The state's water department has never attempted to determine the water flows necessary to recover the Delta ecosystem. The Act prohibits construction of new Delta water conveyance facilities unless the beneficiary water users pay for all costs, but it was recently revealed that the tunnels would require a \$6.5 billion taxpayer subsidy. The Department concealed its own economic analysis showing that a subsidy would be required.

The Center for Biological Diversity is a national, nonprofit conservation organization with more than 1.3 million members and online activists dedicated to the protection of endangered species and wild places.

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Placer Water joins delta tunnel legal wrangle

Agency challenges state in environmental impact case

By: Journal Staff



Placer County Water Agency is taking the state of California to court over its twin tunnels plan.

The state Department of Water Resources approval of the plan's environmental impact report touched off a flurry of court challenges on grounds that it would negatively impact water quality in the Delta and San Francisco Bay while threatening salmon and other fish populations.

Placer Water is joining Contra Costa, San Joaquin, Solano, Sacramento and Yolo counties in filing lawsuits in local courts. The 40-foot diameter tunnels are designed to carry water to the delta town of Freeport from the Sacramento River north of Sacramento. That would provide an alternative to ship water south at state and federal pumps now located at Tracy.

By adding points of diversion in the north Delta, the Department of Water Resources and the U.S. Bureau of Reclamation will have the ability to move more stored water from north-of-Delta reservoirs to central and southern California, which could adversely affect water supplies in the American river watershed, the agency stated Monday.

Placer Water concerns include loss of water to divert supplies at Folsom dam to the city of Roseville and San Juan Water District. That ability could be impacted if water levels are lowered to send more through to the tunnels.

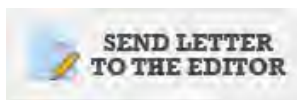
As part of the Sacramento Water Forum, the agency said it is also seeking to provide a reliable and safe water supply for the region’s long-term growth and economic health while preserving the fishery, wildlife, recreation and esthetic values of the lower American River.

The lawsuit filed this month in Placer County Superior Court states that throughout the environmental review process, the Water Agency repeatedly raised concerns to the Department of Water Resources but the department failed to meaningfully address them.

Keywords:

PLACER COUNTY WATER AGENCY twin tunnels court

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DELTA NEWS

Audit finds improper taxpayer subsidies for Delta tunnels. Will it halt the project?

BY RYAN SABALOW AND DALE KASLER
rsabalow@sacbee.com

SEPTEMBER 08, 2017 12:48 PM

In a potential setback for the controversial Delta tunnels, federal auditors say \$50 million in taxpayer funds were used to improperly subsidize San Joaquin Valley irrigation districts as they helped plan the project.

Despite insistence from Gov. Jerry Brown’s administration that no taxpayer dollars would be used to finance the tunnels, the U.S. Bureau of Reclamation obtained \$50 million to pay the San Joaquin Valley districts for tunnels planning costs over a seven-year span, according to an audit released Friday by the U.S. Department of the Interior’s inspector general.

The audit said Reclamation used “a complex, obscure process that was not disclosed” to subsidize tunnels planning. “We found no evidence that USBR’s subsidy was ever disclosed in annual budget justifications or financial reports, and USBR officials could not give a valid rationale for providing the subsidy.”

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The report comes at a crucial moment in the decadelong planning of the tunnels project. Directors of state and federal water districts south of the Delta are about to begin voting on whether to pay for the tunnels, formally known as California WaterFix.

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Lisa Lien-Mager, a spokeswoman for Brown's Natural Resources Agency, said she doesn't think the audit will impede the project in any way. She declined comment on the allegations in the audit, saying "it's a federal issue."

Jason Peltier of the San Luis & Delta-Mendota Water Agency, an umbrella organization that includes several federal contractors weighing their participation in the project, added that he doesn't think contractors' votes on WaterFix will be influenced by Friday's news. "I don't think it'll affect people's decisions on the project," he said.

But opponents of the project said the audit shows there's no way the tunnels would pencil out without taxpayer subsidies. If contractors needed help paying for the planning process, "how can they handle paying for construction costs starting at \$17 billion?" said Barbara Barrigan-Parilla of the anti-tunnels group Restore the Delta. "Ratepayers are really getting hip to this."

Reclamation officials insisted they did nothing wrong, according to the audit.

The tunnels comprise Brown's ambitious plan to overhaul the plumbing of the Sacramento-San Joaquin Delta, the fragile estuary that serves as the hub of an elaborate federal-state system that pumps billions of gallons of water to the San Joaquin Valley and Southern California.

Decades of pumping have degraded habitats and left some fish species on the brink of extinction; pumping often has to be interrupted to keep fish out of danger. By altering how water flows through the Delta, the Brown administration says the tunnels will preserve fish populations and enable the pumps to deliver more water to the south-of-Delta contractors.

Those water districts have spent around \$250 million on tunnels planning. The Interior audit says \$50 million of taxpayer money was used to subsidize the federal contractors' share of the planning expenses.

Environmentalists and others have long accused Reclamation of having an incestuous relationship with valley irrigation districts. Much of their criticism is directed at Westlands Water District, an influential farm-water agency in Kings and Fresno counties that buys irrigation water pumped in from the Sacramento-San Joaquin Delta.

Westlands is one of the key federal contractors whose members are being asked to pay an estimated \$17.1 billion to build the twin tunnels. Its board members so far have demonstrated reluctance to support the project because of the costs.

Westlands general manager Tom Birmingham said water contractors and others involved in planning the tunnels knew that Reclamation was putting money into the effort, but believed the agency was following the law.

"This wasn't any secret," Birmingham said. "Everyone understood what the Bureau of Reclamation was doing, the source of the money. ... There has been very careful accountings of all of that."

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Criticism of Westlands' relationship with Reclamation ramped up this year when President Donald Trump's administration picked David Bernhardt to be the No. 2 official at the U.S. Department of the Interior, which supervises the Reclamation bureau.

Bernhardt is a former Westlands lobbyist who has sued the Interior Department and lobbied the Justice Department and Congress to finalize a settlement that could be worth more than \$375 million to Westlands.

Documents obtained by environmental advocate Patricia Schifferle show he helped write amendments to a \$558 million water bill, approved by Congress in December, that steers more water to Westlands and other water districts and eases construction of new dams.

Schifferle and others say that, as a top official, Bernhardt could give Westlands preferential treatment in how Interior implements the 2016 water legislation and the future settlement in a long-standing dispute over drainage. He also will be in a position to influence permitting for the tunnels project, which could ease deliveries of water to Westlands and Silicon Valley and Southern California urban water districts.

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The Delta tunnels would begin near this site in Courtland, at the north end of the Sacramento-San Joaquin Delta. A federal audit released Friday says \$50 million in federal taxpayer dollars were improperly spent on planning for the Delta tunnels. **Randall Benton** - Sacramento Bee file

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Taxpayer funds misused for Delta tunnels

By Staff and wire reports

Posted Sep 8, 2017 at 6:00 PM

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SAN FRANCISCO — The U.S. Interior Department improperly contributed tens of millions of dollars in taxpayer money to help California and politically powerful state water districts plan the massive Delta tunnels to ship water from north to south, a new federal audit said Friday.

Federal officials contributed \$85 million to help finance the water districts' plan, backed by Democratic Gov. Jerry Brown, to build two 40-foot-wide tunnels to re-engineer the state's water system, according to the audit by the inspector general's office of the U.S. Interior Department.

By California law and by an agreement among the water districts, those agencies that would receive water from the tunnels were supposed to bear the costs of the \$17 billion project — not taxpayers, the audit said. Brown and the then-secretary of the Interior Department affirmed that in a joint 2011 public statement supporting the tunnels plan.

Indeed, tunnels supporters have said for more than a decade that only those who benefit from the project would pay for it.

In the heart of anti-tunnels country on Friday, San Joaquin County officials released strongly worded statements in response to the audit. Supervisor Chuck Winn said it provides “irrefutable proof that (tunnels) proponents cannot be trusted and the integrity of the process for reviewing the tunnels should be questioned.”

“The Brown administration insisted months ago that no taxpayer dollars would be used to finance the tunnels,” Winn added. “Supporters will clearly say and do anything in order to get the tunnels constructed, including misusing taxpayer dollars, employing deceitful accounting tactics and betraying the public trust.”

The proposed tunnels are part of Brown's decadeslong push for a project that would more readily carry water from green Northern California south, mainly for use by cities and farms in central and Southern California. Voters rejected an early version of the proposal in a statewide vote in the 1980s.

California water districts are making final decisions on whether to go ahead with the controversial project.

Federal authorities did not fully disclose to Congress or the public that it was supplying \$84.8 million for the project planning, and waived reimbursement for \$50 million of it, the audit said. The federal Reclamation Bureau did not disclose the arrangement in its certified financial reports, the audit said.

"USBR could not provide us with a rationale for its decision to subsidize (California) water contractors, other than the water contractors asked USBR to pay," the audit noted.

The actions by the Bureau of Reclamation, which is part of the Interior Department, mean that federal taxpayers paid a third of the cost of the project's planning up to 2016, the audit said.

Meanwhile, Central Valley water districts that were supposed to pay 50 percent of the tunnels' planning costs contributed only 18 percent, the audit found.

California officials have consistently said no taxpayer money was being spent on the project.

Asked if auditors wanted contractors to repay the money, Interior spokeswoman Nancy DiPaolo said, "We certainly hope so."

That decision was up to California, she said.

Thomas Birmingham, general manager of the sprawling Central Valley rural water district Westlands, which received one of the largest shares of the federal money, said he knew of nothing about the arrangement that was "inconsistent with either state or federal law."

“The state was aware of it,” Birmingham said of the federal payments. “No one indicated this was somehow a violation of the letter or spirit of the agreement” guiding the costs of the project.

Under federal law, Birmingham said, water districts would be responsible for reimbursing the federal money only if the project went forward and benefited those districts.

Spokespeople for the Bureau of Reclamation, Brown’s office and the state Department of Water Resources either had no immediate comment Friday or did not respond to requests for comment.

The audit’s findings were “appalling,” said Doug Obegi of the Natural Resources Defense Council environmental group, which has opposed the project on the grounds that it would speed up the extinction of endangered native species.

“The public is paying for what a private party is supposed to pay for,” Obegi said, who argued that the audit raised questions overall whether water districts could afford to take on the costly water project. “That is taking the public’s money, and that’s not OK.”

A former lobbyist for Westlands, David Bernhardt, has been a top official in the Interior Department under the George W. Bush administration and again under Trump. Critics long have said Westlands has benefited from its ties to the federal agency, which the water district and Interior deny.

“I wish I were surprised to learn that the Westlands Water District colluded with the Interior Department to hide millions of dollars in unauthorized payments from Congress, but this is typical of the longstanding and incestuous relationship between the largest irrigation district in the country and its federal patrons,” said U.S. Rep. Jared Huffman, a California Democrat.

Separately, the state auditor’s office disclosed on its website Friday that the release of its examination of California’s financial management of the project has been delayed for at least a third time, to October.

Record reporter Alex Breitler and The Associated Press contributed to this report.