



SAN JOAQUIN COUNTY

## FLOOD CONTROL & WATER CONSERVATION DISTRICT

P. O. BOX 1810

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KRIS BALAJI  
DIRECTOR OF PUBLIC WORKS

### ADVISORY WATER COMMISSION

November 15, 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 October 18, 2017**
- III. **Discussion/Action Items:**
  - A. Reservoir Storage Update – Michael Cockrell (See attached)
  - B. Standing Updates
    - 1. San Joaquin Area Flood Control Agency (SJAFCA)
    - 2. Flood Protection (See attached)
    - 3. Sacramento – San Joaquin Delta (See attached)
    - 4. Sustainable Groundwater Management Act (SGMA)
- IV. **Informational Items (See Attached)**
  - A. October 18, 2017, Written Public Comments from Mr. Dominick Gulli Provided at Advisory Water Commission Meeting
  - B. October 25, 2017, agalert.com, “Farmers Ask That ‘Waters’ Rule be Clear, Consistent”
  - C. November 7, 2017, newsdeeply.com, “New Policy Sets Rules for Marijuana Growers to Protect California Water”
- V. **Public Comment:**
- VI. **Commissioners’ Comments:**
- VII. **Adjournment:**

**Next Regular Meeting**  
**December 20, 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  
October 18, 2017**

The regular meeting of the Advisory Water Commission of the San Joaquin County Flood Control and Water Conservation District was held on Wednesday, October 18, 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, de Graaf, Holman, Flinn, Winn, 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 September 20, 2017.**

Motion and second to approve the minutes of September 20, 2017 (Holbrook/Roberts). Unanimously approved.

**SCHEDULED ITEMS**

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

**III. Discussion / Action Items:**

**A. 2017 Winter Storms After Action Report – Michael Cockrell**

Mr. Michael Cockrell, Director – San Joaquin County Office of Emergency Services (OES), gave an update on the 2017 winter storms. Governor Brown ended the state of emergency declaration in August 2017 for the California 2017 winter storms. Following such action, it is required to submit an After-Action Report (AAR) to the California Governor's Office of Emergency Services (Cal OES) within 90 days. Completion of a narrative detailing local functions, procedures, response and recovery is required in the AAR. Mr. John Austin, Senior Emergency Planner – San Joaquin County OES, condensed the AAR questions into a Post Review Storms / Flood 2017 Worksheet, which was distributed to the Commission. Mr. Cockrell requested that the Commission complete the worksheet and offer any additional data and/or edits to the list of OES activities during the 2017 winter storms.

Mr. Cockrell also asked for opinions (strengths and/or improvements) from those who participated in the California Department of Water Resources (DWR) Flood Technical Advisory Committee (TAC) conference calls on the San Joaquin River Basin. TAC calls were held weekly during the winter flood season. Discussion amongst the Commission concluded that the calls were extremely important and provided pertinent information on the status of the reservoirs, the coordination of downstream plans (i.e., releases), as well as coordinating the operations of OES, DWR, and reservoir operators. Suggestions were made to schedule the calls bi-weekly, as opposed to weekly. Mr. Cockrell expressed a desire for monthly "entire basin" updates, and the distribution and review of handouts prior to the scheduled conference calls. Available on the OES website are

weather forecasts, hourly/daily updates on current reservoir status and releases, and daily updates on future releases.

Mr. Cockrell announced the upcoming Flood Preparedness Week and discussed a recent San Joaquin County Board of Supervisor's (BOS) inquiry of what the BOS can do to promote action of the following:

1. Flood fight
2. Debris collection
3. Assistance on levee maintaining issues

1. Flood fight: Commissioner Neudeck commented that the receipt of Round 2 funds of the DWR Flood Emergency Response Grant had been anticipated by this date. Unfortunately, the 2017 winter storm high-water events have delayed distribution of final agreements and funds to the counties by DWR. He expressed concern that as an upcoming flood season approaches, the County will have depleted flood fighting supplies. He hopes the BOS may consider advancing funds recognizing that \$1.7 million is on the cusp of being paid to them by the State. Mr. Cockrell added that the County was awarded \$3.2 million with allocations for activities to repair and mitigate flooding including:

- Retrofit the County's seven current flood-fight containers to "roll-on/roll-off;"
- Replenish depleted flood-fight containers to full capacity with a list of supplies highly recommended by DWR for flood maintaining agencies; and
- Provide 48 levee maintaining agencies with a fully stocked, roll-on/roll-off flood-fight container.

DWR has authorized OES to procure these items. However, San Joaquin County Administrators want to wait until the awards are received from DWR before spending any funds. Mr. Cockrell suggested the BOS could authorize advance funding for partial procurement of only the containers for the levee maintaining agencies, but these agencies would purchase their supplies. The projected time frame of final agreements and receipt of funds from DWR is January-February 2018. Discussion amongst the Commission included that in lieu of the delay, the items will not be purchased in time for effectiveness against the upcoming flood season when supplies are critical. Ms. Katie Patterson, San Joaquin County – Deputy County Administrator, recommended speaking to OES County Counsel on protocol.

2. Debris collection: Mr. Cockrell requested recommendations for BOS assistance regarding debris clearance. Discussion included the unorganized, privately owned sections of the Mokelumne and Cosumnes Rivers where "snags" occurred during the past winter storm season, and which may not have yet been resolved. The California Department of Fish and Wildlife (CDFW) allowed landowners temporary permits to clear away debris, without repercussion, though not many participated. Mr. Matthew Ward, San Joaquin County Public Works – Engineer IV, added that Public Works is working on a pilot program by which private landowners can conduct streambed maintenance under the County's general permit with the U.S. Fish and Wildlife Service.

A member of the public, Dominick Gulli, commented on the hyacinth overgrowth occurring at Five Mile Slough and Fourteen Mile Slough. Ms. Patterson interjected that the County has legislative positions and support on hyacinth clearance. In addition, there are other mechanisms and programming from State and Federal resources for leveraging. Commissioner Neudeck added that the County is doing their part and has implemented a plan for the past two

years to clean out Fourteen Mile Slough west of Interstate 5 (I-5). However, east of I-5 at Five Mile Slough does present issues upstream in the urban watershed, which include private landowners. Mr. Gulli concurred.

3. Assistance on levee maintaining issues: Mr. Cockrell asked the Commission if there are suggestions to the BOS for assistance in maintenance, repairs, and/or winterization for the upcoming wet season. Comments amongst the Commissioners included: DWR has limited the funding to \$50 million for repairs across 38 sites throughout the State; Repairs are costly and this funding may be insufficient; and, 250 sites throughout the County were submitted for repairs to DWR, and only one site was approved. Now, the State is requesting advanced planning measures on those unrepaired sites with contingency measures should the sites worsen.

Commissioner Nomellini suggested continued BOS assistance with an emergency declaration, should need be. Various appreciative comments were expressed regarding the BOS for its actions to fund the flood-fight efforts and safeguard the Delta during the last flood season. Commissioner Winn stated that we must identify potential flooding risks, explore every opportunity for funding, and convince property owners to clear debris from their levees without repercussion.

Mr. Cockrell provided a weather update stating that we are currently in a light La Niña, but will return to neutral status (33% normal / 33% drier) by January 2018. Past extreme weather patterns have trended in pairs as in 1982-83 and 1997-98; therefore, extreme weather patterns are predicted for this upcoming wet season.

Commissioner Nomellini inquired on the status of information that was provided to the California State Water Resources Control Board and OES regarding deficiencies in dams located upstream (Friant / Don Pedro). Issues included condition of spillways and the concrete slabs, etc. Mr. Cockrell stated that DWR is responsible for the inspections of spillways and have not yet responded to the inquiries. Commissioner Neudeck commented on a newly created Engineer Flood Threat Assessment (EFTA), which is a 14-page document and is required for any emergency response to an event requiring higher authority than local government. The procedure proves cumbersome and problematic as once the document is submitted, tracking and/or further communication with DWR is difficult whereby risk and liabilities could occur.

The Executive Standardized Emergency Management System (SEMS) Training sessions have been postponed due to certification, scheduling, and funding issues. SEMS is required for managing multi-agency and multi-jurisdictional responses to emergencies in California. State agencies and local government entities must use SEMS in order to be eligible for any reimbursement of response-related costs under the State's disaster assistance programs.

Mr. Austin announced the San Joaquin County Pre-Season Flood Meeting will be held on Friday, October 20, 2017 at 9:00 – 11:00 a.m. at the Robert J. Cabral Agricultural Center – Assembly Room 1. The meeting will be a forum to discuss flood concerns with representatives from State and Federal agencies.

## **B. Presentation and Discussion on Integrated Regional Water Management Plan (IRWMP) Projects – Brandon Nakagawa**

Mr. Brandon Nakagawa stated he is currently working on the criteria for IRWMP Project “buckets” as discussed at the AWC meeting held on September 20, 2017. Mr. Nakagawa distributed two scoring sheets from the State for past projects.

- Handout #1: Scoring summary for the City of Stockton Phase II HET Residential Program and Stockton East Water District (SEWD) 35-Acre Recharge and Conjunctive Use Project, a 2-part proposal consisting of: 1) City of Stockton High Efficiency Toilet Direct Installation Phase II Program to Residential Customers; and 2) SEWD 35-acre Recharge Pond and Conjunctive Use Recharge Project. Mr. Nakagawa said “good” scores were reflected in most criteria but grant funds were not awarded – scoring was low in Water Quality and Other Expected Benefits (3 out of 15), and Economic Analysis – Flood Damage Reduction (0 out of 15), the latter which required calculations based on modernized Army Corps of Engineers methodology.
- Handout #2: Proposition 84 – 2015 IRWM Implementation Grant Solicitation Application Evaluation Summary, a two-part proposal consisting of: 1) South San Joaquin Irrigation District (SSJID) West Basin Water Reuse Project; and 2) SSJID On-Farm Water Conservation Program. This proposal summary, submitted for the latest round for IRWMP funds, offers simpler scoring methods for more detailed and qualitative criteria from DWR.

Mr. Nakagawa suggested referencing the handouts for DWR’s scoring methodology and funding approval of grant programs. Currently, there is \$30 million available in the IRWMP category – half of which may still be available in spring 2018. Planning should begin now for any grant applications of spring 2018 funding. He has initiated contact with local irrigation districts and cities regarding their interest in collaborated grant projects. Mr. Nakagawa will provide more detail of criteria, candidates, investments, and funding for projects at a future AWC meeting. For additional reference purposes, all funded and/or non-funded projects are archived on DWR’s website.

### **C. Standing Updates – Brandon Nakagawa**

Mr. Nakagawa provided the standing, monthly updates.

#### **1. Sacramento – San Joaquin Delta:**

- Multiple articles were provided in the AWC Agenda Packet, Attachments III.C.1 relating to various Delta issues. Recent activity included numerous votes on financing the Twin Tunnels – Metropolitan Water District voted yes, Westland Water District voted no. A potential future change may be a “single-tunnel” alternative.
- Commissioner Hartmann raised the topic of the Phase II Update of the Substitute Environmental Document (SED) and the recent Solicitation for Response sent by the State Board of Water Resources. Commissioner Hartmann requests that the AWC Commission recommends the County respond to the Solicitation for Response and submit comments due by November 2017.

**MOTION:** Commission Nomellini moved and Commissioner Holbrook seconded a motion to recommend that the County respond to the Solicitation for Response of the Phase II Update to the Substitute Environmental Document. Unanimously approved.

2. Sustainable Groundwater Management Act (SGMA):

- The Eastern San Joaquin Groundwater Authority Board of Directors approved an application for grant funding which will include a waiver for disadvantaged communities. The proposed scope of work will be \$2.17 million, and includes ~75% cost share from the State of up to \$1.5 million, a contribution from County Zone No. 2 funding of \$450,000, which will leave a remaining local cost share of approximately \$226,000.

The Tracy Subbasin has funding opportunities and an approximate \$600,000 proposed scope of work. The County will provide ~\$150,000 in San Joaquin County Zone No. 2 funding and there will be a local cost-share of 25%, with the State match of \$450,000 (75%). Complications may include the City of Brentwood and East Contra Costa County's interest on a single GSP.

Grant applications are due November 13, 2017.

3. San Joaquin Area Flood Control Agency (SJAFC):

- Mr. Gulli provided the following written statement, "I have submitted public comments in writing and request that they be included with the minutes."  
(See Minutes Attachment 1, provided in Section IV.A. of the Advisory Water Commission Agenda Packet dated November 15, 2017.)

Mr. Nakagawa advised the Commissioners to not engage with Mr. Gulli on matters involving his lawsuit.

4. Flood Protection:

- Mr. Ward gave an update on the County's efforts to amend zoning codes in compliance with Senate Bill (SB) No. 5. Mr. Ward provided background of SB-5, which was passed in 2007 and requires that cities and counties within the Sacramento-San Joaquin Valley make certain flood protection findings in order to issue certain development approvals. Following the adoption of the Central Valley Flood Protection Plan (CVFPP), these cities and counties are also required to update their general plans and zoning codes to comply with the CVFPP. Approximately one year ago, the County updated its general plan and is currently updating the zoning code, which must be done within 12 months of adoption of the general plan update, as required by SB-5. The area of the County to be affected by the SB-5 findings will be limited to Mountain House, an area which meets the definition of an urban area which inhabits 10,000 or more residents.

Updates will include adding a clause to the County ordinance which will require flood protection findings, consistent with SB-5, be made within the Mountain House community prior to development approval. The updates are currently in draft form, with an anticipated timeline to go before the Planning Commission in November, and present to the Board in December.

Open discussion included the proximity of Mountain House to Paradise Cut, and elevations of the 200-year floodplain.

**IV. Informational Items:**

- A. September 2017, [www.epa.gov](http://www.epa.gov), United States Environmental Protection Agency, Waters of the United States (WOTUS) Rulemaking, Outreach Meetings”**
- B. October 4, 2017, [agalert.com](http://agalert.com), “Commentary: Farms Seek Clarity in Rewrite of WOTUS Rule”**

**V. Public Comment:**

Mr. Gulli commented on the recent cancellations of the San Joaquin County Flood Control TAC Meetings. He announced his newly created Delta Engineering Elliptical Technical (Delta T) Meeting, to be held today (October 18, 2017), at 3:30 p.m., at 6653 Embarcadero Drive, Stockton. Today’s agenda will address: Delta Tides; Encroachments in the Floodplain; and, Habitat Enhancement, Levees and Hyacinth. Mr. Gulli will hold the Delta T meetings in the event of any future TAC Meeting cancellations, and can accommodate up to 15 attendees. Mr. Nakagawa addressed Mr. Gulli’s concern and clarified the TAC Meeting was created to advise the Advisory Water Commission. Should all AWC business be conducted at the regularly scheduled AWC meetings, the TAC Meetings can be canceled.

Commissioner Hartmann suggested that Mr. Gulli could submit agenda topics for consideration at the AWC Meetings.

- VI. Commissioners’ Comments:** No comments given.

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

- VI. Adjournment:** 3:05 p.m.





SAN JOAQUIN COUNTY  
FLOOD CONTROL & WATER  
CONSERVATION DISTRICT

ADVISORY WATER COMMISSION  
MEETING OF OCTOBER 18, 2017

ATTENDANCE SHEET

NAME	AFFILIATION	E-MAIL ADDRESS	PHONE
Darwin Barney	SJC PW NC	dbarney@sjgov.org	468-3080
TOM MCGURK	SEWD		
Branche Nuleyana	SJC PW		
John B. Holbrook	SSJID		
Red Parks	CSTWOP		
Stephanie Reyna-Hiestand	City of Tracy	stephanie.hiestand@cityoftracy.org	(209) 831-6333
Walt Murken	City of Escalante	wmurken@cityofescalante.org	(209) 380-2090
CHRISTOPHER H. NEUDECK	BLOG/KSN INC.	CNEUDECK@KSNINC.COM	209.946.0268
DOUG HERBERLE	WID	heberlewick@gmail.com	209 625 8438
Daniel deGraaf	City of Ripon	ddegraaf@cityofripon.org	
Elbert Holman	City of Stockton	dist1@stocktonca.gov	209-423-3778
Tom Flinn	NSJID	tomflinn2@me.com	663-8760
Fritz Buchman	SJ County		
GEORGE HARTMAN	FD 2074	guhlan@gmail.com	
Dante John Nomellini	COWA	ngmplcs@pacbell.net	209 465-5883
Matthew Ward	SJC PW	mward@sjgov.org	209 468 3060
Katie Patterson	SJC - CAD	kpatterson@sjgov.org	209-468 2997
TERRY DERMOODY	SJC	tdermoody94@gmail.com	
SEAN BROOKS	RESIDENT	SEANANDMEL@sbcglobal.net	209-598-0759
SCOT MCCOY	SJC AWC		
ANNETTE HENNIEBERRI SCHERMESSE	2MOONCOIN@ATT.NET		2098391101
John Austin	SJC DES	jaustin@sjgov.org	953-6200
Dominick Gulli	RD'S		
Brent Williams	stakeholder	Some	
M. Lynn Hoffman	SJC-PW-WC	muhoffman@sjgov.org	468-3531





ATTACHMENTS  
III. A.



## Water managers prepare for new rainfall season

Issue Date: [November 8, 2017](#)

By Christine Souza

The state finds itself in an improved water-supply position going into the 2017-18 winter, thanks to the precipitation and snowpack the previous winter that filled reservoirs, topped rivers, replenished aquifers and flooded land.

"We're much better than we were last year, and extraordinarily better than we were two years ago at this time, and that is definitely good news for the urban and agricultural regions of the state," said Doug Carlson, a spokesman for the California Department of Water Resources. "We have 25.9 million acre-feet in the 154 reservoirs that we track. The historical average for those reservoirs is 21.7 million acre-feet, so we were 120 percent of the historical average."

Andrea Bair, National Weather Service climate services program manager, said forecasters are keeping an eye on Pacific Ocean temperatures for a potential indication of the winter to come. Right now, forecasters expect a cooling of ocean temperatures, known as La Niña, to develop.

The La Niña "looks to be on the weak side," Bair said.

What it all means for the California winter, she said, is hard to gauge.

"Yes, there's a tendency towards warmer or cooler, wetter or drier, but there's variability where other things can happen" to skew the forecast, Bair said.

As early-November rain rolled in, many farmers were working to finish harvest of summer crops, including cotton, pomegranates, walnuts and pistachios.

Mark Bagby of Calcot Ltd., a cotton marketing cooperative owned by growers in California and other states, estimated the state's cotton harvest was 80 percent complete.

"It's been a rough production year," Bagby said. "We got off to a late and far-from-ideal start due to rain and cool temperatures. I think everyone would like a normal water year, if there is such a thing—rain starting in December and ending in March—but overall, the state is in much better shape than years past."

Weather watchers and water officials expressed concern about wildfire-scorched areas and the potential for increased erosion and water runoff. DWR said it is responding to burn areas to evaluate mud and debris flow, identify on-site and downstream threats to public health and safety, and provide technical support and materials.

"This is the first time that any of those burn scars have had precipitation," Bair said. "When you have a burn scar, your soil doesn't tend to absorb precipitation like it does when it is not scarred, so (water) tends to run off quite quickly. We are just being very vigilant."

Heavy rains last February caused concern for the safety of Oroville Dam on the Feather River, where the main spillway failed. DWR announced last week that phase-one construction on the spillway has been completed.

DWR said the spillway, which allows flood control water releases from the reservoir, has been rebuilt and strengthened to handle flows of 100,000 cubic feet per second. Construction for the second phase will continue as weather permits, the department said.

"The lake elevation is 695 feet, which provides nearly 2.25 million acre-feet of flood storage. This is a lot of available space to accommodate winter storms and spring runoff," said Joel Ledesma, DWR deputy director.

Last month, DWR released a plan that calls for keeping Lake Oroville at a maximum elevation of 800 feet in November through March, and 830 feet in April and May, to provide space for inflows and manage releases from the reconstructed main spillway. In previous years, maximum elevation had been set at 848.5 feet from November through April and 870.1 feet in May.

Curtis Creel, general manager of the Kern County Water Agency, the second-largest contractor in the State Water Project, affirmed that a lower maximum elevation at Lake Oroville this winter could result in less available water next summer.

"If this water year that we're in is dry, we could have an effect here locally of probably something like 250,000 acre-feet, so a reduction of our supplies. That's probably enough water to irrigate 60,000 acres of high-value, permanent crops for a year," Creel said.

Creel said the agency's water districts "are trying to put as much water as they can into any place that they can put it—so groundwater storage, or if there is a place to store it on the surface. We have been maintaining a large reserve at San Luis Reservoir so that we can bring it into the county later this year."

That means, he said, that if weather does turn dry, Kern County water districts "will have water supplies that they can then call on. This is just part of the water management culture here."

In Yuba County, Brad Foster, who farms along the Feather River north of Marysville, said he is still tending to his walnut orchard that was damaged after the main spillway failed last winter.

"They had the spillway problem and then they realized that they couldn't let the river water out slowly, that they had to do it all at once. When they made that decision, they collapsed the riverbanks for 30 miles north of Yuba City," said Foster, who finished walnut harvest last week. "When the river dropped overnight, it just pulled the banks in on both sides, because it was so saturated with water; it was like applesauce."

From a walnut orchard that was under water—an orchard that usually brings Foster the highest grade and quality, he said—the crop "was the worst on the ranch."

He said he expects to lose several acres of trees due to standing water on his river-bottom land, and that collection of silt on the ranch was also a problem.

"There was 8 inches of silt in the orchard, and it's like flour. You shake the walnut tree and the walnut drops an inch into this flour and you have to recover it," Foster said. "We spent all year making our orchards flat again so we could harvest. All summer was spent cleaning up from the high water instead of doing our normal maintenance."

Now, as the state enters into the 2017-18 water year, Foster said he must retrieve an irrigation pumping station that got pulled into the river and was covered in 10 feet of sand, which he said could cost \$100,000. He said he has filed a grievance with the state for the damage caused.

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

*Permission for use is granted, however, credit must be made to the California Farm Bureau Federation when reprinting this item.*

**ATTACHMENTS**  
**III.B.2.**



# INSURANCE SERVICES OFFICE, INC.

1000 Bishops Gate Blvd, Suite 300, P.O. Box 5404, Mt. Laurel, New Jersey 08054  
Phone: (856) 787-0412 or (800) 444-4554 FAX 1-800-777-3929

Please return CRS documents to: KanDee Davis, 7350 W. Centennial Parkway, Unit 1070, Las Vegas, NV. 89131

NFIP# 060299

November 2, 2017

Matthew Ward, P.E.  
San Joaquin County  
1810 East Hazelton Avenue  
Stockton, CA. 95202

Dear Matthew Ward:

This letter is a follow-up to my verification visit with you earlier today. As we discussed during our meeting, certain activities require additional documentation to verify the CRS credit needed to maintain your community's current class 6. The following documentation needs to be submitted to me no later than **December 5, 2017**. Please review the **blue text** for additional notes.

<b>CC230 FORM</b> <b>Community Verification</b> <b>REQUIRED</b>	Please <u>return</u> the attached CC-230 Cover Sheet signed by San Joaquin's Chief Executive Officer (Chairman of the Board of Supervisors/ County Administrator or Chairman of the Board of Supervisors).												
<b>Program Data Form</b> <b>REQUIRED</b>	Please re-verify the numbers calculated for lines 6 and 13.												
<b>ACTIVITY 310</b> <b>ELEVATION CERTIFICATES</b> <b>MANDATORY</b> <u>310-12 thru 310-15</u>	<p><u>Submit</u> a <b>Permit List</b> for permits issued in your SFHA since your last CRS cycle visit for all new buildings or substantially improved buildings located within the SFHA. The format of the list must include:</p> <table border="1" data-bbox="548 1213 1442 1457"> <thead> <tr> <th>Address</th> <th>Building Type</th> <th>New/Sub. Improvement/Non-Sub.Improvement</th> <th>Date of Permit</th> <th>Closing Date of Permit</th> <th>Has EC been received</th> </tr> </thead> <tbody> <tr> <td>4 Main Street</td> <td>Residential</td> <td>Substantial Improvement</td> <td>2/14/17</td> <td>6/25/18</td> <td>Yes</td> </tr> </tbody> </table> <p>Please utilize the attached EC Tally sheet to generate the required Permit List. Also, please provide information in regards to where EC's are stored. Although off-site storage will be reviewed for activity 430, you may want to include this information in your EC SOP.</p>	Address	Building Type	New/Sub. Improvement/Non-Sub.Improvement	Date of Permit	Closing Date of Permit	Has EC been received	4 Main Street	Residential	Substantial Improvement	2/14/17	6/25/18	Yes
Address	Building Type	New/Sub. Improvement/Non-Sub.Improvement	Date of Permit	Closing Date of Permit	Has EC been received								
4 Main Street	Residential	Substantial Improvement	2/14/17	6/25/18	Yes								
<b>ACTIVITY 320 MAP</b> <b>INFORMATION SERVICES</b> <u>320-8 thru 320-15</u> <u>New</u>	To receive credit you must <b>(1)</b> <u>annually publicize</u> that this service is available in your community. For example: an outreach project to the entire community such as an article in a newsletter or a notice in a utility bill <b>or</b> <u>notices sent to</u> all local insurance agents, real estate agents, and lenders, or letters. If the publicity is sent via the second method, provide the mailing list												

	<p>As your annual letter has already been mailed out, please attach a copy of the letter to be distributed in the future. Language publicizing each MI available to inquirers. Example: Floodway information, historical and local information available by calling...)</p> <p>Also, your community must <b>(2)</b> <u>keep and submit a copy of a log</u> showing when information was provided to inquirers, and what type of information was given.</p> <p>Please format the log to include a column for each MI you are requesting credit for (MI1, MI2, MI3, MI5, MI6).</p> <p>Finally, please add the sample language from the Activity 320 model provided to you.</p>
<p><b>ACTIVITY 330 OUTREACH PROJECTS</b> <u>330-6 thru 330-20</u></p>	<p>For each outreach project, please <b>indicate and label</b> which topic(s) are being covered (Please refer to Table 330-2 of the 2017 Coordinator’s Manual, Page 330-4, for more info. regarding the (6) creditable topics)</p> <p>Please update your Outreach Project list to include your community outreach efforts as well as the second-language brochures distributed (list these as individual projects)</p> <p>To receive credit for providing flood information via social media, please <u>submit</u> a signed document stating what information will be distributed, when you plan to distribute said information and via what social media platform. You may also submit a screenshot of messages distributed via tweet or Facebook post.</p>
<p><b>ACTIVITY 340 HAZARD DISCLOSURE</b> <u>340-3 thru 340-10</u></p>	<p><b>For DFH credit</b>, <u>provide</u> copies of completed disclosure notices from at least <b>five</b> local real estate agencies showing that they are advising potential property purchasers of the flood hazard and the flood insurance purchase requirement, if available.</p>
<p><b>ACTIVITY 370 FLOOD INSURANCE INFO.</b> <u>370-3 thru 370-12</u></p>	<p>For <b>Flood Insurance Coverage Assessment (FIA)</b>, please <u>submit</u> the assessment document that follows the 5 steps outlined in the CRS Manual. <u>Please also see the (3) insurance sheets attached and a sample FIA document that will help you through the process.</u></p>
<p><b>ACTIVITY 420 OPEN SPACE PRESERVATION</b> <u>420-3 thru 420-30</u></p>	<p><u>Provide</u> <b>(1)</b> a list of all open space properties listing: name, owner and acreage in the SFHA and <b>(2)</b> a map of all open space properties that correspond to the list.</p> <p>Please update the calculation of your SFHA to only include FEMA mapped SFHA and not include any county historical areas. You may however make a note providing the acreage of your local SFHA.</p> <p>If an open space parcel is preserved or has been restored to its natural state, <b>NFOS credit</b> may be available. Additional credit is given for parcels of open space that are protected by deed restrictions (DR) or that protect natural channels and shorelines.</p>



	<p>For <b>OSP credit</b>, <u>provide</u> a description of the parcels preserved as open space. This must be a map and parcel list that notes which parcels also qualify for <b>DR, NFOS, or SHOS credit</b>.</p> <p>If the parcel is privately owned (church retreats, golf clubs, Boy/Girl Scout camping areas, etc.) <u>provide</u> documentation that the owner will keep the parcel open.</p> <p>For each parcel that is preserved as open space because of a regulatory requirement <u>provide</u> the ordinance language that prohibits structures and fill in part or all of the regulatory floodplain.</p> <p>For each parcel that is preserved as open space outside the SFHA, <u>provide</u> documentation showing that floodplain regulations are in effect in the area.</p> <p>For <b>NFOS credit</b> please <u>provide</u> documentation that the parcel meets the definition of natural functions open space, describe its function and <u>provide</u> a memo, letter or form signed by a professional in a natural science such as botany, biology, forestry, or landscape architecture stating that these areas are preserved as natural and beneficial areas.</p> <p>Please add any natural functions open space to the aforementioned OSP parcel list and map.</p>
<p><b>ACTIVITY 430 (HIGHER) REG. STANDARDS)</b>  <u>430-6 thru 430-55</u></p>	<p><u>Provide</u> a copy of the floodplain ordinance (I will need the entire ordinance) which specifically addresses these higher regulations.</p>
<p><b>ACTIVITY 440 FLOOD DATA MAINTENANCE</b>  <u>440-3 thru 440-13</u></p>	<p>For additional AMD credit, please provide the following:</p> <p>AMD2 (screenshot of building footprints which as discussed may be seen via aerial photographs)</p> <p>AMD8 (screenshot of topographic contour lines)</p> <p>AMD11 (screenshot of land use (zoning) districts)</p> <p>Please visit: <a href="https://www.ngs.noaa.gov/CORS_Map/">https://www.ngs.noaa.gov/CORS_Map/</a> and Verify that there are at least 3 CORs stations within 30 miles. Click on each CORs station for the coordination to map it. Add a 30 mile buffer over each <u>CORs station</u> to verify 100% of the corporate limits are covered by the CORs station</p>
<p><b>ACTIVITY 450 STORMWATER MANAGEMENT</b>  <u>450-4 thru 450-20</u></p>	<p>For <b>SMR and WMP credit</b>, please <u>complete and return</u> the Stormwater Management activity check sheet provided and include the documentation showing enforcement of these elements.  <u>Please provide the most up-to-date checklist and documentation as discussed.</u></p> <p><u>Provide</u> <b>five</b> sets of plans for current development for erosion and sediment control plans for <b>ESC credit</b> with the ordinance that enforces each item.</p> <p>For <b>WQ credit</b> <u>provide</u> a list of <b>five</b> water quality facilities within the City and the as-built plans for each.</p>

<p><b>ACTIVITY 501 REPETITIVE LOSS</b> <u>500-3 thru 500-20</u></p> <p><b>REQUIRED</b></p>	<p><b>The County of San Joaquin now has 4 Repetitive Loss properties. (1) <u>Provide</u> a copy of your 2017 outreach letter to the repetitive loss areas (see attached sample) (2) <u>along with</u> a list of addresses and the number of buildings in the mapped areas (3) <u>a map of your Repetitive Loss areas, and (4) the cause of flooding for each area.</u></b></p> <p>Some information on Repetitive Loss properties is subject to the Privacy Act. <b>Do not</b> map individual RL properties, only the RL areas. <b>Please remove any direct reference to specific addresses and utilize the polygon method discussed.</b></p> <p><u>Review and submit</u> a signed CC-RL Repetitive Loss List.</p>
<p><b>ACTIVITY 510 FLOODPLAIN MANAGEMENT PLANNING</b> <u>510-4 thru 510-35</u></p>	<p><u>Please review Activity 510 checklist for accuracy and re-submit.</u></p>
<p><b>ACTIVITY 540 DRAINAGE SYSTEM MAINTENANCE</b> <u>540-5 thru 540-18</u></p>	<p><u>Provide</u> an updated 2017 Standard Operating Procedure (SOP) for your drainage system maintenance program that meets the requirements for CRS credit. This SOP must meet the criteria on page 540-9 of the CRS manual.</p> <p><u>Provide</u> an inventory list (preferably in Excel) of all your natural conveyance drainage facilities (open channels, all natural and man-made watercourses, conduits) <u>and</u> an impact adjustment map indicating where drainage is and is not maintained (see specific mapping standards in section 542.a.).</p> <p>The map should show and label all channels in the developed part of the county and identify which channels and facilities are covered by the channel and basin debris removal program.</p> <p><u>The labels on the map should correctly correspond to the for your natural conveyance system.</u></p> <p><u>Provide</u> a completed and signed <b>540-EHP form</b>. See attached.</p> <p><u>If</u> the City has a Capital Improvements Plan for drainage system improvements please <u>provide</u> a copy of that plan. For full CIP credit, <u>provide</u> an engineering analysis that identifies the problem and provides a solution.</p> <p>For <b>PSM Credit</b> <u>Provide</u> a list of chronic flooding areas or ‘hot spots’ within the city that require additional maintenance. These areas can be listed in your SOP and should also be mapped.</p> <p>For <b>SDR Credit</b> <u>Provide</u> a copy of the regulation prohibiting dumping in the drainage system and, if publicized, a copy of the outreach project.</p>
<p><b>ACTIVITY 610 FLOOD WARNING PROGRAM</b> <u>610-8 thru 610-22</u></p>	<p>Please <u>complete</u> the activity worksheet and attach the appropriate documentation showing that the City continues to provide timely identification of impending flood threats (<b>FTR</b>), disseminates warnings to appropriate floodplain residents (<b>EWD</b>), coordinates flood response activities (<b>FRO</b>) and coordinates flood warning and response activities with critical facilities (<b>CFP</b>).</p>

	<p>All documentation provided must be appropriately marked showing which element it represents.</p> <p><u>Provide</u> a copy of the outreach material used to tell people how they will be warned and the safety measures they should take. If the outreach material is also credited under Activity 330 (Outreach Projects).</p> <p><u>Provide</u> a description of the flood exercise, drill, or response to an actual emergency or disaster response conducted during the previous year. The description must include a list of who participated, lessons learned, and any recommendations for changes to the system. A copy of the after-action report or any similar report for any actual response is required.</p> <p>A copy of the 3 stage flood inundation map <u>must</u> be provided.</p> <p><a href="#">Please review, complete, and submit the attached checklist for this activity.</a></p>
<p><b>ACTIVITY 620 LEVEES</b> <u>620-7 thru 620-17</u></p>	<p><u>Provide</u> a completed <b>activity worksheet</b> and attach the appropriate documentation showing that the community inspects, tests, maintains and operates its' levee system according to a written maintenance plan. All documentation provided <u>must be</u> appropriately marked showing which element it represents.</p> <p><u>Provide</u> documentation showing whether the levee is accredited.</p> <p><u>Provide</u> a copy of the outreach material used to tell people that live behind the levee how they will be warned and the safety measures they should take in case of a levee breach.</p> <p><u>Provide</u> a completed Community Certification of Compliance with Environmental and Historic Preservation Reqs. for Levee Maintenance.</p> <p><a href="#">Please review, complete, and submit the attached checklist for this activity.</a></p>
<p><b>ACTIVITY 630 DAMS</b> <u>630-5 thru 630-12</u></p>	<p><b>For SDS credit,</b> <u>provide</u> dam inundation maps and descriptions of the threat from failure of a high-hazard-potential dam, in the county. Only high hazard dams will be considered for credit so please <u>provide</u> information from the City or State classifying your dams as high hazard.</p> <p><b>For DFR, DFW, DFO and DCF credit,</b> <u>provide</u> the dam failure warning and response plan or related document that describes the threat recognition procedures. The plan must be marked to show where the credited items appear for each element.</p> <p><u>An impact adjustment map</u> showing the area(s) affected by each element and documentation showing how the numbers of buildings used in the calculations were determined.</p> <p><u>Provide</u> records of the quarterly test of all equipment and material needed for the system and the quarterly communication checks between the operator of the dam and emergency services officials.</p>

	<p>Provide a copy of the outreach material used to advise people of the dam failure hazard and of ways to protect themselves from flooding.  <u>Provide</u> a description of the exercise, drill, or response to an actual emergency or disaster conducted during the previous year. The exercise must include the dam failure threat recognition procedures.</p> <p>Please review, complete, and submit the attached checklist for this activity.</p>
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This letter is only meant to be a guide to help you compile documentation needed for your CRS application. Please review the 2017 CRS Coordinator’s Manual, particularly the documentation sections, which will identify in detail what is required for each activity. All requested letters or descriptions should be on City letterhead and signed by the CRS Coordinator.

Several activities require an activity worksheet to be completed. Please remember to completely fill in the Activity Checklists and indicate for each element where to find the corresponding documentation (chapter, section number, page number, etc.). All incomplete checklists will be sent back for completion.

Map note: All maps produced for CRS Activities must include at least the following basic information; map title, regulatory floodplain with acreage, street names, parcels, and map date.

You may submit documentation in hard copy or in digital format. If hard copy, please separate the material by activity. If digital, please submit the material on a CD or USB drive. Your digital material should be separated by activity and element and in PDF format with the exception of spreadsheets. Those can be submitted in Excel.

When mailing or shipping material, please send to the following address:

**Dave Arkens**  
**3233 Cutty Sark Street**  
**Las Vegas, NV 89117**

If you have any questions regarding any of the above activities or if you find you would like to apply for any additional credit, please let me know. The above documentation must be returned to me no later than **December 5, 2017**. It was a pleasure working with you and if you have any questions, or if I can be of any assistance, please do not hesitate to contact me.

Sincerely,  
 KanDee Davis, CFM  
 ISO/CRS Specialist

If you need any additional information or assistance, please feel free to contact me at (702) 209-9207 or by e-mail at [kandee.davis@iso.com](mailto:kandee.davis@iso.com).

Cc: Mr. James Eto, State NFIP Coordinator  
 Mr. Brian Trushuniski, DHS/FEMA Region IX  
 Ms. Sherry Harper, ISO, Planning Technical Coordinator  
 Mr. Dave Arkens, ISO, Technical Coordinator

ATTACHMENTS  
III.B.3.

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## Take 'twin' out of tunnels?

By Alex Breitler

Record Staff Writer

@Alexbreitler

Posted Oct 29, 2017 at 1:00 PM

Updated Oct 29, 2017 at 9:28 PM

In the Delta region, the twin tunnels always have been considered double trouble.

If you take the “twin” out, you’ve still got trouble.

That’s the view of many local activists as speculation grows that Gov. Jerry Brown’s two-tunnel water conveyance project will soon be downsized, whittled down to perhaps just one tunnel with a smaller capacity.

“I just think it’s really important for people to understand that the battle really isn’t over,” said Barbara Barrigan-Parrilla, head of Stockton-based Restore the Delta. “We do not believe that less evil is better than more evil.”

A leading Brown administration official said last week that such a scaling back is “quite a possibility” if the \$17 billion needed to build the full project isn’t available. Right now, the effort is billions of dollars short because San Joaquin Valley farmers have declined to pay their share, which is nearly half of the total cost.

A smaller tunnel or tunnels could be built to serve primarily urban areas of the state like Southern California, the Central Coast and the Silicon Valley, giving them not necessarily more water than they receive today but a more reliable supply than what they get directly from the environmentally vulnerable and flood-prone Delta.



### Getting smaller...

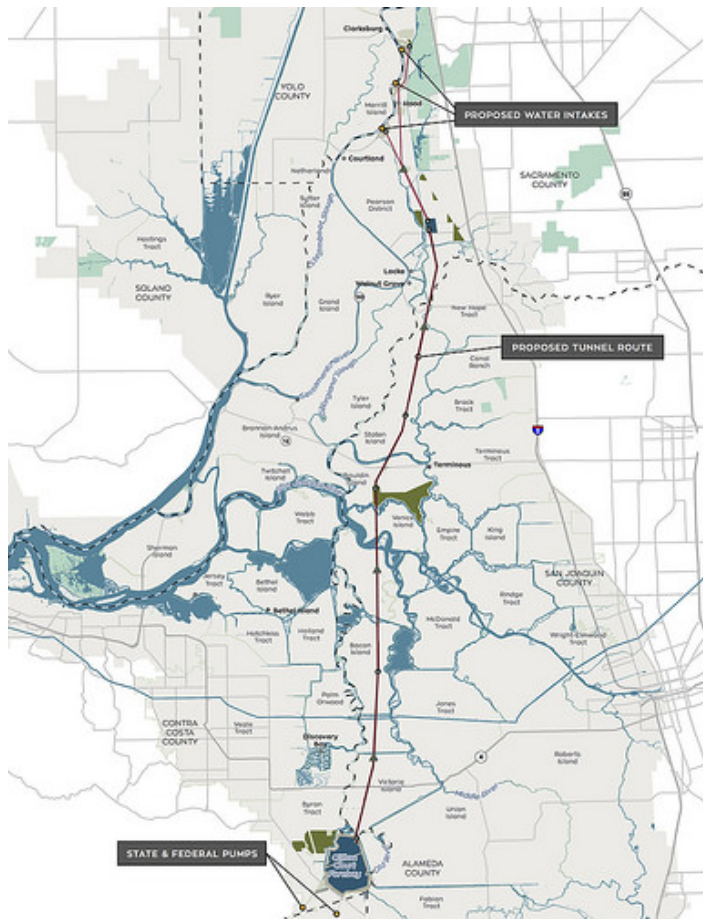
It wouldn't be the first time that the decades-old project shrank in scope. The infamous peripheral canal, which would have served basically the same purpose as the tunnels, was sized to carry 22,000 cubic feet per second of water, almost enough to divert the average annual flow of the entire Sacramento River. The canal was defeated by voters in a 1982 referendum.

When the canal was resurrected by the Schwarzenegger administration, it was sized at 15,000 cfs. Then, in 2012, the project (now in the form of tunnels) was slashed to 9,000 cfs. And now, perhaps, it will get even smaller.

But opponents remain skeptical, arguing that even a tunnel as small as 3,000 cfs could be large enough to harm the Delta during the most critically dry years, depending on how it is operated. During the most recent severe drought, the state temporarily loosened water quality standards in the Delta to store more water in upstream reservoirs; what is to stop some future governor from doing the same, maximizing the use of even a small tunnel, opponents ask?

"It looks politically or publicly more difficult to oppose a smaller and smaller facility, but our analysis suggests we'd still be damaged," said John Herrick, an attorney for south Delta farmers, who benefit from the current plumbing system that draws fresh Sacramento River water past their farms to enormous export pumps near Tracy.





While state officials have focused their efforts for years on the 9,000 cfs project, their environmental reports include two smaller options: a 6,000 double-tunnel alternative as well as a single tunnel at 3,000 cfs.

The reports acknowledge that both of the smaller choices could have a detrimental effect on water quality, though likely to a lesser extent. Some of the higher quality Sacramento River water that flows through the Delta today still would be replaced by dirtier, polluted flow from the heavily diverted San Joaquin River. The amount of water allowed to flow through the Delta to San Francisco Bay would decline over time, with seawater encroaching into the western Delta as a result.

Critics have other concerns, as well. The existing plan is for three large water intakes to be built on the Sacramento River to feed the tunnels. A reduction in the number of intakes, they worry, could concentrate impacts and make it harder for migrating fish to swim upstream, despite the smaller overall capacity.

A tunnel that is built to, say, half the size doesn't necessarily mean half the impacts, said Osha Meserve, a Sacramento attorney who represents north Delta landowners.

"As a political matter it's easy for people to say, 'Break it in half,'" she said. "But it's not necessarily proportional."

### Any room for compromise?

San Joaquin County's longstanding position, affirmed most recently in 2012, is to oppose any kind of so-called "isolated conveyance," which in wonky talk means taking water that would flow naturally through the Delta and placing it in a separate bypass instead.

In an interview last week, Supervisor Chuck Winn gave no indication that the county's position is likely to change. He believes all the talk about the tunnels diverts attention and resources away from other alternatives that could make distant regions of the state more self-sufficient.

"We get off track and talk about the tunnels — or the tunnel — and we lose an opportunity to collaborate on the ultimate goal, to make California a world-class (water delivery) system," he said.



Not all of the skeptics have given a blanket "no" to some form of new conveyance. Several years ago, a coalition of environmental and business groups pitched a plan that included a single 3,000 cfs tunnel, with the billions of dollars in savings being invested in other local and regional projects.

The proposal also included requirements that the tunnel be operated in a way that reduces diversions from the Delta — a potential sticking point even if officials now do decide to go small, said Doug Obegi, an attorney with the Natural Resources Defense Council, one of the organizations that promoted the so-called "portfolio" plan.

Size isn't all that matters, Obegi said.

“You could have a huge facility that only operates during the very wettest event, and a small facility that operates all the time, and have wildly different impacts,” he said. “Size is important because it affects the cost and your potential to do even more damage, but it’s really how it’s operated that counts.”

### **Bang for their buck**

It’s unclear that water officials would be willing to go that small anyway. Last month, officials with the Metropolitan Water District of Southern California discussed the potential to drop from 9,000 cfs to 6,000 cfs, saying that would slash the cost of the project proportionately to about \$10 billion.

“Two-thirds the size of the project at two-thirds of the cost, that would be fairly effective,” General Manager Jeff Kightlinger said at the time.

Going smaller than that, however, is likely to be less cost-effective for the water users who must pay for the project, he said.

A smaller tunnel also would make it harder for officials to divert large quantities of water during very wet years, like last winter, when it can be taken with less risk to the environment. That is part of the whole point of the project.



In a sense, the entire discussion about whether a smaller tunnel or tunnels is preferable for Delta communities is premature. The state has announced no changes, though Natural Resources Secretary John Laird has called downsizing a possibility.

“We’re just all taking a deep breath,” he told a group of Southern California business leaders Thursday. “We will have intense conversations with everybody that voted to (participate in the tunnels) about what project we can agree to that we move ahead on.”

## Starting over?

If the project is downsized, opponents are prepared to argue that careful new environmental review will be required, as well as a reboot of long and tedious hearings that have been underway before state water right regulators for more than a year. Asked if that proceeding would have to start over, a spokesman for the State Water Resources Control Board said it was premature to respond since no changes have been proposed.

Brown has just 15 months left in his term as governor. In his comments Thursday, Laird downplayed any potential delay.

“It’s our hope,” he said, “that with a bare minimum of any redoing of environmental work, that whatever project is agreed to really fits the alternatives that have been done already so that we’re not going back to ‘Go.’”

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



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## R STORIES





Project: Delta Plan Amendments, Delta Stewardship Council  
Date Issued: November 1, 2017

## NOTICE OF AVAILABILITY

# DELTA PLAN AMENDMENTS DRAFT PROGRAM ENVIRONMENTAL IMPACT REPORT

Notice is hereby given by the Delta Stewardship Council (Council), as the lead agency pursuant to the California Environmental Quality Act (CEQA), that the Delta Plan Amendments Draft Program Environmental Impact Report (Draft PEIR) is available for public review and comment. This Notice of Availability (NOA) has been prepared for the Draft PEIR, in compliance with Section 15087 of the CEQA Guidelines.

## PROJECT DESCRIPTION AND LOCATION

The Proposed Project consists of three amendments to the Delta Plan:

- ◆ Pursuant to Water Code sections 85305 and 85306, updated and new Delta Plan recommendations or regulations regarding strategic investment in Delta levees for the purposes of risk reduction, including repeal of interim Delta Plan policy RR P1. These proposed revisions are referred to as the Delta Levee Investment and Risk Reduction Strategy (DLIS) Amendment.
- ◆ Pursuant to Water Code section 85304, “promotion of options for new and improved infrastructure relating to Delta water conveyance, storage, and the operation of both to achieve the coequal goals,” this proposed amendment is referred to as Conveyance, Storage Systems, and the Operation of Both (CSO) Amendment and includes an amendment to WR R12.
- ◆ Pursuant to Water Code sections 85211 and 85308(b)-(d), proposed revisions to the Delta Plan performance measures to enable the Delta Stewardship Council (Council) to track progress in meeting the objectives of the Delta Plan. The Council proposes to amend Appendix E of the Delta Plan to include revised output and outcome performance measures. The proposed performance measures contain quantified or otherwise measurable targets to be used as indicators of whether the Delta Plan is meeting its objectives. These proposed revisions are referred to as the Performance Measures (PM) Amendment.

The Sacramento-San Joaquin Delta Reform Act of 2009 (Delta Reform Act, or Act), requires the development of a legally enforceable, comprehensive, long-term management plan for the Sacramento-San Joaquin Delta (Delta), referred to as the



Delta Plan. The Delta Plan, adopted by the Council in 2013, and amended in 2016, is a legally enforceable, comprehensive, long-term management plan for the Delta and the Suisun Marsh that furthers the coequal goals (Water Code section 85300(a)). As defined in Water Code section 85054:

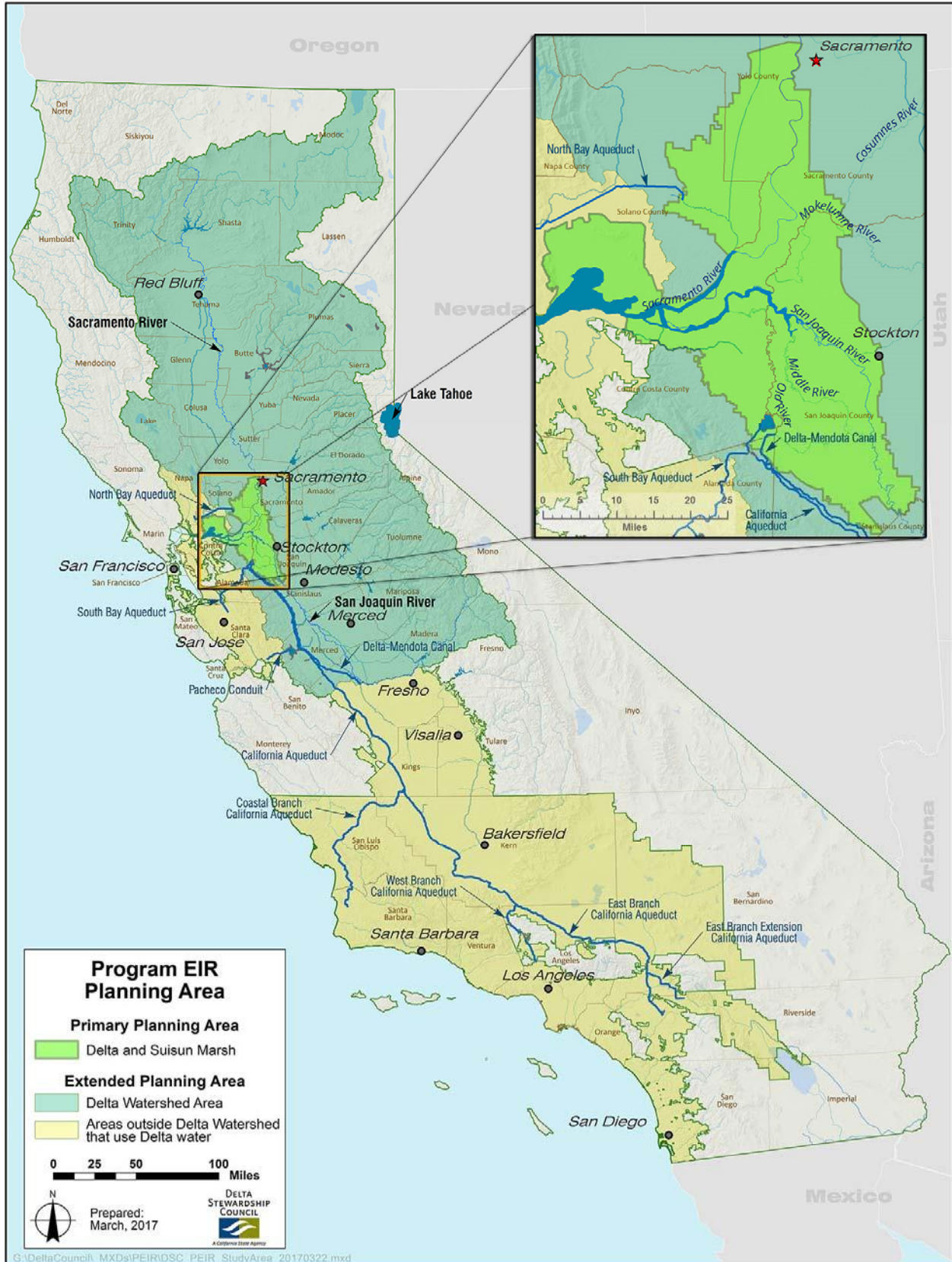
*‘Coequal goals’ means the two goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. The coequal goals shall be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place.*

Several components of the Delta Plan require amendment due to changes in circumstances and conditions in the Delta, and prior commitments made in the Delta Plan adopted in 2013. These proposed amendments are the subject of the PEIR’s environmental analysis.

The location of the Proposed Project is defined by the purposes and uses of the Delta Plan, which are described in the Delta Reform Act, and for the purpose of the CEQA analysis includes the area affected by the Proposed Project, which consists of the Primary Planning Area and the Extended Planning Area. The Primary Planning Area is defined as the legal boundaries of the Sacramento-San Joaquin Delta and the Suisun Marsh as defined in Water Code Section 85058. The Extended Planning Area is defined by the watersheds that contribute flows to the Delta (including areas within the Delta watershed upstream of the Delta and the Trinity River watershed) and areas of California with places of use receiving water from or conveyed through the Delta (State Water Project and Central Valley Project service areas). The Primary and Extended Planning Areas are shown in Figure 1.

## **ANTICIPATED SIGNIFICANT ENVIRONMENTAL EFFECTS**

The Draft PEIR examines the potential significant environmental effects of the Proposed Project. The Council is not proposing specific projects at specific locations, nor would the proposed amendments require them. The Proposed Project, which comprises amendments to the Delta Plan, is a programmatic plan for achieving the coequal goals and the eight inherent objectives in the Delta. At a programmatic level, the Draft PEIR reviews the physical environmental effects of potential types and locations of reasonably foreseeable actions taken by others in response to the Proposed Amendments. It does not provide project-level environmental review for any specific projects because project-level CEQA review would be conducted by the lead agencies for later, specific actions undertaken in response to the Delta Plan’s policies, recommendations and performance measures. The Draft PEIR identifies significant impacts on aesthetics, agriculture and forestry resources; air quality and greenhouse gases; biological resources (aquatic and terrestrial); cultural resources; geology, soils, and seismicity; hazards and hazardous materials; hydrology and water quality; land use and planning; noise; recreation; transportation, traffic, and circulation; tribal cultural resources; and utilities and public services. Implementation and enforcement of



**Figure 1. Planning Areas for Proposed Delta Plan Amendments PEIR**



mitigation measures would be within the responsibility and jurisdiction of public agencies other than the Council. Therefore, many of the impacts analyzed in the Draft PEIR are identified as significant and unavoidable.

## **PRESENCE OF LISTED HAZARDOUS MATERIALS SITES**

The Primary and Extended Planning Areas contain numerous sites listed on the “Cortese List” of hazardous materials sites (California Government Code Section 65962.5). It is not known what actions taken by others in response to the proposed amendments would be located on a site listed on the Cortese List. Therefore, specific sites cannot be identified at this time, but would be addressed in the CEQA review of specific response actions by other agencies.

## **WRITTEN COMMENTS**

Written comments on the Draft PEIR’s environmental analyses are requested and invited from responsible agencies, organizations, and interested parties. All comments received, including names and addresses, will become part of the official administrative record and may be made available to the public. E-mailed comments will be accepted from November 1, 2017 through 5:00 p.m. on Monday, December 18, 2017. Mailed comments must be postmarked by Monday, December 18, 2017. Written comments should be sent to:

Delta Stewardship Council  
980 9<sup>th</sup> Street, Suite 1500  
Sacramento, California 95814

Comments may be emailed to: [deltaplanPEIR@deltacouncil.ca.gov](mailto:deltaplanPEIR@deltacouncil.ca.gov)

## **PUBLIC MEETINGS**

The Delta Stewardship Council is holding two open houses to facilitate public review of the Draft PEIR:

Wednesday, November 1, 2017  
4:00 p.m. - 7:00 p.m.  
San Joaquin County Agricultural  
Commissioner’s Office  
2101 E. Earhart Avenue, Suite 100  
Stockton, California 95206  
Presentations: 4:30 p.m. and 5:30 p.m.

Thursday, November 2, 2017  
10:00 a.m. - 1:00 p.m.  
Tsakopoulos Library Galleria  
828 I Street  
Sacramento, California 95814  
Presentations: 10:30 a.m. and 11:30 a.m.

A public hearing is scheduled to receive comments on the Draft PEIR:

Thursday, December 14, 2017  
4:00 p.m. to 7:00 p.m.  
Civic Center Galleria  
1110 West Capitol Avenue  
West Sacramento, California 95691

The public hearing will be available as a live webcast at [www.deltacouncil.ca.gov](http://www.deltacouncil.ca.gov). A stenographer will record verbal comments at the public hearing, and written comments will also be accepted.

## **DRAFT PEIR AND ADDITIONAL INFORMATION**

The Draft PEIR is available for public review and download online at [www.deltacouncil.ca.gov](http://www.deltacouncil.ca.gov). Digital copies of the document are available for public review at the following locations during normal business hours:

Delta Stewardship Council  
980 9th Street, Suite 1500  
Sacramento, California 95814

Sacramento Public Library  
828 I Street  
Sacramento, California 95814

Cesar Chavez Central Library  
605 N. El Dorado Street  
Stockton, California 95202

Solano County Library - Rio Vista Library  
44 S 2nd Street  
Rio Vista, California 94571

Dr. Martin Luther King Jr. Library  
150 E San Fernando Street  
San Jose, California 95112

Shasta County Public Library, Redding Library  
1100 Parkview Avenue  
Redding, California 96001

Fresno Central Library  
2420 Mariposa Street  
Fresno, California 93721

Beale Memorial Library  
701 Truxtun Avenue  
Bakersfield California 93301

Los Angeles Central Library  
630 W 5th Street  
Los Angeles, California 90071

Santa Barbara Central Library  
40 East Anapamu Street  
Santa Barbara, California 93101

San Diego Central Library  
330 Park Boulevard  
San Diego, California 92101

**From:** Nakagawa, Brandon  
**Sent:** Thursday, November 09, 2017 10:05 AM  
**To:** Bay-Delta@waterboards.ca.gov  
**Cc:** Attebery, Rod; Balaji, Kris; Buchman, Fritz; Villalpando, Kelly  
**Subject:** PHASE II OF THE BAY-DELTA PLAN INPUT

State Water Resources Control Board,

The San Joaquin County Flood Control and Water Conservation District (District) appreciates the opportunity to provide input to Phase II of the Bay-Delta Plan. Your October 4, 2017 notice solicited input through a list of questions to the public to help inform the development of the implementation program for Phase II of the Bay-Delta Plan. As an initial approach to the development of Phase II of the Bay-Delta Plan, the District respectfully offers the following input:

**1. State Clear Ecological Goals and Outcomes**

Phase II of the Bay-Delta Plan needs to clearly state the specific ecological goals and expected outcomes for the Delta and each of its tributaries. These goals and outcomes should also clearly state and identify priorities and milestones for achieving the identified goals and outcomes. The specificity of the goals and outcomes will encourage experienced water managers with reputable track records of fisheries flow and habitat management actions to offer viable solutions which achieve the stated ecological goals instead of the current approach of a taking a percentage of unimpaired flow.

**2. Utilize an-Approach for Flow and Non-Flow Measures**

Phase II of the Bay-Delta Plan focuses primarily on the use of unimpaired flow for updating water quality objectives with the goal of increasing the health of the Bay-Delta. This approach does not fully account for the current physical and regulatory realities of the Sacramento and San Joaquin Watersheds. In reality, water year type, long-term droughts, climate change, hydropower projects, diversions, flood control requirements, infrastructure limitations, channel losses, and current channel capacities (among other factors) affect the timing and rate of flows on these rivers.

The use of an unimpaired flow metric does not adequately account for these realities nor appreciate the need to coordinate the operation of various projects and facilities on the tributaries. While Phase II of the Bay-Delta Plan may include some flexibility in the application of the use of unimpaired flow metrics, more flexibility is needed to address specific river system conditions especially for tributaries who have achieved success in meeting established ecological goals.

Primarily focusing on unimpaired flow metrics discounts the role of non-flow measures, which are essential for protecting fishery ecosystems. On some streams, stakeholders have developed programs that have controlled flow regimes and developed non-flow measures that have successfully restored and protected fisheries and the ecosystem while still meeting municipal and agricultural beneficial uses. Water rights holders should get credit for the non-flow measures which have proven successful for fisheries.

Requiring higher releases can have an adverse impact on beneficial uses during dry years when there is insufficient runoff to meet all water supply needs and emergency water conservation orders are in place to preserve water. Requiring higher releases in dry years will deplete water in storage reserved for subsequent years and result in other impacts to fish. A regime that relies primarily on unimpaired flows in a dry year or dry year sequence presents a significant risk of depleting cold water pools required for fishery health. An analysis

of the impact of historic drought sequences on water supplies for all beneficial uses should be required for each Alternative in Phase II of the Bay-Delta Plan.

### **3. Consider and Integrate SGMA**

Phase II of the Bay-Delta Plan could result in a reduction of water supplies relied on and invested in by local water agencies. The Phase I Substitute Environmental Document (SED) of the Bay-Delta Plan acknowledged that all of the Alternatives would impact groundwater, and Alternatives 3 and 4 “would have significant and unavoidable impacts on groundwater (supply and quality)...” (pg. 22-12.). The SED goes on to state that the reduction in surface water supply would be offset by increases in groundwater pumping.

The whole point of SGMA is to achieve sustainable groundwater management with particular priority placed on basins in critical overdraft. With SGMA in place, substituting lost surface water supplies with groundwater is not feasible nor acceptable. The District recommends that the Phase I SED and Phase II of the Bay-Delta Plan include an analysis that considers SGMA, does not assume that groundwater can be substituted for the loss of surface water, and also includes the amount of water needed for groundwater recharge and groundwater banking for future dry years.

### **4. Assess Cumulative Impacts From the Existing Export Operations and the California WaterFix**

The existing export pumping operations affect salmon and steelhead on tributaries to the Delta including the Mokelumne River. These operations combined with the California WaterFix, would reduce Sacramento River fresh water flows into the Delta and further impact critical portions of the Delta’s ecosystem and the anadromous fishery. As a result, Phase II of the Bay-Delta Plan must consider the cumulative effects of the WaterFix Project to ensure an adequate environmental review.

The District appreciates the opportunity to provide input on Phase II of the Bay-Delta Plan. Should you have any questions, please feel free to contact me at, (209) 468-3089, or [bnakagawa@sjgov.org](mailto:bnakagawa@sjgov.org).

Sincerely,

Brandon Nakagawa, P.E.  
Water Resources Coordinator  
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SJCFC&WCD

Water Advisory Committee meeting October 18, 2017

**Written Public Comments for Meeting of 10/18/17**

I have submitted public comments in writing and request that they be included with the minutes.

Agenda Item III C. 3

SJAFCA was presented a map and flood plane impact calculation for the Smith Canal Dam as well as the 14 Mile Slough Dam. Some very good specific questions were asked. SJAFCA's responses were less than assuring.

Enclosed are relative documents regarding Encroachments within the floodplane.

The FEMA Concurrence letter (Jan 13, 2011) which states that community has complied with CFR 65.12 (a) of the National Flood Insurance Program regulations. It also states that forms FEMA form MT 2 and 3 shall be provided.

Further research into CFR 65.12 and FEMA forms has raised some significant concerns. None of the Forms are readily available on SJAFCA's website as I suspect they have not been completed.

Specifically, on page 3 of 11 on form MT-2 form 3 item 6 asks "does the base flood elevation behind the dam/basin or downstream of the dam basin change?"

Roger:

Are you indicating that you checked NO in this box?

You should check YES which brings you to MT-2 form 2 page 3 of 3 which requires evidence of compliance with CFR 65.12 a.

Has all the required work identified on form MT-2 been completed?

If not when do you anticipate it being done?

How much will it cost?

How long will it take?

Being part of the LSJRFS the 14-Mile slough gate will also require compliance with CFR 65.12 a. Since both dams are part of this flood control plan they should be analyzed together.

## Public Comments

The Flood Technical Advisory Meeting was canceled for the 3<sup>rd</sup> month in a row. It used to be a large U Table meeting (like a roundtable only u shaped) Mike Cockrell's additional forms should have been discussed at these meeting.

Why are the meetings being cancelled?

As a solution whenever the TAC meeting is cancelled I will Hold a Delta Engineering Elliptical Technical Meeting (DELTA TEET) at 3:30 pm at my office located at 6653 Embarcadero. The initial meeting is today. The agenda for today is Delta Tides, Encroachments in the floodway, Habitat Enhancement levees and Hyacinth. 15 people are welcome to attend and there are 12 spots remaining.

The video of SJAFCA's meeting yesterday on 10/17 should be viewed by all public officials and designated staff. In addition to the flooding impacts to the Upper San Joaquin River Delta, I and others made many other comments. Never have I seen the buck passed like yesterday.

The Three primary points of my comments:

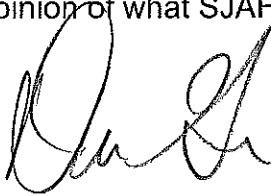
- 1) The floodway will be impacted.
- 2) The Total cost through 9/1/17 **(TO DATE)** for the Design of the Gate to the Landowners in the Smith and Weber Tract is **\$4,274,589**

This is after the DWR contribution of \$2,412,500, the engineering is far from complete

- 3) My opinion of what SJAFCA is doing to the people is SOCIAL INJUSTICE.

Thank You

Dom Gulli







## Farmers ask that 'waters' rule be clear, consistent

Issue Date: [October 25, 2017](#)

By Christine Souza

A "waters of the United States" rule that is clear, feasible and maintains existing exemptions for everyday farming activities: That's what agricultural stakeholders sought during a teleconference with federal officials, as agencies seek to develop a new WOTUS rule.

"Many agricultural interests that took part in the call expressed concern about the lack of consistency among agencies regarding how they interpret waters of the U.S. regulations under the Clean Water Act," California Farm Bureau Federation Associate Counsel Kari Fisher said after monitoring last week's teleconference. "Commenters also urged regulatory clarity and meaningful application of existing agricultural exclusions and exemptions."

The 2015 WOTUS rule, proposed by the U.S. Environmental Protection Agency and U.S. Army Corps of Engineers under the Obama administration, would have expanded the agencies' authority to regulate water and land. It came under strong criticism from farmers, ranchers and agricultural organizations.

In an executive order signed in February, President Trump asked agencies to rescind the 2015 WOTUS rule and develop a revised rule based on an opinion written by the late Supreme Court Justice Antonin Scalia. The opinion takes a more narrow view of federal jurisdiction, restricting Clean Water Act jurisdiction to "relatively permanent" waters and wetlands with a continuous surface connection to relatively permanent waters.

The teleconference for agriculture held by the EPA and Corps represented one of several on development of a new WOTUS rule.

During the conference, Sacramento attorney Demar Hooper, who specializes in Clean Water Act litigation and represents farmers throughout California, shared an example of a client who farmed wheat on his land and was challenged with a lawsuit by the Corps, which argued that the farmer's tilling of the soil resulted in a regulated discharge requiring authorization under Section 404 of the Clean Water Act.

"The Corps disputes whether wheat farming was properly established for purposes of the plowing exemption. There is no question that the wheat farming occurred on the property in the past, but if

wheat farming was somehow not established, the property would have surely been established as ranching land, which is also entitled to the plowing exemption," Hooper explained.

"On behalf of farmers throughout California and the nation," Hooper added, "I urge you to resolve these ambiguities that generate confusion, delay and wasteful expense for farmers' operations."

Ron Kern, manager of the Ogle County Farm Bureau in Illinois, called it "very disturbing" that each agency with WOTUS jurisdiction uses different indicators to define wetlands.

"It is apparent that any new WOTUS rule be clear, consistent and require communication between agencies and landowners," Kern said.

Laura Campbell of the Michigan Farm Bureau also recommended that various farming activities remain exempt.

"Any new rule defining waters of the U.S. must make every effort to limit impact to farming operations because of the economic impacts of the damage to farming, but also the importance of our nation's food supply," Campbell said, adding that regulated waters of the United States "must be recognizable by relatively permanent flow and clear distinction from gulleys, washouts, field or forest road floods or any other waters not intended to be regulated."

Iowa Farm Bureau President Craig Hill said farmers and ranchers need "a clear rule that agencies can more easily administer. We can't grant expansive control over every acre where a raindrop falls."

Scott Yager, environmental counsel for the National Cattleman's Beef Association, said cow-calf producers "need a definition that is implementable without having to hire consultants and attorneys to decipher that, because a lot of our producers are mom-and-pop operations."

Several participants pointed out that the 2015 WOTUS rule contained an exclusion for ditches, but it was so limited that most farm ditches would be considered a water of the U.S.

Ian Lyle of the National Water Resources Association described ditches, drains and canals as critical elements in delivering water for Western agriculture and other needs.

"These features were never intended to fall under the jurisdiction of the CWA and, as such, should be clearly exempt in any subsequent rule," Lyle said.

Scott White, executive director of the Klamath Water Users Association, which represents family farmers in California and Oregon, said the more than 12,000 managed canals and ditches within the Klamath Project should be exempt from the new WOTUS definition. White added that grading and leveling should be exempt from removal/fill permits, and temporary flooding of fields should be excluded because the crops provide habitat for waterfowl.

To comment on the revised WOTUS rule by the Nov. 28 deadline, submit comments via [www.regulations.gov](http://www.regulations.gov); search for Docket ID No. EPA-HQ-OW-2017-0480.

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

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AGRICULTURE ENVIRONMENT & WILDLIFE LAW & POLICY **Q&A**

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# New Policy Sets Rules for Marijuana Growers to Protect California Water

California's State Water Board recently passed new policies that will regulate water impacts from marijuana growing operations. Erin Ragazzi and Scott Couch of the Water Board discuss the challenges.

WRITTEN BY  
Ian Evans

PUBLISHED ON  
📅 Nov. 7, 2017

READ TIME  
Approx. 6 minutes



As the legalization of recreational marijuana in California looms, so do concerns over how the new industry will use the state's limited water. LARS HAGBERG/AFP/Getty Images

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**How Changing Marijuana Laws May Affect California's Water and Wildlife**

On October 17, the California State Water Resources Control Board adopted new environmental policies to regulate how marijuana growing operations will impact California’s already limited water resources. The new regulations are in response to voters’ approval of Proposition 64 in 2016 to legalize recreational marijuana.

Cannabis cultivation can impact local water by reducing flows in streams and creeks or polluting waterways with pesticides and other agricultural chemicals. Even the construction of roads and buildings for cannabis farming causes sediment runoff and erosion that damages nearby streams and rivers. Until recently, this was difficult to address because many growing operations were illegal.

The new rules will be implemented through five regulatory programs, which will require certain permits depending on the size of the operation. Among other things, the new policies limit how much water needs to be flowing through a channel before water can be diverted for marijuana growth, how many acres of land an operation can disturb, how growers should dispose of their waste and how the new permits will be enforced through cooperation with local, state and federal law enforcement.

Water Deeply Recently spoke with Erin Ragazzi, an assistant deputy director for the State Water Board’s Division of Water Rights and Water Quality Certification and Scott Couch, section chief of groundwater protection at the State Water Board, about developing the new policy.

### **Water Deeply: What damage can cannabis farming do to water quality? And what kind of damage are you hoping to reduce with this regulation?**

Erin Ragazzi: There’s a variety of different types of damage that can occur, depending on where the cannabis cultivation activities are taking place, and the measures that are put in place to protect the environment. Our focus here is mainly on surface water and groundwater protection, and the beneficial uses associated

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Erin Ragazzi is an assistant deputy director for the Water Board's Division of Water Rights and Water Quality Certification. (Courtesy of George Kostyrko/SWRCB)



Scott Couch is the section chief for groundwater protection at the State Water Board. (George Kostyrko/SWRCB)

with them.

Scott Couch: I just wanted to also add that we're seeing the types of things on the cultivation side, like waste – just trash, human waste, waste from fertilizer, pesticide containers, things like that. We don't want that stuff in the water.

**Water Deeply: Even just building roads to these sites can be damaging. Is that something that you are paying attention to as well?**

Ragazzi: That's definitely something that the policy in general order addresses. We have specific conditions related to sediment controls, targeted specifically at land, then the roads. So, in the policy, we really direct people to make sure that they're meeting the requirements in the road [building], and then having appropriate best management practices in place to control sediment runoff.

That wouldn't be a problem in many cases, except that we've got cannabis cultivation in areas of the state that aren't highway-developed, and these rural areas, in order to gain access there is a lot of road building that wouldn't occur with traditional agriculture.

Couch: Yeah, we're seeing a lot of damage in the North Coast, in particular, for road-building activities that are contributing to sediment and damaging streams and habitat.

**Water Deeply: A lot of these impacts have been in remote parts of the North Coast, but there is also a lot of new industry growth happening in Southern California in an entirely different landscape. When it comes to things like building roads, or other policies, how have you tried to shape the new policies to adapt them to Southern California?**

Ragazzi: What we did was develop a statewide policy that looked at the various impacts associated with cannabis cultivation. It's not that it's targeted at Southern California or Northern California, but when we're looking at cultivation activities, what requirements are necessary to protect water quality and the associated water habitat, you're going to have the potential for less impact if you have an indoor grow in general than you will with an outdoor grow that is right adjacent to a stream system.

But we do take that into account, and all commercial cannabis grows that are going to the California Department of Food and Agriculture will need to register with the State Water Board to determine what coverage they need under the Waste Discharge Requirements that the board recently adopted.

**Water Deeply: Is it difficult to balance growing in Southern California, an industry that'll be mostly indoors I imagine, versus say the North Coast, which is mostly outdoors and therefore might have more of an environmental impact?**

Couch: Well, we tried to cover both of those areas, and we have requirements for both indoor and outdoor cultivation.

The thing about the indoor – we've heard of warehouses being converted in Southern California, or old IKEA stores and things like that – that they may want to grow inside, and you think, "Well, there won't be a discharge," but even there ... If they have to discharge their wastewater, and if it goes into a community sewer system, it won't be covered by this permit that we have. So, they have to have a permit from the sewer system to be able to discharge their waste down the sewer.



**Water Deeply: Up until this point, cannabis growing has mostly been on the black market in California. In some of our previous coverage, Scott Greacen, at the Friends of the Eel River, mentioned that many growers – who are already using the black market – might just continue to do so to avoid regulations. Do you think there is a risk that these further regulations are going to push more growers to take that route, or discourage people who are already using the black market to start growing legally?**

Ragazzi: Well, I think that we are cognizant of the need to develop requirements that we think are protective of water quality, but also create an environment in which people want to come in to the regulated community, because they have been in the black market for so long. What will be your carrots and sticks?

One key component of that is doing the education outreach to make the folks aware of what we're requiring, why we're requiring it, but then also having the enforcement arm necessary to facilitate folks knowing that they can't hide in the black market, but that we are going to be taking enforcement actions against folks that are not registered and enrolled in our program.

I think there are incentives already as part of the legislation that incentivize people to come into the process earlier rather than later. There's the potential to have a limited number of plant identifiers and licenses issued by the various entities, and so those folks that come forward earlier are going to be in a better position than folks that may stand on the sidelines and wait for a while.

There are those carrots in terms of the early adopters, and the board has an enforcement policy that is very focused on education as one of its first pillars, before you move directly to further enforcement.

We don't directly inform the other agencies for purposes of eradication. Typically, to my knowledge, what occurs is the State Water Board staff will go out with California Department of Fish



and Wildlife staff and their warden, and as part of those joint inspections there may be an eradication process that takes place, depending upon the unique circumstances of that specific site.

### **Water Deeply: Thank you for taking the time to speak with us. Is there anything else that you would like to say?**

Ragazzi: Well, I think one of the things that’s important to point out is that the policy creates a comprehensive mechanism to regulate cannabis cultivation, and it includes both those water supply, water rights side and water quality components. Specifically, I think it’s important to note we have a lot of important requirements to address individual and cumulative impacts that can occur in watersheds, and that’s been a big concern for a lot of folks, in terms of not just the site-specific impacts but the broader cumulative impacts in a watershed.

To that end, that policy includes requirements establishing maximum diversion rate, a forbearance period when no diversions can occur and instream flow requirements so that even when you’re in the season of diversion, you can always divert when flows are above that instream flow requirement. So there’s a pretty comprehensive look at ensuring that we’re not seeing the impacts associated with diversion and use of water, while at the same time allowing folks a pathway to get a storage water right, which often would take a very long period of time.

Cannabis cultivators now will have access to a small irrigation use registration that will give them the ability to store water during the wet season for use during the dry season, and it’s really a step forward to be able to offer that streamlined process within a short period of time. ■

# CALIFORNIA # CANNABIS # MARIJUANA



#### *About the Author*

#### **Ian Evans**

Ian is the community editor for environment at News Deeply. Before joining News Deeply, he was a freelance science journalist in Boston with a focus on environmental law and policy. He has been published in Undark Magazine, FiveThirtyEight, Nautilus and more. Ian grew up in California, and before getting into journalism he planned on becoming an ecologist. Instead, he pursued science writing and in 2016 he earned an MS in science journalism from Boston University. When he has spare time, Ian likes to get out and go hiking, backpacking and birding.

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