



SAN JOAQUIN COUNTY

# FLOOD CONTROL & WATER CONSERVATION DISTRICT

P. O. BOX 1810

STOCKTON, CALIFORNIA, 95201

TELEPHONE (209) 468-3000

FAX NO. (209) 468-2999

KRIS BALAJI  
DIRECTOR OF PUBLIC WORKS

## ADVISORY WATER COMMISSION

August 15, 2018, 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 May 16, 2018**
- III. **Discussion/Action Items:**
  - A. Standing Rules for Boards, Commissions, and Advisory Committees (See Attached).
  - B. Discussion on the Substitute Environmental Document (SED) for the Water Quality Control Plan for the Bay-Delta: San Joaquin River Flows and Southern Delta Salinity Objectives (See Attached).
    1. Presentation by SDWA
    2. Presentation by SSJID
    3. Presentation by SEWD
  - C. Presentation by Chris Elias, Executive Director, San Joaquin Area Flood Control Agency (SJAFCA).
  - D. Presentation of the Fall 2017 Semi-annual Groundwater Report – Michael Callahan, P.E.
  - E. Standing Updates:
    1. Sacramento – San Joaquin Delta (See Attached)
    2. Sustainable Groundwater Management Act – SGMA (See Attached)
    3. Flood Management and Water Resources Activities
- IV. **Informational Items (See Attached):**
  - A. July 27, 2018, Letter from Department of Water Resources to Contra Costa Water District, “Commitment Letter – 2016 Proposition 1 Integrated Regional Water Management (IRWM) Disadvantaged Community Involvement Grant Award.
- V. **Public Comment: *Please limit comments to three minutes.***
- VI. **Commissioners’ Comments:**
- VII. **Adjournment:**

**Next Regular Meeting**  
**September 19, 2018, 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  
May 16, 2018**

The regular meeting of the Advisory Water Commission of the San Joaquin County Flood Control and Water Conservation District was held on Wednesday May 16, 2018, beginning at 1:00 p.m., at Public Health Services, 1601 E. Hazelton Avenue, Stockton, California.

**I. Roll Call**

Present were Commissioners Nomellini, Roberts, de Graaf, Holman, Starr, Herrick, Holbrook, Hartmann, Meyers, and Neudeck, Alternates Richle, and Reyna-Hiestand, 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 April 18, 2018.**

Motion and second to approve the minutes of April 18, 2018 (Herrick/Nomellini). Unanimously approved.

**SCHEDULED ITEMS**

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

**III. Discussion / Action Items:**

**A. Presentation on Potential Future of Integrated Regional Water Management (IRWM)**

Mr. Brandon Nakagawa gave a presentation on the development of staff recommendation to the San Joaquin County Board of Supervisors (BOS) regarding the Advisory Water Commission's role in the IRWM Program, as requested at the AWC meeting held April 18, 2018. The Eastern San Joaquin County's IRWM Plan (IRWMP) was last revised in 2014. Mr. Nakagawa displayed slides depicting the purpose and relevance of, as well as the opportunities for IRWM.

IRWM is a state program administered by the California Department of Water Resources (DWR), which allows participants eligibility for bond funding through grants and other programs. Proposition 1, the "Water Quality, Supply, and Infrastructure Improvement Act" which passed in 2014, has \$510 million allocated, state-wide, for IRWM projects. Our San Joaquin River funding region is large and competes for IRWM funding with the Cosumnes River to the north, East Contra Costa to the west, Madera and Fresno counties to the east, and Westside-San Joaquin.

Currently on the ballot is Senate Bill 5 – "California Drought, Water, Parks, Climate Coastal Protections, and Outdoor Access for All Act of 2018" which could allocate \$1.5 billion for water projects – including IRWM, and \$500 million for flood protection. Another bond which could qualify for the November ballot is the Jerry Meral Water Bond. Potentially, there could be a total of \$12 billion in new bond funding for water projects. However, to compete for these funding opportunities, applicants must have an IRWMP.

Mr. Nakagawa named some potential IRWM funding categories including: Water supply reliability, groundwater recharge, water treatment, flood protection, levees, retention basins, groundwater

storage, flood easements, stormwater, low impact development, wastewater, groundwater recycling, eco-system restoration, or disadvantaged communities. Disadvantaged Community (DAC) funding must directly benefit the DAC area and projects could include water quality testing, or high-efficiency toilet rebate programs. Mr. Nakagawa added that it could be beneficial to be more inclusive and expand the IRWM Region to all of San Joaquin County, and beyond, including the San Joaquin Delta region, the Southwest San Joaquin areas, or the West Calaveras / Stanislaus County Triangle. Mr. Nakagawa emphasized the need to be competitive to achieve IRWM funding.

The IRWM is still “housed” in the Eastern San Joaquin County Groundwater Basin Authority (GBA), a joint powers authority established in 2001 to participate in the Freeport Project with East Bay Municipal Utility District and Sacramento County. The GBA consists of 13 member agencies, and has “morphed” into a planning agency with four goals: 1) IRWMP; 2) facilitate projects; 3) apply for grants; and, 4) develop strategies for the Sustainable Groundwater Management Act (SGMA). Accomplishments of the GBA include the development of a Groundwater Management Plan, two (2) IRWMPs, a \$2.5 million study with the United States Geological Survey (USGS), and preparation for the implementation process of SGMA. Currently, the GBA has a budget surplus of \$85,000, which could fund the IRWM update.

Mr. Nakagawa addressed considerations, should the Commission decide to become the governing body of the IRWM. Currently, the AWC is a commission awarded by the BOS whose role is to make recommendations to the BOS. The purpose of the Commission is for collaboration to discuss and resolve issues before presentation to the BOS, with meetings scheduled monthly and in compliance with Brown Act requirements. The Commission contains 24 member seats comprised of cities, water districts, and irrigation districts in San Joaquin County, as well as representatives of south/west county irrigation districts, flood management, fish and wildlife, and the building and construction industry.

Mr. Nakagawa queried the following regarding the AWC and the IRWM:

- Membership – Does membership of the Commission need to expand to be appropriate for the IRWMP (i.e. DACs, eco-system restoration groups, government agencies outside the County, and/or SGMA)?
- Funding – Zone 2 can continue as a contributor to IRWM efforts. Should voluntary or standard membership contributions be imposed as a fee to participate in the IRWM to finance project proponent’s costs including updates, applications, and/or vetting grants?

Vast discussion continued amongst the Commission on updating the IRWM, the timeline for the update, funding, expanding membership of the AWC, if project proponent(s) should pay for their own application(s), and DWR beneficial aspects of IRWM projects. To be competitive for DWR grants, IRWM projects must be included in the IRWMP.

In conclusion, Mr. Nakagawa clarified that, at this point, funding may not be needed to update the IRWM. The update of the plan would include preparation, review, and recommend for adoption to each AWC membership agency and/or the BOS. In addition, if a potential project is presented which is not currently included in the IRWMP, a process needs to be established for the AWC body to accept the project and/or modify the IRWMP.

**MOTION:** Commissioner Nomellini moved and Commissioner Hartmann seconded a motion to recommend to the Board of Supervisors that the Advisory Water Commission become the governing

body of the IRWMP, and that the Board of Supervisors delegate the management actions of the Advisory Water Commission for the IRWMP. The motion passed unanimously.

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

Standing monthly updates were provided on the following:

### 1. San Joaquin Area Flood Control Agency (SJAFC):

Roger Churchwell has returned to work as Acting Executive Director of SJAFC. In addition, a new Executive Director has been selected with negotiations still underway.

### 2. Flood Protection:

- Delta Levee Subventions Program: Commissioner Neudeck reported on this annual operations and maintenance program for the reclamation districts in the San Joaquin Delta. The program was set to expire on June 30, 2018, with the original cost-share ratio of 75/25 (after “initial spending” of \$1,000 per levee mile) reverting back to a 50/50 cost-share. The upcoming expiration was not getting legislation attention. Thus, a group was formed to develop language for a budget trailer bill to extend legislation. The end result is the Delta Levee Subventions Program has been included on the Federal Budget as a Trailer Bill, the “sunset” has been removed, and the “Ability to Pay Study” language has been removed whereby the State could evaluate and demand a reclamation district’s ability to pay more than 25%. However, “initial spending per levee mile” to become eligible has been raised to \$2,500 for urban districts, but remained \$1,000 for rural and agricultural districts.
- Statewide Grant #3: Mr. Nakagawa reported that the County applied for Statewide Grant #3, having been awarded the previous Statewide Grants #1 and #2. The County has received notification of being awarded Statewide Grant #3 funding of over \$580K, almost the full funding request. Funds will be used towards inundation mapping, and ~\$400K allocated for flood fighting materials (i.e. rock, Visqueen, sandbags, and/or Aconex Box).

A stipulation is the rock can only be used for emergency situations. Thus, a stockpile plan will be developed, including stockpile location(s), monitoring, and logistics. The designated areas to utilize the rock are Zone 9 and SJAFC.

- Water Resources Development Act (WRDA): Commissioner Nomellini reported that the language in the WRDA Bill is being considered and could affect the wide-use of the floodplain issues regarding development of Reclamation District (RD) 17. The WRDA Bill also contains a provision that states there cannot be any State or Federal challenge of any Water Fix environmental document and/or decision. Mr. Nakagawa added that there have been discussions amongst lobbyists to “kill” the language being introduced to challenge any Water Fix document or decision.

### 3. Sacramento – San Joaquin Delta:

Mr. Nakagawa provided updates on the following:



- Mr. Nakagawa acknowledged an email, dated April 30, 2018, sent by a constituent, Ms. Jackie Shaw, regarding the ranking of the California Water Commission – Storage Water Projects that were evaluated for public benefits, and the correlation of funding awards and support of Governor Brown’s Twin Tunnels. Mr. Nakagawa added that as listed on the California Water Commission – Summary of Commission Determinations for Public Benefit Ratios, dated May 10, 2018, the top ranking awards of state bond funding for storage are Santa Clara Valley Water District, and Contra Costa Water District – coincidentally, both supporters of the Twin Tunnels.

Temperance Flat Reservoir Project has also received state bond funding. San Joaquin County may be asked to support construction of this project in the future.

- Water Fix: Commissioner Herrick reported that the Water Fix hearings have not been set and are currently on “hold,” with rebuttals yet to be submitted. DWR is expected to release a draft Supplemental Environmental Impact Report (EIR) which will include clarifications of the project. He added that the current Twin Tunnels Plan contains 2 tunnels, with 3 intakes.

#### 4. Sustainable Groundwater Management Act (SGMA):

- Mr. Nakagawa reported that telephone and email communications have been made to potential Stakeholder Committee members. He clarified that the established Eastern San Joaquin Groundwater Advisory Committee is comprised of the Groundwater Sustainability Agencies (GSAs) advising the Eastern San Joaquin Groundwater Authority Board (GWA). The Eastern San Joaquin Groundwater Stakeholder Committee is comprised of community members and representatives of the categorical stakeholders in legislation (i.e. business, private, agricultural, urban, and environmental groups). The deadline to apply for the Stakeholder Committee is Friday, May 18, 2018, with the Stakeholder Committee list finalized next week.
- The SGMA Groundwater Model is expected to be finalized soon. The model is the State’s model but has been updated to include San Joaquin County’s current data and recharge features. The model is intended to be available for use by other agencies. We are two months into the GSP development process to meet the “self-imposed” deadline of June 30, 2019.

#### IV. Informational Items:

- April 18, 2018, Written Public comments from Mr. Dominick Guilli Provided at Advisory Water Commission Meeting**
- April 27, 2018, newsdeeply, “California Delta a Flash Point for Conflict as Climate Change Unfolds”**
- April 30, 2018, Email from Ms. Jacklyn Shaw with Attachment from the California Water Commission, “Summary of Public Benefit Ratio Pre and Post-Appeal – Staff Assessment, as of April 20, 2018”**
- May 9, 2018, agalert.com, “Water Project Backers Discuss Panel’s Decisions”**

**E. May 10, 2018, California Water Commission, “Summary of Commission Determinations for Public Benefit Ratios as of May 10, 2018”**

**V. Public Comment:** *Public comments, adopted by the Advisory Water Commission on January 17, 2018, will be limited to 3-minutes, unless extended to the discretion of the Chair.*

No comments given.

**VI. Commissioner’s Comments:**

Commissioner Hartmann commented on the development to update the IRWMP and encouraged Mr. Nakagawa to reach out to the AWC members should the need arise, rather than await the next scheduled meeting.

**Next Regular Meeting:** June 20, 2018 at 1:00 p.m.  
Public Health Conference Room

**VII. Adjournment:** 2:07 p.m.



SAN JOAQUIN COUNTY  
FLOOD CONTROL & WATER  
CONSERVATION DISTRICT

ADVISORY WATER COMMISSION  
MEETING OF MAY 16, 2018

ATTENDANCE SHEET

NAME	AFFILIATION	E-MAIL ADDRESS	PHONE
D. Barney	SJC - PW - WR	dbarney@sjgov.org	468-3089
Kelly Vallalpando	SJC - PW - WR	KRVallalpando@sjgov.org	468-3073
Braden Nakayama	SJC - PV		
TOM MCGURK	SEWD		
JOHN G. HOLBROOK	SSUID	holbrook@ssuid.com	986-4739
DREW MEYERS	RD'S	CDIZUSN9057C@aol.com	
Reid Roberts	CSJWCP		941-8714
Will Paine	AT large	Same	
Stephanie Reyno-Hiestand	City of Tracy	NO CITRANCE	831-6333
ANDREW RICHEL	CITY OF LODI	arichel@lodi.gov	333-6740
Daniel deGraaf	City of Ripon	deegraaf@cityofripon.org	
CHRISTOPHER H. NEUDECK	BLOG	CNEUDECKCKSNINC.COM	946-0268
Elbert HOLMAN	City of Stockton	elbert.holman@stocktonca.gov	423-3778
CHARLES STARR	NSJWCD	c3mstarr@gmail.com	601-1055
GEORGE HARMAN	RD 2074/PO 2030+2108	gvhlan@gmail.com	
Dante John Nomellini	CDWA	ngmples@pacbell.net	465-5883
John Herrick	SDWA	jherrlaw@aol.com	224-5854
Jane Wagner-Tyack	League of Women Voters / <sup>CDWA</sup>	JaneTyack@mac.com	642-5105
Mel Kyle	CO		
Michael Callahan	SJCPW	mcallahan@sjgov.org	468-9360
Amber McDowell	SJFB	amber@sjfb.org	931-4931
MARK WILLIAMSON	GEI	MWILLIAMSON@GEICONCONSULTANTS.COM	916/631-4559
ANNETTE SCHERMESSEER	AT-LRG ALT	ZMONCON@ATT.NET	2098390717

ATTACHMENTS  
III.A.

## Villalpando, Kelly

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**From:** SJC Committees  
**Sent:** Friday, August 03, 2018 8:22 AM  
**To:** Villalpando, Kelly; StocktonAg2; Bagri, Kamaljit; Lovato, Annette; Jolley, Jennifer; Merrill, Zoey; Meyers, Larry; Stark, Russell; Vasquez, Debbie; tvartan@sjcbhs.org; eespinosa@sjcbhs.org; raguilera@sjgov.org; Vigil, Elisangela; eboyette@sjgov.org; jcary@sjgov.org; Merlo, Eric; Serrano, Sonia; Schiff-Ross, Lani [HSA]; Harris, Kathy; Ali, Ashreen; Parrish, Barbara; raguilera@sjgov.org; jcary@sjgov.org; jsolis@sjcworknet.org; slantsberger@sjcworknet.org; ewanket@sjcworknet.org; mfranks@sjcworknet.org; Davis, Rawlen; raguilera@sjgov.org; Vigil, Elisangela; eboyette@sjgov.org; jcary@sjgov.org; jsalerno@sjgov.org; San Joaquin County Parks and Recreation; Costa-Adams, Sandi; restrada@sjcehd.com; Linda Turkatte [EH]; Kasey Foley [EH]; McHugh, George; Sarabia, Cynthia; Abarca, Jose; jsalerno@sjgov.org; plstetson@sbcglobal.net; Ludwig, Dale; Funderburg, John; llozano@sjgov.org; Sullivan, Kerry; Serrano, Sonia; vlopez@sjcworknet.org; West, Terence (Taft); Soto, Paula; tmallory@sjcworknet.org; ggamez@sjcworknet.org; trangel@sjcworknet.org  
**Cc:** Duzenski, Mimi  
**Subject:** Annual Report Due by September 28, 2018  
**Attachments:** Standing Rules for Boards, Commissions, and Advisory Committees.pdf  
**Importance:** High

Good morning,

The purpose of this email is to notify Board Liaisons that the Annual Report, required by the *Standing Rules for Boards, Commissions, and Advisory Committees* (R-17-160 attached) is due within 90 days of the close of the fiscal year. All committees need to submit a report to the Clerk of the Board outlining the Committee's activities and accomplishments during the prior fiscal year. These reports should be submitted on or before **September 28, 2018** and can be submitted via email to [committees@sjgov.org](mailto:committees@sjgov.org).

As a reminder, agendas, minutes, and financial reports (if any) must be electronically submitted to the Clerk of the Board within **ten days** of their presentation to, and approval by the Committee. These can also be emailed to [committees@sjgov.org](mailto:committees@sjgov.org).

If you have any questions, please feel free to contact me. Thank you.

### ***Rachél DeBord***

Chief Deputy Clerk of the Board  
San Joaquin County  
44 N. San Joaquin Street, Ste. 627  
Stockton, California 95202  
**Phone:** (209) 468-2323 **Fax:** (209) 468-3694  
**Email:** [rdebord@sjgov.org](mailto:rdebord@sjgov.org) **Website:** [www.sjgov.org](http://www.sjgov.org)

*Ask me about volunteer opportunities to serve on a San Joaquin County Board or Commission!*



## Standing Rules for San Joaquin County Boards, Commissions, and Advisory Committees.

The following rules are adopted for all standing and ad hoc County Boards, Commissions and Committees, hereinafter “Committees”. The rules are in addition to any rules or bylaws adopted by the Committees. These rules establish minimum standards; however, a Committee may choose to exceed the requirements established herein.

1. Attendance at Training. All persons appointed to committees must complete the County boards and commissions training within 90 days of appointment. Training dates will be provided by the Clerk of the Board. Failure to complete the training shall be reported to the Board of Supervisors and may result in removal.
2. Attendance at Meetings. All Committees will establish attendance rules to ensure that members regularly attend meetings. The rules will provide for the removal of members who, without excuse, fail to attend three consecutive meetings.
3. Bylaws. All Committees will submit copies of current bylaws to the Clerk of the Board. Proposals to amend or modify bylaws must be reviewed by County Counsel and approved by the Board of Supervisors.
4. Agendas, Minutes and Financial Reports. All Committees will electronically submit agendas, minutes, and financial reports, if any, to the Clerk of the Board. Agendas will be submitted electronically to the Clerk of the Board prior to the physical posting of the agenda as required by Government Code Section 54954.2. All Committees will electronically submit minutes, and financial reports, if any, to the Clerk of the Board within ten days of their presentation to, and approval by the Committee.
5. Annual Report. Annually, within 90 days of the close of the fiscal year, all Committees will submit a report to the Clerk of the Board outlining the Committee’s activities and accomplishments during the prior fiscal year.

BEFORE THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN JOAQUIN  
STATE OF CALIFORNIA

RESOLUTION

R-17-160

RESOLUTION RELATING TO BOARDS AND COMMISSIONS

WHEREAS, the governance of San Joaquin County depends on many boards, commissions, and advisory committees to conduct the public business and to comply with applicable statutory mandates; and

WHEREAS, on January 6, 1976, the Board of Supervisors adopted R-76-2483, which was subsequently amended by R-76-2786 and R-76-2969, to establish a process by which persons are appointed to boards and commissions; and

WHEREAS, the Board of Supervisors seeks to establish a broader policy document to guide members of boards, commissions and committees in their role; and

WHEREAS, that the policy document provide the duties and responsibilities of members of boards, commissions and advisory committees and require the highest ethical standards.

NOW, THEREFORE, BE IT RESOLVED that this Board of Supervisors does hereby adopt the attached Standing Rules for San Joaquin County Boards, Commissions, and Committees.

PASSED AND ADOPTED 12/12/2017, by the following vote of the Board of Supervisors, to wit:

AYES: **Villapudua, Miller, Patti, Elliott, Winn**

NOES: **None**

ABSENT: **None**

ABSTAIN: **None**

**Charles Winn**

ATTEST: MIMI DUZENSKI  
Clerk of the Board of Supervisors  
Of the County of San Joaquin,  
State of California

\_\_\_\_\_  
CHARLES WINN  
Chair, Board of Supervisors  
County of San Joaquin  
State of California



By **Mimi Duzenski**



OFFICE OF THE  
**COUNTY COUNSEL**

COUNTY OF SAN JOAQUIN  
44 NORTH SAN JOAQUIN STREET, SUITE 679  
STOCKTON, CA 95202-2931  
TELEPHONE: (209) 468-2980  
FAX: (209) 468-0315

**DEPUTY COUNTY COUNSEL:**

LAWRENCE P. MEYERS  
MATTHEW P. DACEY  
KIMBERLY D. JOHNSON  
JASON R. MORRISH  
QUENDRITH L. MACEDO  
ROBERT E. O'ROURKE  
LISA S. RIBEIRO  
ZAYANTE (ZOEY) P. MERRILL  
ERIN H. SAKATA  
KIRIN K. VIRK

**J. MARK MYLES**

COUNTY COUNSEL

**RICHARD M. FLORES**

ASSISTANT COUNTY COUNSEL

**KRISTEN M. HEGGE**

CHIEF DEPUTY COUNTY COUNSEL

**CHILD PROTECTIVE**

**SERVICES COUNSEL:**

(209) 468-1330  
DANIELLE DUNHAM-RAMIREZ  
SHANN S. KENNEDY  
ALISTAIR SHEAFFER

January 22, 2018

Board of Supervisors  
44 N. San Joaquin Street, Suite 627  
Stockton, CA 95202

Dear Board Members:

**Adoption of Standing Rules for San Joaquin County Boards,  
Commissions and Committees**

**Recommendation**

It is recommended that the Board of Supervisors adopt standing rules for San Joaquin County Boards, Commissions and Committees

**Reason for Recommendation**

Beginning in 2016 and continuing through the current year, the Board of Supervisors has made significant investment in, and modifications to the County's Boards, Commissions and Committees. This began with the implementation of training through the University of Pacific for individuals appointed to the committees. A significant modification was made this year by identifying certain high profile boards and adding the requirement that appointments to those boards would entail a public interview process.

Chair Chuck Winn has proposed adding standing rules which would apply to all County boards, commissions and committees. The attached rules formalize the Board of Supervisors' previous action implementing the training for committee members, and require the committees to provide the Clerk of the Board with copies of bylaws, agendas, minutes, financial reports, and an annual report. The proposed rules also require the



committees to adopt rules addressing attendance at meetings, if they have not already done so.

**Fiscal Impact**

There is no direct fiscal impact from the adoption of the rules.

**Action to be Taken Following Approval**

If approved, the rules will be provided to all County Departments, boards, commissions and committees.

Very truly yours,



J. Mark Myles  
County Counsel

JMM:kr

c: Board Clerk for Agenda 12/12/17  
Board of Supervisors

Reviewed by County Administrator's Office:

Reviewed by County Counsel's Office:



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Melissa Eads

11/28/2017



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J. Mark Myles, County Counsel

11/28/2017

# PUBLIC BOARD DEVELOPMENT

"I found Peter Johnson to be second to none! Whether or not you are an experienced Board Member, this program will enhance previous training and provide new skills to serve as an effective leader of our community!"

*Carl Toliver*



## PROGRAM

This program is designed for individuals who have never served on a board before to people with decades of experience. The overall goal is to ensure that each person understands their role and responsibilities of being on a board and how to effectively leverage their talents to enable the board to operate in an efficient and effective manner that leads to a better community.

### TOPICS TO BE DISCUSSED INCLUDE:

- + Mission/Purpose/Mandate of the Board
- + Communicating Effectively
- + Legal Aspects of the Board
  - The Brown Act
  - Mandated Filings
- + The Role of Staff
- + Building a Cohesive Team
- + Running Effective Meetings
  - Roberts Rules of Order
  - Role of the Chair

### 2018 PROGRAM DATES:

#### AUGUST

Friday, Aug. 10 8:30-11:30 AM

Tuesday, Aug. 28 6:00-9:00 PM

#### SEPTEMBER

Friday, Sept. 28 8:30-11:30 AM

#### OCTOBER

Tuesday, Oct. 16 6-9 PM

## INSTRUCTOR

Over the past 20 years, Peter Johnson has served on, and worked with, many non-profit, for profit and government boards including: Lodi Board of Trustees, The Greater Stockton Chamber of Commerce, Child Abuse Prevention Council, YMCA of San Joaquin County, SJC Planning Commission and is currently Vice Chair of the SJC LAFCO Board.

His work with boards has covered all aspects including; strategic planning, board development, effective governance, the Brown Act, Roberts Rules and running efficient, productive meetings.

PeterJohnson@pacific.edu  
209.483.2661

EMAIL TO REGISTER FOR PROGRAM: [ashleyjohnsonleadership@gmail.com](mailto:ashleyjohnsonleadership@gmail.com)

**Registration due 3 days prior to training session.**

ATTACHMENTS  
III.B.



## Neumiller & Beardslee

ATTORNEYS AND COUNSELORS | EST. 1903

*A Professional Corporation*

77045-39138

Rod A. Attebery

509 West Weber Avenue  
Fifth Floor  
Stockton, CA 95203

Via email: [LSJR-SDComments@waterboards.ca.gov](mailto:LSJR-SDComments@waterboards.ca.gov)  
July 27, 2018

Post Office Box 20  
Stockton, CA 95201-3020

State Water Resources Control Board  
c/o Jeanine Townsend, Clerk of the Board  
1001 I. Street, 24<sup>th</sup> Floor  
Sacramento, CA 95814

(209) 948-8200  
(209) 948-4910 Fax

NEUMILLER.COM

Re: State Water Resources Control Board July, 2018 Response to Comments on the substitute environmental document for the San Joaquin River Flow Objectives and South Delta Water Quality Objectives of the Water Quality Control Plan for the San Francisco Bay – Sacramento/San Joaquin Delta Estuary

Dear State Water Board Members:

The California State Water Resources Control Board's (the "SWRCB") July 2018 responses to the County of San Joaquin (both as a County as well as a Groundwater Sustainability Agency), San Joaquin County Flood Control and Water Conservation District, and Mokelumne River Water and Power Authority (collectively referred to as the "Commenters") comments on the SWRCB's Substitute Environmental Document (the "SED") and the proposed changes to the San Joaquin River Flow Objectives and South Delta Water Quality Objectives of the Water Quality Control Plan for the San Francisco Bay – Sacramento/San Joaquin Delta Estuary are inadequate.

California law encourages meaningful comments and adequate responses. Such inadequate responses to the Commenters' comments on the SED result in the SED being fundamentally and basically inadequate and conclusory in such a nature that public comment on the SED was in effect meaningless, resulting in the SED not being sufficient as an informational document.

The SWRCB completely ignored significant new information presented in the Commenters' comments. Continuing to ignore such significant new information results in the SED being deficient in many respects, including, but not limited to: i) the SWRCB's failure to evaluate and require flows from the Main Stem of the San

Joaquin River upstream of the Merced; ii) failure to directly respond to the SED's violation of *Racanelli*; iii) the SED has incorrect boundaries identified for Stockton East Water District within Figure 2-5; iv) the SED's incorrect reliance on a limited study used in litigation based on specific facts not relevant to existing conditions on the Stanislaus River to determine potential impacts and resulting damage associated with seepage; v) the SED's failure to include factual justification that the proposed 35% of unimpaired flow objective will provide benefits to species and habitats; vi) the SED's failure to consider alternatives and mitigation measures that are non-flow measures; vii) the SED's failure to adequately implement or evaluate the principal that the CVP and SWP must mitigate for the impacts caused by exporters; viii) the significant risk of depleting cold water pools required for fishery health due to primarily relying on unimpaired flow in a dry year; ix) failure to address negotiated flow regimes specifically developed for the conditions on a given stream; x) failure to consider longer analysis of critically dry years on water supplies for all beneficial uses for alternative in the SED; and xi) the SED's failure to address providing credit to water rights holders for non-flow measures.

It is critical that the Commenters' meaningful comments and significant new information be fully addressed in order to enhance and protect natural resources while balancing other beneficial uses of water. The SWRCB's failure to address the significant new information identified by the Commenters in their comments would require the SWRCB to "fill in" analytical gaps in a final SED, which is not only in contravention of the applicable legal standard, but would result in a flawed document that is insulated from public comment.

Therefore, the Commenters urge the SWRCB to strongly consider fully and adequately responding to the Commenters' comments on the SED prior to adopting the Proposed Final Amendments and Final SED on August 21, 2018.

Very truly yours,



ROD A. ATTEBERY  
Attorney at Law

Attachments

cc: K. Balaji  
B. Nakagawa  
J. Mark Myles

77045-38362

*Thomas J. Shephard, Sr.*

509 WEST WEBER AVENUE  
FIFTH FLOOR  
STOCKTON, CA 95203

POST OFFICE BOX 20  
STOCKTON, CA 95201-3020

(209) 948-8200  
(209) 948-4910 FAX

FROM MODESTO:  
(209) 577-8200  
(209) 577-4910 FAX

March 29, 2013

*Via E-Mail to [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov) and  
U.S. Mail to Jeanine Townsend, Clerk to the Board*



Chair Charlie Hoppin and Members of the State Water Board  
c/o Jeanine Townsend  
Clerk to the Board  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95814-0100

Re: **Comment Letter – Bay-Delta Plan SED**

Dear Chair Hoppin and Members of the State Water Board:

On behalf of the County of San Joaquin and the San Joaquin County Flood Control and Water Conservation District (collectively “County”), we submit the following comments on the Substitute Environmental Document (SED) and the proposed changes to the San Joaquin River Flow Objectives and South Delta Water Quality Objectives of the Water Quality Control Plan for the San Francisco Bay – Sacramento/San Joaquin Delta Estuary.

The Water Quality Control Plan and the proposed objectives are of significant concern to the County and modification of, and implementation of, the existing or modified objectives has a significant impact on San Joaquin County. Nearly two-thirds of the Delta is located within San Joaquin County. The lower San Joaquin River flows through San Joaquin County and the Stanislaus River forms a portion of the southern boundary of the County. Large portions of the County are served both municipal and agricultural water supplies from the Stanislaus and San Joaquin Rivers and the southern Delta. The southern Delta is located entirely within San Joaquin County and the beneficial users which are protected by the southern Delta salinity objectives are all located within the County. As a result, State Water Board proposed action regarding these objectives greatly impacts the County.

The SED provides that it performs a macroscopic programmatic analysis rather than a project-level analysis. While this is permissible, the SED must still include the rigorous environmental analysis required by regulation. The SED must identify any significant or potentially significant adverse environmental impacts of the proposed

project. Cal. Code Regs., tit. 23, § 3777. The SED must also include an analysis of reasonable alternatives to the project and mitigation measures to avoid or reduce any significant adverse environmental impacts. Cal. Code Regs., tit. 23, § 3777. See *City of Arcadia*, 135 Cal.App.4th at 1422. As indicated in these comments, throughout the SED inadequate environmental analysis is performed.

The County respectfully submits that the SED analysis is not adequate to support a decision by the State Water Board. The County provides these comments regarding the inadequacies of the SED and the concerns of the County.

A. March 20, 2013 Public Hearing – County Comments

Please find attached as Exhibit A the complete written comments provided orally by DeeAnne Gillick on behalf of the County to the State Water Board during the March 20, 2013 public hearing. Due to the limited three minute comment period, the complete County comments were not presented during the public hearing and are provided to the State Water Board attached hereto. In summary, the County submits that the SED is seriously inadequate to support changing the South Delta salinity objective and is inadequate to establish flow objectives for the San Joaquin River. More information and analyses is necessary for both proposals.

B. South Delta Salinity Objective

The adopted State Water Board south Delta salinity objective is legally required to be established at whatever level is needed to meet the agricultural beneficial uses in the Delta. The South Delta Water Agency indicates that the Hoffman Report (SED Appendix E) is flawed and is not reflective of the interior southern Delta conditions which the salinity objectives are intended to protect. South Delta Water Agency, in cooperation with the U.C. Cooperative Extension Office in San Joaquin County, is currently conducting studies intended to gather information necessary and relevant to this evaluation. The State Water Board needs more information and additional evidence in order to adequately and legally make any changes to the salinity objectives. The County submits that any changes to the salinity objectives be delayed until the South Delta Water Agency and U.C. Cooperative Extension Office's study is complete and the State Water Board has thoroughly reviewed the resulting report.

The importance of Delta agriculture within the County is highlighted in the 2011 San Joaquin County Agricultural Report which reports that the total County agricultural production was estimated at an all-time high of \$2.2 billion. The 2011 report includes a highlight of the San Joaquin County Delta Region (first page) including a map depicting the Delta crops grown within the County (page number 13). All



recent San Joaquin County Agricultural Reports, including the 2011 Report, are available at <http://www.sjgov.org/agcomm/annualrpts.aspx>. In addition, the 2011 San Joaquin County Agricultural Report is included hereto as Exhibit B and submitted to the State Water Board on a compact disk under separate cover due to the size of the document.

The existing or future south Delta salinity objectives should be met without disproportionately burdening New Melones and consistent with federal law, HR 2828 (Public Law 108-361), which mandates a reduction in reliance on New Melones to meet the water quality objectives. Likewise, meeting any future San Joaquin River flow objectives should not be a disproportional burden on the Stanislaus River and its water right holders.

C. San Joaquin Flow Objective

The County submits that the SED contains many significant flaws and lacks sufficient evidence to support a decision at this time to establish San Joaquin River flow objectives as proposed by the State Water Board.

During the March 20, 2013 Public Hearing the State Water Board received numerous comments and evidence pointing to the inadequacies of the SED. The County also submits that the SED is flawed and inadequate for a variety of reasons and is concerned about inadequate evaluation of the following:

1. Reduced water deliveries to municipal and agricultural users within the County due to demands placed on the Stanislaus River;
2. The resulting increase in groundwater use and further exacerbating groundwater overdraft within eastern San Joaquin County; and,
3. Significant agricultural sector income impacts.

Attached hereto as Exhibit C are further comments on the lack of evidence and errors in the SED as it relates to San Joaquin County. The County contends that there are fundamental errors in the baseline determination, alternatives analysis, and the Water Supply Effects (WSE) Model, which are identified in part in Exhibit C and were presented by many other commenting parties at the March 20 and 21, 2013 public hearing. In particular, both the Bureau and Stockton East Water District disagreed with the proposed decision's effect on deliveries by the Bureau to the County contractors. The SED also lacks adequate carryover storage assumptions and impacts analysis. These errors make the analysis of the SED inadequate and prohibits the State Water Board from making an informed decision based on the reasonable, foreseeable environmental effects of the proposed action.



In addition, the County re-submits its February 8, 2011 letter to the State Water Board and its Attachment A entitled "Potential Impacts to San Joaquin County if New Melones Reservoir is Used to Meet Proposed San Joaquin River Flow Requirements attached hereto as Exhibit D. The County submits that this information is not adequately evaluated in the SED. The County's February 8, 2011 letter indicates that the total estimated value of crops grown in areas in San Joaquin County receiving New Melones water is \$842,615,940 based on the 2009 San Joaquin County Agricultural Report. Furthermore, the resulting cost to the area of increased groundwater pumping is \$24.4 million if the entire New Melones Bureau contracted amounts of 155,000 acre-feet of water is not delivered to County contractors. Both the Bureau and Stockton East Water District indicated on March 20, 2013 that this is the likely outcome of the proposed flow objective. The SED inadequately states and evaluates these significant effects.

The effect of the flow objectives on the Stanislaus River on the availability of water to the County water districts is neither adequately nor specifically described. An environmental document must be prepared to be used by the non-technical reader. The failure to describe the effects on the County districts in turn fails to describe and evaluate the further depletion of the Eastern San Joaquin groundwater basin which is already overdrafted. The negative effects, which very likely are a significant negative unavoidable impact, must be described in the SED.

#### D. Groundwater Characteristics of San Joaquin County

The Eastern San Joaquin Groundwater Basin was described by the Department of Water Resources in Bulletin 118-80 as critically overdrafted. Portions of the Basin have seen groundwater levels decline by as much as 2 feet per year up to 90 feet below sea level. Furthermore, groundwater level declines induce the intrusion from the west of highly saline groundwater into the Basin from an ancient saline deposit underlying the Delta.

Correcting long-term groundwater overdraft in Eastern San Joaquin County has been a major priority for stakeholders. The County participates in this effort with other groundwater interests through the Northeastern San Joaquin County Groundwater Banking Authority (GBA), a consensus based joint powers authority. The GBA adopted a Groundwater Management Plan in 2004 and subsequently developed and adopted an Integrated Regional Water Management Plan (IRWMP) in 2007. The GBA's 2007 IRWMP contains a detailed description of efforts to sustain the underlying groundwater basin in Eastern San Joaquin County through conjunctive use. Continued deliveries from New Melones Reservoir are critical for meeting the adopted basin management objectives for groundwater levels and groundwater quality in the IRWMP. Reduced New Melones Deliveries would only exacerbate the

impacts of continued long-term groundwater overdraft. The GBA's 2007 IRWMP is included hereto as Exhibit E and submitted to the State Water Board on a compact disk under separate cover due to the size of the document.

The SED at page 9-26 incorrectly states and concludes as follows:

Average increases in groundwater pumping are expected to be minimal for irrigation districts and water districts with water supplies diverted from the Stanislaus. This is likely due to the fact that the existing Stanislaus River flow requirements for fish habitat are high, and LSJR Alternative 3 would not require much more river flow, so the water supply deliveries would remain similar to baseline conditions.

The above conclusion is not supported by the facts and an accurate evaluation of the impacts to San Joaquin County irrigation districts and water districts. The erroneous assumptions of the baseline and alternatives exacerbate this erroneous impact analysis of the SED. The County submits that these potential impacts to County districts are not, and must be, accurately evaluated by the State Water Board in the SED.

E. SED and Proposal are Flawed by Failing to Evaluate and Require Flows from the Main Stem of the San Joaquin River.

The State Water Board cannot legally exclude the main stem of the San Joaquin River above the Merced River from meeting flow requirements. The SED indicates that the average annual unimpaired flow for the Upper San Joaquin River at Friant Dam represents about 28 percent of the unimpaired flow on the San Joaquin River at Vernalis. SED p. 2-7. However, the upper portion of the River is excluded from any of the flow contribution requirements. Other sources of unimpaired flow are thus disproportionally contributing to the flow objective requirements on the River. Furthermore, a potential source of water to meet the proposed water quality objective is prematurely eliminated from such obligations. This approach is not legally defensible as discussed immediately below under the heading of "Potential Violations of California Water Rights Laws."

F. Potential Violations of California Water Rights Laws

1. Water Rights Priorities

California water rights law is premised on an established priority system where shortages among competing water right holders are resolved based on water right

priorities. As written, the SED conflicts with the current law by ignoring the water right priority system and the relevant protective statutes. The possible violations are numerous due in part to the limitation of the SED to the three tributaries between the rim dams and the San Joaquin River resulting in high priority or protected water right holders being impacted while lower priority water right holders are either not impacted or impacted to a lesser extent.

California's water rights operate under a dual system that recognizes both riparian water rights and appropriative water rights. "Appropriation rights are subordinate to riparian rights so that in times of shortage riparians are entitled to fulfill their needs before appropriators are entitled to *any* use of the water." *El Dorado Irr. Dist. v. SWRCB* (2006) 142 Cal.App.4th 937, 961 (citing *Racanelli* at 102) (emphasis added). "And as between appropriators, the rule of priority is 'first in time, first in right.'" *Racanelli* at 102; see *Irwin v. Phillips* (1855) 5 Cal. 140, 147. "The senior appropriator is entitled to fulfill his needs before the junior appropriator is entitled to use any water." *Racanelli* at 102; see *Phelps v. SWRCB* (2007) 157 Cal.App.4th 89, 118.

All users are limited by the Constitutional principle of reasonable use, even riparians. Riparians and appropriators alike are subject to the universal limitation that water use must be reasonable and for a beneficial purpose. Cal. Const., art. X, § 2; *Racanelli* at 105. However, even in the application of the Reasonable Use Doctrine the priority system of California water law must be considered. *City of Barstow v. Mojave Water Agency* (2000) 23 Cal.4th 1224, 1250.

Thus, riparians take first and in the entire amount to fulfill the riparians' reasonable and beneficial uses, subject only to the correlative rights of other riparians. Then senior appropriators may take from any surplus, followed by more junior appropriators. Competing demands for water by water right holders are properly resolved by applying the priority system, not by "balancing." Any reductions in use of water from the affected area as required by the proposed flow and salinity objectives in the SED must adhere to this priority hierarchy. The proposed SED analyses and State Water Board proposal does not.

## 2. Protection Statutes

In conjunction with the system of water right priorities, California has enacted several statutes to protect the water rights of residents in areas of origin.

The Watershed Protection Act was passed in 1933 as part of the Central Valley Project Act and ensures that water users within a watershed of origin will not be deprived "of the water reasonably required to adequately supply the beneficial needs

of the watershed, area, or any of the inhabitants or property owners therein.” Wat. Code § 11460. The provision was initially intended to apply to the Department of Water Resources, but was made applicable to the Federal Bureau of Reclamation under Water Code section 11128. Thus, the Bureau’s CVP export operations must not deprive water right holders in the Delta watershed and on the tributaries in San Joaquin River watershed the use of water originating therein necessary to supply all of the watershed’s beneficial needs.

The Delta Protection Act of 1959 was enacted to ensure that water right holders within the legal Delta have an adequate supply of good quality water. The Act requires that the CVP and the SWP coordinate to provide “salinity control and an adequate water supply for the users of water in the Sacramento-San Joaquin Delta.” Wat. Code § 12202. The Bureau and DWR are required to release stored water to meet salinity requirements set by the SWRCB to ensure that Delta water users have access to water sufficient to “maintain and expand agriculture, industry, urban and recreational development in the Delta,” but the County reiterates that reliance on New Melones for meeting Delta salinity objectives must be reduced pursuant to Federal law. Wat. Code § 12201; see *Racanelli* at 139; Pub. Law 108-361 (HR 2828). Further, no person, corporation or public or private agency should divert water from the Delta “to which the users within said Delta are entitled.” Wat. Code § 12203. No water shall be exported if needed to meet the above requirements. Wat. Code § 12204. Thus, the Act prohibits exports if Delta water right holders are not first able to receive all the water of sufficient quality to which they are entitled under those rights.

The “protected area” statutes were enacted in 1984 and mandate that water exporters shall not deprive enumerated protected areas “of the prior right to all the water reasonably required to adequately supply the beneficial needs of the protected area, or any of the inhabitants or property owners therein.” Wat. Code § 1216. Water users in the protected area may obtain a water right that is senior in priority over the rights of an exporter. Wat. Code § 1217. The Delta and the San Joaquin River System are specifically named as protected areas. Wat. Code § 1215.5. Thus, the beneficial and reasonable uses of any water right holder in the Delta or on the tributaries to the San Joaquin River have priority senior to that of any exporter. Therefore, under the State’s priority system, any required reductions of Delta or tributary water use must first be borne by exporters before any Delta tributary water right holders are affected.

3. SED and Proposed Objectives inconsistency with these laws.

The SED is seriously flawed because it does not comply with the State’s water right priority system and enacted protective statutes. The proposed objectives set forth

potential requirements and a program of implementation that ignore the current law and make no reference to the priority rights system.

The Preferred Lower San Joaquin River Alternative which requires a 35% unimpaired flow from February through June on the Stanislaus, Tuolumne, and Merced Rivers will impact senior water right holders. The stated narrative objective calls for the following:

Maintain flow conditions from the San Joaquin River Watershed to the Delta at Vernalis, together with other reasonable controllable measures in the San Joaquin River Watershed, sufficient to support and maintain the natural production of viable native San Joaquin River Watershed fish populations migrating through the Delta.

By including only the Stanislaus, Tuolumne, and Merced Rivers in the objectives, the Board ignores other possible sources of water to satisfy the narrative objectives. This includes reductions to, or elimination of, CVP and SWP exports. Increased flows from the main stem of the Upper San Joaquin River and the westside tributaries would assist in accomplishing the narrative objective. Further, the program of implementation does not contemplate contributions from tributary diverters upstream of the New Melones, New Don Pedro, and New Exchequer Dams. Rather, the flow objective and accompanying program of implementation burdens only the senior water right holders on the tributaries without affecting more junior diverters.

The Preferred Southern Delta Water Quality Alternative which permits an increase in salinity levels to 1.0 dS/m at all monitoring locations in the south Delta fails to protect senior water right holders in the south Delta. The Delta Protection Act ensures priority to in-Delta diverters as well as an adequate quality of water. Despite this, the SED does not place any burdens on the Bureau or DWR to reduce pumping or otherwise compensate for the increased salinity which is primarily caused by their export operations through the State Aqueduct and the Delta-Mendota Canal. Decreasing the quality of water accessible to south Delta water users rather than burdening the export operations of the Bureau and DWR violates the Delta Protection Act and the State's water right priority system.

The SED is further flawed, by the anticipated benefit that the actions imposed on the more senior water right holders will have on the export operators. The SED states at page 5-61 that the flow alternatives "have the potential to change the CVP and SWP exports." The SED continues that "changes in SJR flow at Vernalis would either change exports or change outflow." The flow at Vernalis will be increased and either Delta outflow will increase or exports will increase. Thus the SED and

proposed flow objective impacts to the more senior water right holders will result in a benefit of increased exports by the more junior CVP and SWP.

G. Proposal violates *Racanelli*

In its periodic review and revisions of the Bay-Delta Plan, the SWRCB is charged with two distinct responsibilities: first, to develop water quality objectives in a quasi-legislative capacity; and second, to implement the objectives through water right reallocations in an adjudicative action. As explained in *US v. State Water Resources Control Board* (1986) 182 Cal.App.3d 82, (“*Racanelli*”), it is a fundamental flaw to merge the two functions by developing objectives based on probable adjudicative action. *Id.* at 119-20. Only after the Board establishes water quality objectives which ensure reasonable protection of beneficial uses should the Board consider potential implementation through water right actions. *Id.* at 119.

In *Racanelli*, the Third District Court of Appeal invalidated the Board’s 1978 Bay-Delta Plan because the Board had combined its water quality and water right authorities. *Id.* at 120. The Board had used a “without project” standard to establish water quality objectives based on conditions which would theoretically occur without the projects. *Id.* at 115. Because the Board set the objectives such that they could only be implemented by the CVP and SWP operators, the Board had defined its scope too narrowly and compromised its important water quality role. *Id.* at 120. As opposed to an objective standard and subsequent implementation while considering all polluters and diverters, the limited standard did not protect against degradation by other users. *Id.* at 118. *Racanelli* held that the use of the “without project” standard violated the requirement that the Board’s legislative and adjudicative functions be performed separately. *Id.* at 119.

The Board’s current iteration of the Bay-Delta Plan is similarly flawed. The Board utilizes an “unimpaired flow” standard to develop the proposed Lower San Joaquin River flow objectives based on flow which would theoretically occur without the systems of dams and surface water diversions on the tributaries. The Board has set the flow objectives such that they can only be met by the dam system operators and surface water diverters on the tributaries. The Board has limited its scope and compromised its objective setting role by precluding consideration of other sources of flow for contribution in the Lower San Joaquin River. The proposed objectives amount to a water right action and *Racanelli* prohibits such merging of the Board’s legislative and adjudicative functions.

H. Phased Review Constitutes Prohibited Piecemealing

Although exempt from the EIR requirement of CEQA, the adoption of the water quality control plan is subject to the SED requirements of section 3777 of the California Code of Regulations. And though the CEQA Guidelines do not directly apply to the required SED, the SED is subject to the broad policy goals and substantive standards of CEQA. See *City of Arcadia v. State Water Resources Control Board* (2006) 135 Cal.App.4th 1392, 1422.

One of CEQA's policies is that the "lead agency must consider the whole of an action, not simply its constituent parts, when determining whether it will have a significant environmental effect." Cal. Code Regs., tit. 14, § 15003 (citing *Citizens Assoc. For Sensible Development of Bishop Area v. County of Inyo* (1985) 172 Cal.App.3d 151). Courts have recognized that CEQA forbids "piecemeal" review of the significant environmental impacts of a project. See *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70 (providing a history of "piecemeal" challenges). "Rather, CEQA mandates that environmental considerations do not become submerged by chopping a large project into many little ones—each with a minimal potential impact on the environment—which cumulatively may have disastrous consequences." *Id.* at 989 (citing *Bozung v. Local Agency Formation Com.* (1975) 13 Cal.3d 263, 283-284).

The Board is phasing its current review of the Bay-Delta Plan with Phase 1 being the review of San Joaquin River flow and South Delta salinity objectives and Phase 2 being a comprehensive review of all other water quality objectives. The objectives developed in each phase will combine to make up the Bay-Delta Water Quality Control Plan. Performing the environmental review of the objectives in phases is the exact type of "piecemealing" that is prohibited under CEQA. In the Delta, with its connected hydrological system, the environmental impacts from one objective will combine with and influence the impacts of another. For example, by not evaluating the potential October flow requirements or carryover storage requirements and availability, the SED improperly evaluates and fails to provide the decision makers with the information necessary for an informed decision as required by CEQA. The proper environmental review must consider the Bay-Delta Plan as a whole with all of its component objectives. The proffered SED is inadequate in that it "piecemeals" the environmental review of the Bay-Delta Plan.

I. Additional Comments to SED.

The following identifies some of the other errors and shortcomings of the SED.

1. The boundaries of the Stockton East Water District are incorrectly depicted in the SED within Figure 2-5. The County submitted to the State Water Board in February 2011 a map with the current boundaries of the Stockton East Water District which is resubmitted as Exhibit F attached hereto.

2. The SED indicates that the Stanislaus River causes seepage at flows greater than 1500 cfs. At page 6-21 the SED indicates that such flows will occur under the baseline and under the alternatives at certain percentages of up to 78% of the time. SED p. 6-21 and 6-22, Tables 6-12 and 6-13. Pages 11-31 to 11-33 do not completely describe potential impacts due to this seepage. The issue of seepage into the orchards and other crops grown along the Stanislaus River is inadequately considered in the SED. The only study cited is a limited study done for the U.S. Attorney in litigation in which the growers whose crops were being damaged by high spring flows were seeking an injunction against the high flows. The study appears to have considered 6 orchards and one field of sugar beets although that itself is not clear. Sugar beets are no longer grown in the area. Evidence was presented at the hearing in Federal Court of the significant damage to the orchards and an injunction was issued. This evidence is not considered in the SED. Moreover, there is no showing of the affected area. It is *assumed* that the 6 orchards and one sugar beet field is the extent of the damage and thus is not significant. This analysis in the SED is inadequate, incomplete, and requires further evaluation to determine the full amount of damage.

3. State Water Board staff summarized that for hydropower impacts the SED assumes that reservoir carryover storage is similar to the baseline. This assumption is fundamentally flawed as increased flow requirements will necessarily reduce the water left in the reservoirs and thus carryover storage will be altered. The SED is inadequate due to this failure to model and project actual carryover storage.

4. The County is heartened by the SED's acknowledgment that several water suppliers plan to augment existing surface water supplies in order to relieve stress on subbasins and prevent further overdraft and resulting saline intrusion and further that the SED identifies the Eastern San Joaquin Integrated Conjunctive Use Program as a foreseeable future project related to groundwater. SED at page 9-30. The County has pending before the State Water Board two water right applications identified in the Eastern San Joaquin Integrated Conjunctive Use Program. The water right applications are designed to capture winter flows in wet water year types for use within the County consistent with the Conjunctive Use Program. The County welcomes cooperation with the State Water Board in perfecting these water right applications in a manner that can provide feasible mitigation for the State Water Board proposed water quality objectives.



5. A benefit to species and habitat is presumed by the SED. It is assumed that higher spring flows will benefit species. A legally adequate SED needs to include the factual justification that the proposed 35% of unimpaired flow objective will provide benefits. Public comments during the March 20 and 21, 2013 public hearing concluded that flows were both too much and not enough. Further evaluation in the SED is required.

6. The County is also concerned that the SED fails to adequately consider alternatives and mitigation measures that are nonflow measures. For example, non-native predator suppression is not adequately considered nor is habitat restoration. In addition, disruptions in food production for micro-invertebrates needed to build a health food web are not evaluated.

7. The County continues to remind the State Water Board that CVP and SWP diversions from the Delta are the major cause of harm to fisheries and, accordingly, the CVP and SWP should mitigate all past, present, and future damage. The State Water Board and the SED's Preferred Alternatives fail to adequately implement or evaluate the principal that the CVP and SWP must mitigate for the impacts caused by export operations. The mitigation of the Project's impacts cannot legally be borne by other water users. This includes the impacts of Delta export operations and the failure of the SWP and CVP to provide an additional 5 Million acre-feet from North Coast Rivers.

#### J. Conclusion

The County recognizes and appreciates the enormous effort exerted by the State Water Board and its staff in this process. However, the County respectfully submits that the SED is inadequate as proposed.

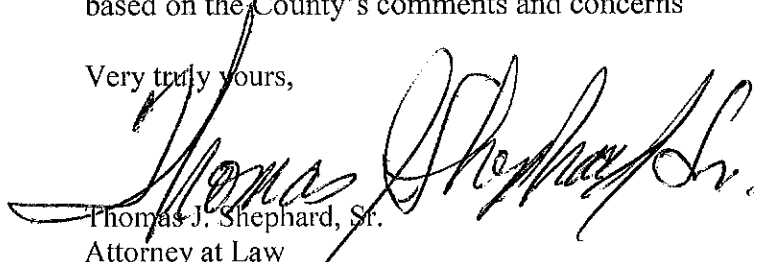
The purpose of the SED is to provide a transparent evaluation of all significant environmental impacts resulting from potential changes to the Bay-Delta Water Quality Control Plan. Yet the SED relies on inaccurate assumptions, flawed modeling, and data that is often either erroneous or not representative of the actual area at issue. Moreover, the SED inappropriately "piecemeals" the environmental review of the potential changes to the Plan due to the Board's phasing of the process. These flaws make a substantive evaluation of the environmental impacts impossible and render the SED inadequate for this purpose.

The SED also ignores California's established water right priority system and burdens senior water right holders without first impacting more junior water right holders. This result is evident, in part, because the SED violates the rule in *Racanelli* by merging the Board's distinct legislative responsibility of setting objectives with

its adjudicatory function of reallocating water rights in a water right action. Precedent exists for invalidating a water quality control plan when these Board functions are merged.

The County appreciates this opportunity to provide comments to the State Water Board. Due to the substantive and procedural inadequacies presented in this letter, the County respectfully requests that the draft SED be revised and re-circulated based on the County's comments and concerns

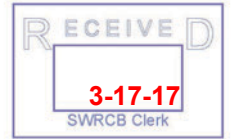
Very truly yours,



Thomas J. Shephard, Sr.  
Attorney at Law

TJS/DMG/ect

cc: David Wooten, County Counsel  
Brandon Nakagawa, Water Resources Coordinator  
DeeAnne M. Gillick  
Kurtis C. Keller



March 16, 2017

State Water Resources Control Board  
c/o Jeanine Townsend, Clerk of the Board  
P.O. Box 100  
Sacramento, CA 95814-0100

**Re: Mokelumne Agencies' Joint Comments on Bay-Delta Plan Update Phase 1 SED**

Dear State Water Board Members:

The undersigned agencies submit the following comments on the State Water Resources Control Board's (State Water Board) September 2016 Revised Draft Substitute Environmental Document for Flow Requirements on the Lower San Joaquin River and Salinity Standards for the Southern Delta (SED). While the Mokelumne River is an eastside stream to be addressed in Phase 2 of the Bay-Delta Plan update, we are offering our comments from a regional perspective on Phase 1 as we believe they may help to advance a more broadly supported outcome for the Water Quality Control Plan in all phases. Some of the undersigned may be submitting separate comment letters focusing on issues specific to our respective agencies; however, we felt it is important to highlight for the Board five common issues of critical importance to water agencies with an interest in the Mokelumne River.

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

The SED needs to clearly state the specific ecological goals and expected outcomes for the Lower San Joaquin River and Southern Delta. These goals and outcomes should also clearly state and identify priorities and milestones for achieving the identified goals and outcomes. The SED should more clearly acknowledge that proposed actions to achieve those goals and outcomes will have a range of impacts, some of which may involve tradeoffs between outcomes.

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

The SED focuses primarily on the use of unimpaired flow (UIF) as the tool to improve fish returns in the three San Joaquin River tributaries. We are concerned about the proposed use of this approach, for several reasons:

- The concept of using unimpaired flow as the primary basis for updating water quality objectives to attempt to increase the health of the Bay-Delta does not fully account for the current physical and regulatory realities on Central Valley river systems. In reality, water year type, long-term droughts, climate change, hydropower projects, diversions, flood control requirements, infrastructure limitations, invasive aquatic plants, and current channel capacities (among other factors) affect the timing and rate of flows on these rivers. The SED's use of an UIF metric does not adequately account for these realities. Further, in order to coordinate the operation of various projects and facilities on the tributaries, complex agreements and operating regimes have been put in place to

maximize beneficial uses. Imposition of unimpaired flow criteria would, among other impacts, likely require amendments to such agreements / regimes to prevent injury to water rights and avoid impacting the performance of long-term investments in water rights and projects. While the SED includes some flexibility in the application of the use of UIF, more flexibility is needed to address specific river system conditions.

- The SED's primary focus on increasing flows 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. In addition, we believe that negotiated flow regimes specifically developed for the conditions on a given stream should be the preferred approach for the State Water Board in these proceedings.
- Requiring higher releases can have an adverse, if unintended 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 UIF 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 five critically dry years on water supplies for all beneficial uses should be required for each Alternative in the SED to adequately assess cumulative impacts due to climate change. The SED should also contain an analysis that includes the latest drought from 2012-2016. A five-year analysis is proposed in the long-term water conservation policy proposal ("Making Water Conservation a California Way of Life, Implementing Exec. Order B-37-16"), and a similar requirement should apply in analyzing the SED's alternatives.

### **3. Support the Development of Voluntary Settlements**

The California Natural Resources Agency, with the State Water Board's encouragement, has been actively calling for "voluntary agreements" to improve ecological conditions in the Delta and upstream watersheds. As discussed, within the Sacramento and Central Delta basin there are a number of river systems that have successful multi-stakeholder voluntary agreements in place. In addition to flow measures, these agreements have implemented various significant non-flow measures that are specific to each agreement. Examples of non-flow measures include in-stream habitat enhancement, riparian restoration, predator control, screening diversions, effectiveness monitoring, and adaptive management strategies, all to meet system specific program goals and objectives. The most successful component of these agreements has been the engagement of stakeholders, including agencies, NGOs, and local landowners. Rather than simply stating that volunteer agreements are encouraged, as part of the Phase 1 SED the State Water Board should develop a model framework of a successful agreement using actual examples from other Central Valley systems. These types of agreements will take substantial

time and effort to complete. If progress on these agreements is occurring, then the State Water Board's schedule for the WQCP update should provide reasonable time for them to conclude.

#### **4. Consider and Integrate SGMA**

The Phase 1 SED acknowledges that imposition of the unimpaired flow recommendations on agencies with water rights on the three San Joaquin River tributaries would reduce surface water supplies relied on and invested in by local water agencies. The SED acknowledges 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 increased groundwater pumping. The whole point of SGMA is to prevent over-drafting of groundwater basins, recharge over drafted basins, and begin sustainable groundwater management of basins in overdraft condition. In order to achieve its mandate, SGMA is likely to restrict yield from groundwater in many Central Valley groundwater basins. Thus, for the State Water Board to claim that water agencies will not be adversely impacted by the SED because they will offset their water supply deficiencies by pumping more groundwater, while SGMA is likely to restrict groundwater use in the next few years, creates another problem, not a solution. We would therefore request that the State Water Board revise the Phase 1 SED to fully consider and integrate SGMA into its environmental analysis, including the amount of water needed for groundwater recharge and banking, and to likewise consider SGMA in the upcoming Phase 2 SED.

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


The existing export pumping operations can affect salmon and steelhead on the Mokelumne River. These operations combined with the California WaterFix, if approved, could at times reduce Sacramento River system fresh water flows into the Delta and potentially further impact that important ecosystem. As a result, the cumulative effects of the WaterFix Project must be considered in each SED Alternative to ensure an adequate CEQA document.

We appreciate the opportunity to comment on the SED and to work collaboratively with the State Water Board to develop a comprehensive, science-based and feasible proposal for updating the Bay-Delta Water Quality Control Plan that will enhance and protect natural resources while balancing other beneficial uses of water.



Sincerely,

AMADOR WATER AGENCY



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Gene Mancebo, General Manager

CALAVERAS COUNTY WATER DISTRICT



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Dave Eggerton, General Manager


CALAVERAS PUBLIC UTILITY DISTRICT



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Donna Leatherman, District Manager

EAST BAY MUNICIPAL UTILITY DISTRICT



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Richard G. Sykes, Director of Water and Natural Resources

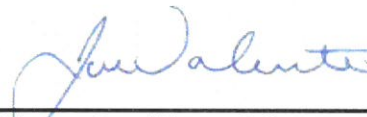
JACKSON VALLEY IRRIGATION DISTRICT



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General Manager

NORTH SAN JOAQUIN WATER  
CONSERVATION DISTRICT



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Joe Valente, President of the Board of Directors

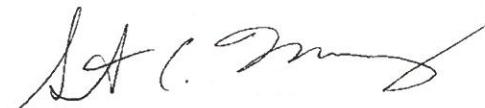
SAN JOAQUIN COUNTY PUBLIC WORKS



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Kris Balaji, Director

STOCKTON EAST WATER DISTRICT



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Scot A. Moody, General Manager

WOODBRIIDGE IRRIGATION DISTRICT



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Anders Christensen, General Manager

77045-32912

*DeeAnne Gillick*
 509 WEST WEBER AVENUE  
 FIFTH FLOOR  
 STOCKTON, CA 95203

April 6, 2009

 POST OFFICE BOX 20  
 STOCKTON, CA 95201-3020

*Via E-Mail to bay-delta@waterboards.ca.gov and  
 Overnight Mail to Chris Carr*

 (209) 948-8200  
 (209) 948-4910 FAX

 FROM MODESTO:  
 (209) 577-8200  
 (209) 577-4910 FAX

 Chris Carr  
 State Water Resources Control Board  
 Division of Water Rights  
 Cal/EPA Headquarters  
 1001 "I" Street  
 Sacramento, CA 95814

**Re: Comment Letter - Southern Delta Salinity/San Joaquin  
 River Flow WQCP Workshop**

Dear Mr. Carr:

On behalf of the County of San Joaquin and the San Joaquin County Flood Control and Water Conservation District (collectively hereinafter the "County"), we submit the following comments regarding the Public Staff Workshop for the Consideration of Potential Amendments to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary Relating to Southern Delta Salinity and San Joaquin River Flow Objectives.

The County responds to the specific questions presented in the Notice of Public Workshop regarding matters for discussion in the Workshop.

1. What should the salinity objectives be to protect agricultural beneficial uses in the southern Delta and where and when should those objectives apply?

The County submits that the current salinity objectives in the southern Delta to protect agricultural beneficial uses are necessary and should not be altered and especially not relaxed. Rather they need to be enforced.

The existing salinity objectives were established in the 1978 Delta Plan. Salinity concerns in the South Delta exist as a result of a variety of factors which have been well documented and continuously studied and analyzed over the years. These factors existed in 1978 when the 1978 Delta Plan was adopted and the salinity objectives were initially imposed and these factors were re-evaluated in Water Right Decision D 1641 (D 1641)

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adopted in 2000. The County contends that the agricultural uses within the Delta continue to require the protection identified by the current salinity objectives and that such objectives need to be met to protect agricultural beneficial uses within the Delta.

The salinity objectives are the product of many years of sound research. The studies and research determined that a standard of 0.7 mmhos/cm electrical conductivity (EC) was needed in part due to the wide variety of soil conditions (more than 70 types) in the region that have different permeability qualities and leach fractions which require a 0.7 EC level in order to prevent crop damage and decreased crop yields within the Delta. Such things as low permeability and shallow groundwater present unique problems. The County contends that such analysis will continue to support a salinity objective within the Delta of at the most 0.7 EC. In order to ensure such level of protection exists throughout the Delta several monitoring or measuring locations need to remain, such as at the minimum the current three interior Delta measuring locations.

Due to the condition of the San Joaquin River and the salinity levels within the River as it reaches and flows through San Joaquin County, no assimilative capacity remains for legal discharges within the County. This impacts legal agricultural diverters along the San Joaquin River and within the Delta and dischargers and municipal discharges such as the cities of Manteca, Tracy, and Stockton, located within the County. Any negative changes to the salinity objectives will impact the already diminished assimilative capacity of the San Joaquin River and potentially impact these legal discharges and diverters. The impacts of these legal dischargers need to be accounted for and the regulatory system needs to allow for such continued legal discharges.

Minimum water flows are necessary to support agricultural uses within the Delta both as to quantity and quality. Due to the impacts of the CVP and SWP export pumps and the decreased natural flow of the San Joaquin River, water levels and flow within the Delta are altered and at many times greatly reduced. Adequate water levels are necessary to support fish and wildlife within the Delta and to provide legal and senior water right diversions and uses within the Delta. Portions of the Delta, including Middle River, have extremely low flows and even go dry at certain times of the year. This precludes legal, senior water right holders and parties protected by the Delta Protection Statues and Area of Origin Statues from exercising their water rights. Minimum water flows and minimum water levels must be protected by any water quality and water rights amendments by the State Water Board.

2. What should the program of implementation be for the southern Delta salinity objectives?
  - a. The obligation to meet the necessary salinity objectives in the southern Delta should be borne by those parties which create the salinity problem in the southern Delta.



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The burden of such obligations should be proportional to the amount a water right holder contributes to the existing water quality problem. Apportionment, balancing or sharing of the water quality burden must be equitable and supported by facts.

The responsibility to meet the Delta salinity objectives was most recently analyzed in D 1641. The County submits these conclusions are still accurate and valid and need to be implemented in any future water right decision affecting the Delta. Regarding the responsibility to meet the Delta salinity objectives the State Water Board in D 1641 summarizes as follows:

“Salinity problems in the southern Delta result from low flows in the San Joaquin River and discharges of saline drainage water to the river. The actions of the CVP are the principal causes of the salinity concentrations exceeding the objectives at Vernalis. Downstream of Vernalis, salinity is influenced by San Joaquin River inflow, tidal action, diversions of water by the SWP, CVP, and local water users, agricultural return flows, and channel capacity. Measures that affect circulation in the Delta, such as barriers, can help improve the salinity concentrations.” D 1641 at p. 89.

D 1641 continues stating that the circulation problems in the Delta are caused by “. . . export pumping by the SWP and CVP and in-Delta diversions in the southern Delta [which] cause null zones, areas with little or no circulation.” D 1641 at p. 87. It is the County’s contention that these conclusions and environmental conditions have not changed substantially since D 1641 and any new water right or water quality decision must implement these findings.

- b. New Melones should not be disproportionately meeting the salinity obligations.

Currently and historically efforts to meet the salinity objectives at Vernalis and within the southern Delta have been almost exclusively through releases of fresh water from New Melones. This practice cannot continue and the State Water Board must impose conditions of implementation to require operational changes. First, New Melones and the Stanislaus River does not contribute to the salinity problems within the San Joaquin River and the south Delta to the proportion of its contributions to the problem. The practice of providing substantial Stanislaus River flows to meet the water quality (and fish flow requirements) deprives the San Joaquin County parties who contract with the Bureau for Stanislaus River water most of their contracted water while in most years the Bureau contractors who are largely responsible for the salinity problems as identified in D 1641 continue to receive water deliveries from the Bureau. This deprives the County users, a

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watershed of origin, of water which is critically needed for the area and to improve the critically overdrafted groundwater basin within eastern San Joaquin County.

In addition, reliance on New Melones for dilution flows to meet the Delta salinity objectives is inconsistent with the directives of HR 2828 (Public Law 108-261, signed by the President October 25, 2004) which contains important direction for the Secretary of Interior and Reclamation regarding the operation of New Melones Reservoir. The State Water Board should recognize this federal mandate and impose an alternate plan of implementation consistent with the directives of HR 2828.

HR 2828 provides that the Secretary of Interior “shall update the New Melones operating plan to take into account, among other things, the actions described in this title that are designed to reduce reliance on New Melones Reservoir for meeting water quality and fishery flow objectives, and to ensure that actions to enhance fisheries in the Stanislaus River are based on the best available science.” HR 2828 Sec. 103(d)(2)D(vii). Any water right decision by the State Water Board should take into consideration the implementation by the Bureau of this Congressional mandate.

3. What should the San Joaquin River flow objectives be to protect fish and wildlife beneficial uses and where and when should those objectives apply?

Fish flow objectives of the San Joaquin River should be based on sound science and actual biological conditions. The current fish flow objectives were due to a negotiated solution of the Principles for Agreement in which parties within the Delta and the tributaries were not a part. The San Joaquin River flows were set without any biological assessment or scientific justification. Standards need to be based on science. Since the adoption of the 1995 Water Quality Control Plan and the adoption of D1641 more information is available which should be taken into consideration when setting San Joaquin River Flows. Fish need to be protected and flow is crucial to that protection; however, flow requirements need to be based on best available science and not just providing water without any known potential benefit.

The Vernalis Adaptive Management Plan (VAMP) was designed and approved by the State Water Board to be an “experiment” to gather information to better protect and address fish flow needs. The information gathered from VAMP needs to be analyzed and utilized to establish any future flow requirements.

In addition, during the recent Emergency Drought Hearing regarding X2 flows, it was indicated that the very complex and difficult to determine X2 formula required an unusual amount of water in 2009, which did not particularly meet the realities of this water year. Adjustment of this standard and the formula to determine the appropriate water flows in years like 2009 may be appropriate. Relying on actual information gathered in this year could be used to develop a more appropriate formula for determining

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the X2 requirements. Such consideration is proper in this proceeding with appropriate environmental and scientific review, rather than in the emergency proceeding.

4. What should the program of implementation be for the San Joaquin River flow objectives?

Any obligations to meet fish flow requirements should be imposed following an evaluation of the adverse impacts contributed by water right holders. Responsibility of meeting any flow requirements needs to be imposed only on the water right holders who are responsible for adversely impacting the watershed in proportion to their contribution to such impacts. To the extent obligations are imposed on the CVP and SWP, all CVP and SWP facilities should contribute to the flow objective. Friant and San Luis need to contribute to any requirements and cannot continue to be excluded from contributing to meeting their appropriate obligations.

Thank you for providing an opportunity for the County to submit comments to the State Water Board regarding the Southern Delta Salinity and San Joaquin River Flows.

Very truly yours,



DeeAnne Gillick  
Attorney at Law

DMG/

cc: C. Mel Lytle  
David Wooten  
Thomas J. Shephard, Sr.



**The Economic Consequences of the Proposed Flow Objective for the Lower San Joaquin  
River in Merced, San Joaquin and Stanislaus Counties**

By

Rodney T. Smith, Ph.D.  
President  
Stratecon Inc.

and

Jason M. Bass, CPA, CFA  
Founder and Principal, EcoGlobal Natural Resources

Prepared for the Counties of Merced, San Joaquin and Stanislaus

January 6, 2017

## EXECUTIVE SUMMARY

The Substitute Environmental Document (“SED”), recently issued by the California State Water Resources Control Board (“SWRCB”), proposes substantial increases in the unimpaired flows of the Merced, Stanislaus and Tuolumne Rivers that will fundamentally alter the water supply portfolios of Merced, San Joaquin and Stanislaus counties (collectively the “Study Area”). The SWRCB’s assessment, however, of the potential economic impacts of the SED is narrow in scope and completely fails to account for the water supply reliability, sustainability and volatility challenges that will confront the counties.

Stratecon estimates that the proposed flow objectives would reduce the counties’ reliable surface water supplies on average by 60% or about 600,000 acre-feet per year, from 1.0 million acre-feet to just short of 400,000 acre-feet. Stratecon estimates that this loss of reliable water supply is partially offset by an increase in the expected annual yield of unreliable surface water supplies from 290,000 acre-feet per year to 656,000 acre-feet per year. The partial offset is no bargain. The SED would reduce the economic value of surface water rights by 50% and drastically reduce the reliability of the region’s water supplies, which will have far reaching adverse impacts on the region’s long-term economic stability and growth.

The SWRCB severely understates the potential regional economic impacts of the proposed SED flow objectives. It presumes that the surface water supply reductions would be largely offset by unsustainable increases in regional groundwater pumping. Before implementation of the Sustainable Groundwater Management Act (“SGMA”), when groundwater pumping may increase to partly offset reductions in surface water supplies, Stratecon estimates that land fallowing in response to the SED proposal for a 40% increase in the unimpaired flows of the Merced, Stanislaus and Tuolumne Rivers (“SED 40”) would reduce crop revenues in the Study Area an average of \$58 million per year (2015\$), which is about 45% higher than estimated by the SWRCB after accounting for inflation. Furthermore, SWRCB’s focus on average annual impacts masks the expected volatility in Study Area annual crop revenues under the SED. Annual revenues losses frequently exceed \$100 million and, at their peak, reach as high as \$260 million (2015\$).

SGMA implementation will effectively preclude additional groundwater pumping to offset SED surface water supply reductions. Stratecon estimates that resulting land fallowing would reduce regional crop revenues by an average of \$100 million per year (2015\$), or more than 2.5 times the amount estimated by SWRCB after accounting for inflation. In addition, Stratecon estimates that single year crop revenue losses in the Study Area may frequently exceed \$200 million and, at their peak, could reach as high as almost \$450 million.

The economic impacts within the Study Area of the proposed SED flow objectives is substantial and derives from a combination of: A) reduced crop production; B) reduced output by enterprises relying on that crop production as key inputs, most notably dairies and livestock producers, as well as enterprises further downstream such cheese production using milk produced locally and beef slaughter and packing using locally produced cattle, as key examples; C) increased costs of pumping incurred by irrigators and communities due to potentially substantial increases in regional ground water depths as a result of increased pumping to offset surface water supply

reductions (only before SGMA); D) reduced lake recreation visitor spending; and E) reduced hydropower generation values.

Tables EX-1 and EX-2 summarize the estimated economic output and employment impacts within the Study Area.<sup>1</sup> Table EX-1 summarizes the average annual estimated impacts were implementation of the SED 40 proposal overlaid on the historical hydrology of the San Joaquin River system from 1922 through 2003 (“Study Period”). Table EX-2 summarizes the estimated peak annual economic output and employment impacts after SED 40 implementation. The tables present what are termed “upper bound” estimates of both the economic output and employment effects of:

- A) Reductions in the regional production of intermediate and end-market dairy and livestock commodities such as raw milk, fluid milk, cheese, cattle and processed meat, among others, due to anticipated SED-related reductions in regional feed grain (particularly corn silage), hay and pasture crops, primary inputs to the region’s dairy and livestock sectors; and
- B) Estimated increases in the costs incurred by the Study Area’s farmers and communities to pump groundwater due to potential SED 40-related increases in Study Area groundwater depths, accounting for both current pumping and additional potential pumping in response to SED-related reductions in regional surface water supplies.

There is no debate with the SWRCB that the SED’s implementation will have economic impacts within the Study Area. However, there is also no crystal ball as to the eventual full nature and extent of those impacts. SWRCB chose to focus its quantification of economic impacts primarily on agricultural production adopting sophisticated models for that purpose while providing cursory or no consideration of numerous other potential impacts including, among others, the impacts of reduced regional agricultural production on regional dairy-related activities. Dairy product production and manufacturing are very large and important components of the Study Area’s economy. SWRCB’s underlying argument for failing to address many of the SED’s potential impacts, including the impacts on the region’s dairy sectors, is that there is a lack of information necessary for pinpoint quantification.

Stratecon has taken a different tact. There will be a wide a range of potential regional economic impact outcomes based on: A) alternative considerations for how regional businesses and communities may mitigate the potential impacts of reduced regional agricultural production and increased depths to groundwater; B) how groundwater depths in different areas may be effected by projected increases in groundwater pumping; and C) the incremental costs of pumping water from greater depths. As such, the probability of specific outcomes within that range are extremely difficult to pinpoint. Accordingly, Stratecon doesn’t attempt to produce an exact answer as to the potential output and employment impacts of SED effects on the dairy and livestock

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<sup>1</sup> It should be noted that the estimated “upper bound” impacts presented in the tables do not account for additional capital investment in groundwater pumping and treatment infrastructure by irrigators, irrigation districts and municipal water users due to SED-related declines in groundwater elevations and associated expected declines in groundwater quality. They, therefore, may be considered conservative.

production or farmer and community water costs. Instead, Stratecon focuses on developing economic impact estimates assuming that limited opportunities are available to regional dairy and livestock businesses for mitigating reduced local crop production and the high end of estimated potential increases in regional aquifer groundwater depths and observed cost of pumping groundwater, to provide an “upper bound” assessment of the SED 40’s potential regional economic impacts. Stratecon finds these impacts highly instructive for the SED evaluation process as to the potential magnitude and severity of the impacts that could occur.

Table EX-1 shows, for example, that the estimated upper bound average annual total lost economic output and employment within the Study Area that may result from the SED 40 before SGMA is approximately \$607 million (2015\$) and 2,976 jobs, respectively. Table EX-2 shows that in the expected peak year of SED 40 impacts before SGMA, the region’s total economic output and employment may fall as much as an estimated approximately \$2.75 billion (2015\$) and 12,739 jobs, respectively. The tables do not account for recreation or hydropower-related impacts. Stratecon was unable to obtain the data necessary to effectively quantify potential impacts on Study Area recreation spending and associated economic impacts because of SED-related reductions in regional reservoir elevations. However, those impacts are material, particularly during drier hydrologic years. Stratecon did not evaluate the potential economic impacts related to anticipated SED effects on Study Area hydropower generation as Stratecon believes those impacts are relatively small in comparison.

**Table EX-1  
Average Annual Estimated Economic Impacts**

Average During Study Period Impact Category	Before SGMA			With SGMA		
	Lost Revenues/ Increased Cost (2015\$)	Total Lost Output (2015\$)	Total Lost Jobs	Lost Revenues/ Increased Cost (2015\$)	Total Lost Output (2015\$)	Total Lost Jobs
Reduced Crop Production Irrigation Districts	\$ 57,589,316	\$ 101,026,280	638	\$ 100,024,842	\$ 175,842,740	1,101
Reduced Dairy & Livestock Sectors Production (Upper Bound)	\$ 213,996,694	\$ 374,831,334	1,270	\$ 292,327,424	\$ 512,033,510	1,735
Increased Irrigation District Costs (Upper Bound)	\$ 25,310,496	\$ 27,378,418	223	N/A	N/A	N/A
Increased Other Irrigation Costs (Upper Bound)	\$ 73,065,124	\$ 79,034,700	643	N/A	N/A	N/A
Increased Urban Water Costs (Upper Bound)	\$ 23,025,416	\$ 24,906,642	203	N/A	N/A	N/A
<b>Total</b>	<b>\$ 392,987,047</b>	<b>\$ 607,177,374</b>	<b>2,976</b>	<b>\$ 392,352,266</b>	<b>\$ 687,876,250</b>	<b>2,835</b>

**Table Ex-2  
Peak Year Estimated Economic Impacts**

Peak Year of Impacts During Study Period Impact Category	Before SGMA			With SGMA		
	Lost Revenues/ Increased Cost (2015\$)	Total Lost Output (2015\$)	Total Lost Jobs	Lost Revenues/ Increased Cost (2015\$)	Total Lost Output (2015\$)	Total Lost Jobs
Reduced Crop Production Irrigation Districts	\$ 259,856,755	\$ 457,288,570	3,050	\$ 449,311,194	\$ 787,683,503	4,996
Reduced Dairy & Livestock Sectors Production (Upper Bound)	\$ 1,042,793,423	\$ 1,826,531,252	6,188	\$ 1,387,009,263	\$ 2,429,451,230	8,230
Increased Irrigation District Costs (Upper Bound)	\$ 101,513,377	\$ 109,807,236	893	N/A	N/A	N/A
Increased Other Irrigation Costs (Upper Bound)	\$ 270,177,684	\$ 292,251,778	2,376	N/A	N/A	N/A
Increased Urban Water Costs (Upper Bound)	\$ 89,462,327	\$ 96,771,590	787	N/A	N/A	N/A
<b>Total<sup>1</sup></b>	<b>\$ 1,735,395,477</b>	<b>\$ 2,751,921,335</b>	<b>12,739</b>	<b>\$ 1,822,286,141</b>	<b>\$ 3,194,565,527</b>	<b>13,206</b>

1. Represents peak year for all categories combined so may differ from sum of peak year figures for each category.

The expected present value of total lost output in the Study Area equals \$14.5 billion over a 40-year horizon (2017-2056). The time profile of lost output reflects the pre-SGMA scenario for 2018 and 2019, a mix of the pre-SGMA and post-SGMA scenarios during the statutory SGMA implementation period (2020-2039) and solely the post-SGMA scenario thereafter.

SED implementation will fundamentally transform the investment landscape for agriculture and related industries within the Study Area. Lost water supplies reduce locally produced inputs for livestock and dairy operations. The volatility in locally produced inputs will more than triple the risk of shortfalls in available local inputs (from 18% to 61%). For operations relying on hay and pasture, expected unused capacity increases from 4% with baseline conditions to 23% under SED implementation before SGMA and 29% after SGMA implementation. For operations relying on grains, expected unused capacity increases from 1% with baseline conditions to 7% under SED implementation before SGMA and 11% after SGMA implementation. This increased risk in unused capacity reduces the economic incentive for investment. The consequences from reduced investment are not quantified in this study.



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# Water wars head upstream as state considers cutbacks for senior Central Valley irrigation districts



By BETTINA BOXALL  
JUL 23, 2018 | 5:00 AM



Steve Ritchie, an assistant general manager at the San Francisco Public Utilities Commission, walks on a bridge over Moccasin Reservoir on the Tuolumne River in 2014. (Jae C. Hong / Associated Press)



More than two decades after Los Angeles was forced to cut water diversions to protect California's natural resources, the state is poised to impose similar restrictions on San Francisco and some of the Central Valley's oldest irrigation districts.

The proposal represents a dramatic new front in one of California’s most enduring water fights: the battle over the pastoral delta that is part of the West Coast’s largest estuary and also an important source of water for much of the state.



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Regulators have long focused on the harmful environmental effects of the Sacramento-San Joaquin delta’s giant pumping operations, which send water south and have helped push native fish to the brink of extinction. As fish populations collapsed, environmental limits on water exports to San Joaquin Valley farms and Southern California cities have tightened.



Now, the State Water Resources Control Board is looking upstream to agricultural districts and cities that have long escaped responsibility for the delta’s woes — even though they suck massive quantities of water out of the river systems that feed the delta.



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“It’s an important milestone,” board chairwoman Felicia Marcus said. “We’ve laid out a framework ... for taking the next step in reconciling ourselves with the natural world in a way that has been on the plate for decades.”



In what environmentalists say is a long overdue move, the board for the first time is asking major upstream diverters to take less from three heavily tapped tributaries of the San Joaquin River, which merges with the Sacramento River to form the delta, a maze of farm islands and meandering water channels.



More water in the Stanislaus, Tuolumne and Merced rivers will improve conditions for migrating salmon, the board says, increase flows in the much abused lower San Joaquin River and ultimately boost inflow to the delta.

## More water in the rivers

State regulators want cities and irrigation districts to divert less water from the Stanislaus, Tuolumne and Merced rivers to increase flows for migrating salmon and send more water to the Sacramento-San Joaquin delta.



## Major diverters

**1** Oakdale and South San Joaquin irrigation districts

**2** Modesto Irrigation District

**3** Turlock Irrigation District

**4** San Francisco

**5** Merced Irrigation District

Source: Calif. Department of Water Resources, Times reporting

@latimesgraphics

(Paul Duginski / Los Angeles Times)



But more water for the delta and salmon means less for San Francisco and the agricultural districts that staked their claims to river flows a century or more ago.

“What gives is going to be a cutback in farming,” said Scott Furgerson, general manager of the 131-year-old Modesto Irrigation District, which has historic rights to the Tuolumne. “We’re going down a slippery slope.”

The Modesto, Oakdale, South San Joaquin, Turlock and other districts take so much water out of the three salmon rivers that average flows on the tributaries range from 21% to 40% of what they would be without dams and diversions. At times the riverbeds hold as little as 10% of their natural flow.

Dams, diversions, pollution and shrinking habitat have driven California’s fabled salmon runs onto the endangered species list, triggering environmental lawsuits and efforts to restore some of the water lost to croplands and cities.

The state board proposal would require maintenance of 40% of the natural flow, within a range of 30% to 50%, in the Stanislaus, Tuolumne and Merced during the February-through-June period, which is critical for salmon survival.

That would collectively cost water users 300,000 acre-feet of supply — or about 15% of their total diversions on all three rivers. (An acre-foot is enough to supply two average households for a year.)

But that could change. The board says less flow might be required if districts agree to measures to improve conditions for salmon, which swim up the tributaries to spawn.

“We’re extending an olive branch to say if you come up with a better idea, we’ll reward it,” Marcus said.

The board has spent years developing the flow standards. It released a draft of the proposal in 2016, when Gov. Jerry Brown called for voluntary agreements between the state and water districts to avoid a contentious rule-making process.

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The state hired former U.S. Interior Secretary Bruce Babbitt to help with the negotiations. But the off-and-on talks have yet to yield a settlement.

State officials hope this month's release of the final board plan will kickstart discussions.

"We're really hoping that we can keep the water users at the table as a result of these documents coming out and see if we can come to closure on agreement that we can present to the water board," said Karla Nemeth, director of the state Department of Water Resources. "Everybody's going to need to give a little."

In place of water cutbacks, San Francisco and the other major diverters have proposed restoration efforts such as rebuilding gravel beds for spawning, control of salmon predators and creation of floodplain habitat.

"We think the state board uses a very simplistic approach," said Steve Ritchie, an assistant general manager at the San Francisco Public Utilities Commission, which gets which gets most of its supply from Hetch Hetchy Reservoir on the upper Tuolumne.

He warned that the flow requirements would leave San Francisco and the Bay Area communities it serves with less water reserves to ride out droughts. "We just wouldn't be able to replenish our storage over time," Ritchie said.

On the Stanislaus, the 40% flow standard "is surely not anything we will accept," said Steve Knell, general manager of the Oakdale Irrigation District, which has made roughly \$40 million in the past decade selling some of its river supplies to less water-rich agricultural districts.

Environmental advocates also don't like the proposed requirements, which they deem too low in the overtaxed San Joaquin system.

"The science is pretty strong," said Gary Bobker, program director for the Bay Institute, an estuary protection group. "If you want to have anywhere from stabilizing fish populations to actually recovering them and rebuilding the stock to a healthy level, you've got to have somewhere between 50 and 60% of the [natural] runoff."

He added that "you can't separate flow" from all the other factors — such as invasive species and poor water quality — that contributed to the steep decline of California's salmon stocks, which were once so abundant that farmers scooped the fish out of rivers and fed them to hogs.

Bobker nonetheless credited the board for extending the pain of water cuts to the most senior agricultural diverters — something the panel of gubernatorial appointees has historically been reluctant to do.

"We're moving to a mentality where we're all in this together as Californians," he said.



Indeed, the board is not stopping in the San Joaquin Valley. It is also developing flow requirements for the Sacramento River basin that would cut diversions in that watershed and send more water to the delta.

And the board wants to increase flows through the delta and out to sea to restore some of the estuary's natural hydrological rhythm. That could mean less water is pumped south.

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"It may take a while. We might have to litigate a while but ... I'm very confident we'll succeed," Marcus said.

She cited the Mono Lake case, when the board in 1994 ordered Los Angeles to reduce diversions from the Eastern Sierra to protect the region's fish and wildlife. To compensate, the city has stepped up development of local supplies, purchased more imported water from the Colorado River and Northern California and promoted conservation. Despite adding 1 million residents, L.A. is using less water than it did two decades ago.

No matter how senior, water-use rights do not confer ownership, Marcus notes.

"Water belongs to all the people of the state of California," she said. "And fish and wildlife are one of those commonly held assets that we as a water board are supposed to be protecting."



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Bettina Boxall



Bettina Boxall covers water issues and the environment for the Los Angeles Times. She shared the 2009 Pulitzer Prize for explanatory reporting with colleague Julie Cart for a five-part series that explored the causes and effects of escalating wildfire in the West. She began her journalism career as a photographer at a small Texas daily and reported for newspapers in Vermont and New Jersey before joining The Times in 1987.

Published July 30, 2018 at 06:41PM

## Feds warn of potential legal battle over state water plan



Guy McCarthy / file Ryan Zinke, left, came to Tuolumne County last week to talk to local leaders about the state's water plan.

The Department of the Interior sent a letter to the State Water Resources Control Board on Friday warning of possible legal action over a proposed plan to divert more water from the Stanislaus, Tuolumne and Merced rivers, particularly as it pertains to the potential impacts on water storage in New Melones Reservoir.

According to the letter, the state's proposal to require 40 percent unimpaired flows from the three rivers between February and June could have a "devastating" effect on recreation in the area and undermine congressionally mandated objectives for the reservoir, a federal asset operated by the U.S. Bureau of Reclamation as part of the Central Valley Project.

If Interior Secretary Ryan Zinke determines the proposal is inconsistent with the federal responsibilities, the letter stated that he "will request the Attorney General of the United States to bring an action against the Board."

The letter, sent one week after Zinke toured New Melones and Don Pedro reservoirs with Republican lawmakers, asks the board to reconsider the proposal and delay a scheduled public meeting on Aug. 21 and 22 in Sacramento, where the board could approve the plan that's been in the works for nine years.

The state's final draft of the Bay-Delta Plan Update for the Lower San Joaquin River and Southern Delta has caused an uproar in the region since it was released earlier this month because of the proposed requirements for increased flows from the three tributaries of the San Joaquin River, which flows into the Sacramento-San Joaquin Delta.

State water regulators say the increased flows are needed to prevent an ecological crisis in the Delta, the primary source of drinking water for more than half of all residents in California and irrigation for a third of its farmland.

According to the Department of the Interior's letter, the proposed requirements would reduce the storage in New Melones by an average of 315,000 acre-feet of water per year.

One acre-foot is roughly equivalent to filling an area the size of a football field 1 foot deep in water and about the amount an average California household uses in a year.

The reservoir can store a maximum of 2.4 million acre-feet of water, but federal officials stated the average inflow is about 1.1 million acre-feet per year due to variabilities in precipitation. The average annual demand for all of the current uses and regulations is about 1.2 million acre-feet.

Oakdale Irrigation District and South San Joaquin Irrigation District hold senior rights to divert a combined total of 600,000 acre-feet per year from the Stanislaus River that pre-date Congress's approval of the New Melones Project in 1944 primarily for the purpose of flood control.

In crafting the proposed flow standards, the state determined there would be minimal impacts on storage in the reservoir based on targets for how much water to hold onto from one year to the next.

Federal officials contended in Friday's letter that the state's conclusion was based on the "erroneous assumption that Reclamation would be able to prioritize" the carryover storage targets over the needs of senior water rights holders.

The letter stated that previous studies by the Bureau of Reclamation determined the reservoir loses storage from one water year to the next about 61 percent of the time, so an annual reduction of an additional 315,000 acre-feet of water per year would mean the reservoir would "rarely, if ever, see gains in storage year over year."

"This is not a sustainable operation for New Melones Reservoir and does not provide a reliable water supply for Reclamation's CVP (Central Valley Project) water service contractors," the letter stated. "As a result, full use of the dam as Congress contemplated would be prevented,



significantly undermining Congress’s design for the long-term operation of the project to satisfy multiple policy objectives.”

Although the reservoir isn’t a source of drinking water or irrigation for residents in Tuolumne County — that distinction belongs mostly to Lyons and Pinecrest reservoirs upstream of New Melones on the South Fork of the Stanislaus River — local officials have said it’s a boon to the economy as a draw for recreation and provides public agencies with low-cost power.

The letter stated that the reservoir attracted roughly 450,000 visitors in the 2016-17 fiscal year, up from 286,842 visitors in the 2014-15 fiscal year when the water level was at a near-historic low in the midst of a five-year drought.

If the state’s proposed flow requirements are implemented, the letter stated that the potential economic impacts on the local area could be significant due to “reduced visitation caused by consistently lower lake levels.”

Government agencies in both Tuolumne and Calaveras counties also receive low-cost electricity through hydropower generated by the reservoir, including the city of Sonora, all K-12 public schools, Tuolumne Utilities District, Columbia College and various other special districts.

The Bureau of Reclamation anticipates that the state’s plan would cut power generation to levels similar to those during the drought, when electricity rates on local agencies increased by more than 16 percent.

Contact Alex MacLean at [amaclean@uniondemocrat.com](mailto:amaclean@uniondemocrat.com) or (209) 588-4530.

#

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## LATEST NEWS

## Delta tunnels get 'real' as backers seek \$1.6B loan from Trump administration

BY RYAN SABALOW AND DALE KASLER  
*rsabalow@sacbee.com*

July 17, 2018 04:17 PM  
Updated July 18, 2018 07:46 AM

Critical permits and legal challenges are still pending, and some farming groups still haven't committed to paying for part of Gov. Jerry Brown's controversial \$17 billion Delta tunnels project.

But even with the uncertainty, backers of the project are poised to ask the Trump administration for a \$1.6 billion federal loan that millions of Californians ultimately would have to repay through increases in their water bills.

On Thursday, the just-formed Delta Conveyance Finance Authority, led by the regional water agencies backing the tunnels project, is expected to start the application process for a \$1.6 billion federal water infrastructure loan administered by the U.S. Environmental Protection Agency.

Congress set up the loan program in 2014 to spur upgrades to the nation's aging system of irrigation projects and dams.

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The loan would represent a significant milestone for the project, which has been in the planning phase for nearly a decade, said Jeff Kightlinger, general manager of the Metropolitan Water District of Southern California, which delivers Delta water to 19 million people in the south state.

“We’re going to be issuing contracts in the next few months, and we’re going to be spending some real money,” Kightlinger said. “If we get this loan now, we’re moving from millions into billions (of dollars). That’s real.” Metropolitan and other agencies have spent a combined \$200 million planning the tunnels.

Earlier this year, Metropolitan’s board breathed life into the struggling project by approving a \$10.8 billion investment in California WaterFix, the name Brown’s administration gave the tunnels.

Other hurdles remain before machines can start boring the 30-mile path under the Sacramento-San Joaquin Delta.

Most San Joaquin Valley farmers haven’t agreed to pay into the project. A state board also has yet to issue a key permit required to start construction; dozens of lawsuits against the tunnels are pending.

Brown’s office says WaterFix will shore up deliveries of Northern California river water to the south state while reducing the environmental harm done to the Sacramento-San Joaquin Delta, the hub of the state’s water-delivery network

The project is fiercely opposed by Sacramento area politicians, Delta farmers and fishing and environmental groups.

Tunnels opponent Barbara Barrigan-Parrilla of Restore the Delta said she was troubled that the repayment plan under the loan doesn’t start for at least five years after the project is finished.

“Our grandchildren and great-grandchildren will be footing the bill for dry tunnels when investments should have been made in sustainable water projects for their communities,” she said.

Meanwhile, Brown’s office on Tuesday said it has tweaked the design of the tunnels to reduce environmental impacts to Delta communities, wetlands and fish.

Under the new design, revealed in an environmental impact report, the state Department of Water Resources said the twin 40-foot-wide tunnels will be realigned to avoid the town of Hood and municipal water wells. The town sits at the north end of the Delta, near the spot where water will be diverted from the Sacramento River and drawn into the tunnels.



At the south end of the Delta, the state said it will create a new reservoir near the town of Byron, eliminating the need to expand the two-mile wide holding pond known as Clifton Court Forebay that sits below the state's massive Delta pumping plant. The state said the change will reduce harms to wetlands and endangered salmon and Delta smelt.

U.S. Rep. John Garamendi, D-Walnut Grove, an opponent of the project, said the state had merely put "lipstick on this pig by making cosmetic modifications."

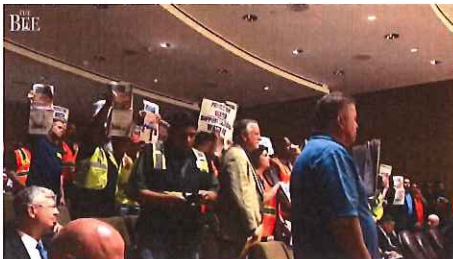
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*A pump in the San Joaquin Valley provides irrigation water. The state Department of Water Resources has released environmental documents for California WaterFix.*

REGULATORY > WATER

## State posts WaterFix EIR, proposes changes

*Department of Water Resources says the changes would "reduce the project's footprint and costs" and "minimize impacts on environmental resources".*

Jul 17, 2018



The California Department of Water Resources (DWR) today released a Draft Supplemental Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for California WaterFix . The document analyzes several proposed changes designed to reduce the project's footprint and costs, and minimize impacts on environmental resources in the Sacramento-San Joaquin Delta (Delta), including wetlands and other water resources.

Public comment will be accepted through Sept. 17, 2018. DWR will respond to all substantive comments received on the Draft Supplemental EIR/EIS and consider them in the decision-making process.

The proposed modifications analyzed in the environmental document released today have not changed the impact conclusions for any resource areas. The modifications include:

- Changing the locations of reusable tunnel material storage sites near the intermediate forebay, on Zacharias Island, on Bouldin Island, and near the relocated Byron Tract Forebay.
- Relocating the tunnel boring machine (TBM) launch shaft and barge landing location on Bouldin Island.
- Creating a new Byron Tract Forebay (eliminating the extensive modifications to Clifton Court Forebay) and relocating the consolidated pumping plant.
- Realigning the 40-foot diameter tunnels slightly to accommodate the relocated Bouldin Island TBM launch shaft and Byron Tract Forebay consolidated pumping plant relocation.
- Relocating or eliminating appurtenant facilities such as barge landing sites, concrete batch plants, and construction access roads to improve facility design.
- Realigning the 40-foot diameter tunnels to avoid the town of Hood and municipal water wells.

DWR released the Draft Supplemental EIR/EIS as the lead state agency in compliance with the requirements of the California Environmental Quality Act.

As the federal lead agency, the U.S. Bureau of Reclamation will release the Draft Supplemental EIR/EIS separately for public review in compliance with the National Environmental Policy Act.

To access the public review draft and associated environmental documents, please visit the California WaterFix web site .

*Source: California Department of Water Resources*

[http://www.westsideconnect.com/news/local\\_news/nutria-pose-triple-threat-to-state/article\\_01f7010a-8b81-11e8-a23c-23f3750d8bc1.html](http://www.westsideconnect.com/news/local_news/nutria-pose-triple-threat-to-state/article_01f7010a-8b81-11e8-a23c-23f3750d8bc1.html)

FEATURED

## Nutria pose 'triple threat' to state

Jul 19, 2018



Wildlife biologist Evan King records data while checking nutria traps in a private agricultural pond near Newman.

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Photo courtesy California Department of Fish and Wildlife

A large, destructive rodent once declared eradicated in California has resurfaced, posing a threat to the state's levees, wetlands and agricultural industry.

The discovery of nutria in 2017 has prompted an all-out, high-stakes eradication campaign led by the California Department of Fish & Wildlife - with the West Side emerging as its epicenter.



Peter Tira, public information officer for the agency, told Mattos Newspapers in late June that one privately-owned rural Newman pond near the confluence of the San Joaquin and Merced rivers has been a particular hot spot for nutria activity.

Of the more than 180 nutria which have been trapped in the eradication effort, he said, over 80 have come from that pond alone.

The base of operations is located in Merced County, Tira noted, which is rich in habitat with its rivers, wetlands and duck club ponds.

The stakes of eradicating the semi-aquatic rodents, which have bodies up to two feet in length and can weigh in excess of 20 pounds, cannot be overstated, he emphasized.

The nutria are voracious eaters which prefer the root section of plants, Tira said, which destroy wetlands vegetation which provides habitat for native species.

They are also aggressive burrowers capable of compromising the integrity of levees and canals - and are all the more insidious because they burrow from beneath the water line.

"It is not always obvious that a levee has been compromised. You can't see nutria damage," Tira said.

The rodents, which are native to South America but were introduced around the world during the height of the fur trade, are also considered a significant agricultural pest.

"The most significant fear is that they will get into the levee system and into the delta, and start compromising the integrity of our levees and canals," Tira stated.

Adding to the challenges of the eradication efforts are the elusive nature of the creatures - and their prolific reproduction.

Tira said a female can produce litters of six to seven young two to three times a year. The offspring become reproductive at four to six months of age.

"They multiply exponentially," he emphasized.

Tira said nutria prefer shallow water with heavy vegetation.

"They don't like real deep water, so a big lake or real deep pond may not be ideal habitat. They are in heavily vegetated riparian areas," he explained. "They eat pretty much any kind of aquatic vegetation. Their preference is for cattails and tules, but they will eat anything."

The state agency recently sent notifications out to more than 7,000 landowners, primarily along the San Joaquin River and surrounding parcels, seeking access to property to conduct nutria assessments.

The participation of private property owners is essential if the eradication effort is to succeed.

"Our goal is complete eradication, and you cannot eradicate them if there are holdout property owners," he remarked.

While teams have been scouring the area's public lands, Tira said, "we believe the biggest populations will be found on private property."

Typically, he said, a team of two will conduct an assessment of a property. If indications of nutria are found, a second team will place trail cameras. If nutria are detected, a third team goes in with traps.

"They are very elusive and very hard to spot," Tira added. "We are still learning about them ourselves."

Whereas a beaver may be seen swimming down the middle of a canal, he said by way of example, nutria would skirt the edges and stay undercover.

The rodents, which are often confused with beaver and muskrat, tend to be nocturnal.

Operators of the Newman wastewater treatment plant, which is near the confluence of the San Joaquin and Merced rivers, and the Gustine plant, which is near duck club ponds, are well aware of the nutria presence and staying watchful for any signs of their presence, said the respective public works directors of each city.

So far, they reported, none have been found at the city plants.

Tira said nutria were previously found in California as a result of the fur trade. Licensed nutria farms existed in the state in the 1900s, he explained.

"The (fur) market never really took off, but sometimes the nutria escaped or were released," Tira told Mattos Newspapers. "The state would go after and eliminate them, and they were declared eradicated from the state in the 1970s."

Nobody knows with certainty why the nutria have resurfaced.

Tira said their presence has been confirmed in Fresno, Merced, Stanislaus, Tuolumne, Mariposa and San Joaquin counties.

Two confirmed nutria have been located at the edge of the delta. Tira said the agency is establishing a second base of operations in Stockton and will begin assessing the delta for the presence of the rodents.

"There is nothing quick and easy" about the efforts to eradicate the nutria, he reflected.

The state and its federal partners will be successful only if they move quickly, removing the nutria before their numbers have exploded beyond any hope of eradication.

"We believe that we are in the early stages of infestation, and that we can remove them," Tira commented. "(If) they get established, you might never be able to get rid of them. They are a real threat to our environment.....and to our life in California, really."



AgriLife Today

*Fire destroyed vast areas of the Texas Panhandle.*

**REGULATORY > USDA**

## **FSA reminds of available drought, disaster aid**

*The California Farm Service Agency notes that resources, including emergency, direct and guaranteed farm loans may be available to help farms recover and rebuild in the wake of droughts and wildfires.*

Jul 25, 2018

California Farm Service Agency Executive Director Aubrey Bettencourt today reminded ranchers, farmers and producers in California that resources, including emergency, direct and guaranteed farm loans may be available to help them recover and rebuild in the wake of droughts and wildfires.

“Earlier this year, Congress, through the Bipartisan Budget Act of 2018, made significant changes to disaster programs administered by the Farm Service Agency,” said Bettencourt. “For example, the Livestock Indemnity Program (LIP) now allows producers to receive compensation for cattle injured in a disaster. We stand ready to help any producer that needs to recover from a catastrophic event through a range of available loan programs.”

For LIP, the \$125,000 individual payment limit was removed effective with the 2017 program year. FSA this spring also made an administrative change that provides that in the event of disease, local FSA county committees are authorized to accept veterinarian certifications that livestock deaths were directly related to adverse weather and unpreventable through good animal husbandry and management. The committees may then use this certification to determine eligibility for producers on a case-by-case basis for LIP. During 2017, and so far this fiscal year, USDA has made LIP payments in California totaling about \$1.9 million.

The Bipartisan Budget Act of 2018 removed the \$20 million annual funding limit for assistance available to producers due to losses due to disease and events including blizzards and wildfires through the Emergency Assistance for Livestock, Honeybees and Farm-Raised Fish (ELAP) program. Because the annual funding limit was removed, approved applications will be paid more quickly during the 2017 and subsequent program years as it is no longer necessary to wait until all claims are submitted in order to determine if payments need to be prorated.

In June, FSA began taking applications for the LIP and ELAP programs to help producers recover from natural disasters in 2017 and 2018.

In states like California, ELAP plays an important role in helping producers who could not graze livestock because of wildfire and other natural disasters. This includes producers who lost grazing days because of December 2017 wildfires, including the Thomas Fire. Producers are eligible for assistance for lost grazing days, even if the wildfire occurred before the start of the grazing period, which is October 1. Last year, and so far this fiscal year, ELAP payments for all claims in California total about \$9.4 million.

In addition, the FSA Emergency Conservation Program (ECP) provides funding and technical assistance for farmers and ranchers to rehabilitate farmland damaged by natural disasters. Producers located in counties that receive a primary or contiguous disaster designation are eligible for cost-share assistance. Compensation is also available to producers who purchased coverage through the Noninsured Crop Disaster Assistance Program (NAP), which protects non-insurable crops (including native grass for grazing) against natural disasters that result in lower yields, crop losses or prevented planting. NAP payments in California for last year and the current fiscal year total about \$4.3 million.

USDA has moved quickly to help with recovery efforts in California. For example, following the wildfires, USDA made 756 emergency, direct and guaranteed operating loans to farmers and ranchers in California totaling about \$75 million.

USDA also provided funding through the Environmental Quality Incentives Program (EQIP), administered by USDA's Natural Resources Conservation Service (NRCS). EQIP provides technical and financial assistance to farmers, ranchers, and forest owners. NRCS in California provided over \$985,000 in EQIP funds for 23 contracts on approximately 8,856 acres to assist producers across more than a dozen counties. Thirteen types of conservation practices were funded including access roads, brush management, fencing, prescribed grazing, livestock watering systems and tree planting.

Additionally, California NRCS staff responded to over 1,000 requests for Conservation Technical Assistance (CTA) related to fire recovery, helping landowners understand post-fire erosion control and what was-- and was not-- necessary to protect their property. NRCS provided technical assistance to FSA customers applying for ECP, including almost 14,000 feet of fencing.

Ranchers and livestock producers in impacted counties may be eligible for assistance through the 2018 Livestock Forage Disaster Program (LFP). Due to catastrophic events in California last year and so far this fiscal year, USDA has provided an estimated \$16 million through LFP. Earlier this year, many counties met qualifying drought ratings and may be eligible for LFP compensation for grazing losses for covered livestock on land that is in native or improved pastureland with permanent vegetative cover or certain crops planted specifically for grazing.

USDA recently announced that nearly \$2 billion is available for eligible producers affected by 2017 hurricanes and wildfires.

Any crop, tree, bush or vine, damaged by a 2017 wildfire is eligible for the new 2017 Wildfires and Hurricanes Indemnity Program (2017 WHIP). The program covers both the loss of the crop, tree, bush or vine as well as the loss in production. FSA will determine eligibility for wildfire losses on an individual basis, factoring in the level of insurance coverage purchased by the producer. Wildfire recovery will also include mudslides and heavy smoke resulting from the effects of wildfires.

For more information on FSA disaster assistance programs, please contact your local USDA service center or visit <https://www.farmers.gov/recover/whip> .

*Source: USDA Farm Service Agency*

**Source URL:** <https://www.westernfarmpress.com/usda/fsa-reminds-available-drought-disaster-aid>

# New lawsuit alleges mismanagement of island in the Delta

By Danielle Vaughn/News-Sentinel Staff Writer | Posted: Saturday, July 28, 2018 11:30 am

The Wetlands Preservation Foundation has filed a lawsuit against the California Department of Water Resources (DWR) and The Nature Conservancy (TNC) for alleged mismanagement of Staten Island, located in the Sacramento-San Joaquin Delta.

“The gross mismanagement of Staten Island by DWR and TNC threatens the long-term viability of the island and poses serious risks that the entire island will be permanently flooded,” said attorney John Kecker of Kecker, Van Nest & Peters LLP. “This lawsuit is about forcing DWR to take responsibility and immediately start strengthening and extending levees, replacing lost soil, and converting Staten Island to more sustainable farming practices.”

The lawsuit filed earlier this week alleges that since 2001, DWR and TNC have failed to utilize sustainable farming practices on Staten Island. Wetlands claims that over each of the last 16 years DWR and TNC have planted the majority of Staten farmland acreage with sub-irrigated corn, which Wetlands argues does not promote sustainable agriculture. Growing sub-irrigated corn instead of top-irrigated crops like rice or alfalfa results in top-soil oxidation and has caused Staten soil levels to subside, according to Wetlands.

The lawsuit claims the mismanagement of Staten Island has resulted in the loss of more than 20 million cubic yards of soil, lowered Staten Island field elevations and weakened the integrity of Staten Island levees, resulting in serious risks.

“Unless Staten Island subsidence is stopped, Staten’s levees will fail, the island will flood, with dire outcomes for the local agricultural economy, Sandhill crane habitat, adjacent islands, and indeed for the entire Delta,” said Dino Cortopassi, CEO of Wetlands Preservation Foundation. “Despite our urging, neither DWR nor TNC has shown any intention of stopping their harmful practices contributing to Staten’s increasingly dangerous situation.”

When asked for DWR’s response to these claims, Erin Mellon, DWR assistant director of public affairs, said the agency doesn’t comment on pending litigation.

The lawsuit also details TNC’s alleged fiscal mismanagement of Staten Island through distributing Staten farming profits to TNC headquarters rather than investing in Staten maintenance and long-term sustainability.

It alleges that a review of public tax records indicates that TNC’s subsidiary managing the farming operations on Staten Island has not invested farming profits in Staten’s sustainability but has instead sent \$14.5 million in farming profits to TNC headquarters for TNC’s general operations.

“The Nature Conservancy’s work at Staten Island centers on creating and testing wildlife-friendly agricultural practices,” Dawit Zeleke, associate director of conservation farms and ranches, said in response to the claims against TNC.

“Our Staten Island work has led to the recovery and protection of Sandhill crane habitat, serving as one of the most important sites in California for wintering Sandhill cranes. Water management has long been a universal problem in the Sacramento-San Joaquin Delta, and we are proactive in measures to protect and maintain levees both on our property and to help neighboring islands as demonstrated in the floods of 2017. We continue to work to improve methods and test new crops and strategies that could be applied Delta-wide to model best practices in addressing changing climate conditions, the environment, agricultural practices and reducing flood risks.”





## LATEST NEWS

## California says this chemical causes cancer. So why is it being sprayed into drinking water?

BY RYAN SABALOW  
[rsabalow@sacbee.com](mailto:rsabalow@sacbee.com)

July 30, 2018 03:55 AM  
Updated July 30, 2018 10:26 PM

A year ago, the active ingredient in Roundup, the nation's most widely used weed-killing herbicide, was added to California's official list of chemicals known to cause cancer.

The state's warning about glyphosate followed a similar caution issued by the World Health Organization and coincided with hundreds of lawsuits across the country focused on the herbicide. The first jury trial to involve Roundup recently started in San Francisco — the plaintiff is a groundskeeper who believes he developed non-Hodgkin's lymphoma by using the weedkiller on the job.

None of those alarm bells, however, have stopped the state Division of Boating and Waterways from spraying Roundup directly into the Sacramento-San Joaquin Delta, the nexus of California's water system.

Since 2010, Boating and Waterways has put more than 14,000 gallons of Roundup into the Delta, according to a McClatchy review of data provided by the agency.

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The Roundup treatments are part of a concerted effort to kill nonnative aquatic plants, which have become so pervasive in the Delta that NASA scientists can see them from space. State officials say the vegetation snarls boat propellers, blocks access to marinas and clogs drinking-water pipes. Officials also blame the weeds for damaging fish habitats and contributing to the precipitous declines of the Delta's troubled fish populations.

"It's a real conundrum," said Jay Lund, director of the Center for Watershed Sciences at UC Davis. "It might be one of these cases where you have to poison the Delta to save it."

Officials say the weed-killing program has been approved by a host of state and federal agencies, and that strict limits have been set on the use of Roundup and other herbicides in the West Coast's largest estuary, which provides drinking water to 25 million Californians. A team of state scientists also monitors the treatment locations and water quality to ensure contamination levels don't get too high or too close to drinking water intakes and Delta farmland.

"Everybody wants to make sure we're taking care of the Delta and its natural resources and the drinking water as well," said Gloria Sandoval, spokeswoman for the Division of Boating and Waterways.

But Roundup's critics say it's hypocritical for one state agency to say the herbicide is a likely cancer hazard while another sprays it into a place where drinking water is pulled.

"There is irony in one arm of the state acknowledging that the chemical is cancer causing while the other continues to use thousands of gallons of it in the hub of the state's drinking water," said Paul Towers, the Sacramento based organizing director and policy advocate for Pesticide Action Network North America. "At the very least, we need a deep assessment of whether or not the use of Roundup is the appropriate method for controlling or managing these invasive plants."

### Unsettled debate

The potential health effects of Roundup have been a subject of heated debate among scientists, regulators and others for more than 30 years.



Monsanto, the giant agrochemical and biotech company that makes Roundup, long has insisted its product is safe. It says claims to the contrary aren't backed by scientific evidence.

The company, which was recently bought by German pharmaceutical company Bayer, took California to court to defend the Roundup brand after the state Office of Environmental Health Hazard Assessment listed glyphosate as a cancer-causing chemical under Proposition 65, the 1986 ballot initiative that requires warning labels for about 1,000 chemicals known to cause birth defects or cancer.

Responding to a lawsuit filed by Monsanto and a group of farming associations, a federal judge in Sacramento in February issued a preliminary injunction that blocked Monsanto from having to put cancer warning labels on Roundup. The judge said the warnings would mislead consumers because "almost all other regulators have concluded that there is insufficient evidence" that Roundup's active ingredient, glyphosate, is carcinogenic.

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Destructive swamp rodents are knocking on the Delta's door. Is it time to panic?

Nevertheless, the chemical remains on the state's Proposition 65 list (which does not ban or restrict its use). The state put it there because the International Agency for Research on Cancer, a branch of the United Nations World Health Organization, listed glyphosate as "probably carcinogenic" in 2015. The U.S. government and at least 18 states, including California, rely on the IARC's expertise in carcinogen identification, the state said.

According to the state, the IARC “found that glyphosate is an animal carcinogen and probable human carcinogen” based primarily on studies in which “rodents exposed to glyphosate developed tumors at higher rates than rodents not exposed to glyphosate.”

However, several other government agencies, including the U.S. Environmental Protection Agency, have concluded there is no evidence that glyphosate causes cancer.

Following the international agency’s listing, hundreds of lawsuits alleging glyphosate causes cancer were filed in state and federal courts across the country.

San Francisco U.S. District Judge Vince Chhabria is presiding over more than 300 of those cases. Earlier this month, he called some plaintiff expert-witnesses’ testimony about the alleged cancer link “rather weak” and “shaky,” but he nonetheless let the cases move forward.

In the separate landmark jury trial that is underway, Benicia school groundskeeper DeWayne Johnson, 46, alleges his non-Hodgkin’s lymphoma — a blood cell cancer — was caused by being exposed to Roundup and other Monsanto chemicals over a two-year period.

“I would have never sprayed that product on school grounds ... if I knew it would cause harm,” he testified in court July 23.

### **‘Dissipates pretty quickly’**

If Roundup is so controversial, why use it in the Delta at all?

Because it’s effective, and the relatively small amounts sprayed there pose little risk to the water supply, said John Madsen, a U.S. Department of Agriculture biologist based at the Weed Research and Information Center at UC Davis.

Billions of gallons of water flow through the estuary each year as the Sacramento and San Joaquin rivers converge before washing out to the ocean. A portion of those flows are used by local farms and cities, and some is pumped to the southern half of the state to drink and irrigate fields.

“Water is constantly moving in the Delta so whatever herbicide they use dissipates pretty quickly,” said Madsen, whose agency works with the state on its herbicide program.

In addition, the custom blend of Roundup the state uses for aquatic weeds “is absorbed by the plants,” Madsen said. ““Glyphosate has no activity in the water itself. It’s only active when it’s on the foliage of the plants.”

Madsen and other scientists say the herbicide treatments will never completely remove the weeds, but they’re critical for keeping water flowing through the Delta’s 60,000-acre spiderweb of sloughs and river channels stretching from south of Sacramento and west of Stockton to the San Francisco Bay.

At any given time, as many as a third of those waterways are choked with invasive plants, such as the flowering water primrose and hyacinth, brought to California for use in aquariums and decorative ponds.

“That’s approximately doubled over the past 10 years,” said Ted Sommer, the lead scientist with the state Department of Water Resources. “We’ve seen this huge ramp-up that occurred during the drought. ... There are entire channels that are completely choked and closed because of the weeds.”

Between 2013 and 2016, marinas and various government agencies spent about \$46 million on Delta weed control, according to a UC Davis study.

The state sometimes removes a few acres of the weeds with mechanical harvesters, but officials say that method is impractical on a large scale.

Chopping up the plants can harm native species while spreading seeds and other debris that can re-establish the plant elsewhere. In addition, few land owners are willing to have thousands of tons of soggy, decomposing weeds dumped on their properties.

State officials say that gives them few options other than using Roundup and other types of herbicides to control the eight primary invasive weed species that have invaded the Delta.

## **Fish habitats**

Clear channels for boats and water deliveries aren’t the only reasons for the herbicide treatments.

Gov. Jerry Brown’s Natural Resources Agency in 2016 called for more weed control to improve the plight of the nearly extinct Delta smelt. State biologists also say reducing the weeds helps the Delta’s struggling salmon species. The native fish need cold, free-flowing, murky water in the Delta to thrive.

Biologists say fish are harmed by the nonnative weeds because they clog up Delta’s natural flows and make the water clearer and warmer. The warm, languid currents and the dense stands of plants also are ideal habitat for bass and other nonnative fish that prey on native fish.

“Instead of providing good rearing habitat (for young fish), we’ve just got predator habitat,” said Sommer, the Department of Water Resources scientist.

Madsen, the U.S. Department of Agriculture biologist, said the treatments appear to be helping fish habitats. For instance, in the shallow 3,300-acre open waterway known as Franks Tract, the herbicides have removed infestations of underwater Brazilian waterweed that used to plague the area. Madsen said native vegetation has grown back.

Roundup only is used on plants such as hyacinth that float on the surface. To kill underwater plants like the waterweed, the state uses sinking pellets containing the herbicide fluridone. Last year, the state applied 198,100 pounds of it, said Sandoval, the Boating and Waterways spokeswoman.

To ensure the public is aware of where the treatments are taking place, the Division of Boating and Waterways publicizes on its website where its fleet of 29 herbicide boats plans to spray.

Some Delta anglers, however, aren't convinced the spraying is as benign as officials claim.

Mike Birch has been fishing on the Delta several times a week for the past decade. He's used to occasionally seeing state-owned boats cruising the estuary's sloughs and channels, spraying herbicides. This year, Birch and his fellow anglers have watched with growing alarm as state boats visited their favorite bass fishing spots, sometimes multiple times a week.

"I said, 'What in the heck is going on this year?'" Birch said. "You're not supposed to nuke everything."

Birch and others began sounding the alarm on Facebook fishing pages, and Delta anglers soon began blaming the herbicides for dead fish and other deceased wildlife spotted in the estuary.

Sandoval said her agency has forwarded the reports of dead animals to the state's wildlife agency, but there's no evidence the spraying is harming wildlife.

"There has been a very extensive amount of toxicity studies on these chemicals," said Madsen, the USDA scientist. "The rates that they're using are not going to cause any fish kills. There are lots of things that can cause fish kills besides the pesticides."

*The Associated Press contributed to this story.*

COMMENTS ▼






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CLIMATE & WEATHER ENVIRONMENT & WILDLIFE COMMUNITY OP-EDS

# Delta Breezes Are Dying and That Could Be Bad News for an Imperiled Fish

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Research has found that wind is on the decline in the Sacramento-San Joaquin Delta, which subsequently impacts the turbidity of the water. That in turn has an impact on critically endangered delta smelt, writes Metropolitan Water District's Tom Philp.

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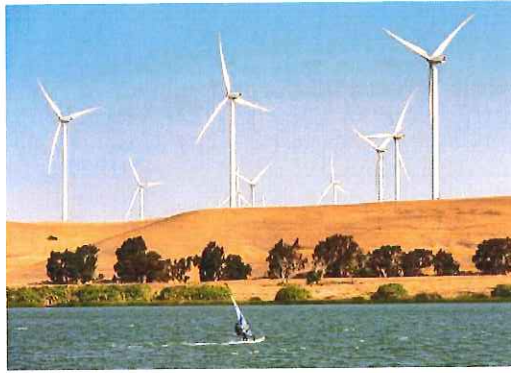
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WRITTEN BY Tom Philp PUBLISHED ON  Aug. 7, 2018 READ TIME Approx. 3 minutes





A windsurfer takes advantage of gusty winds in 2014 at Sherman Island County Park in the Sacramento-San Joaquin River Delta. Florence Low / California Department of Water Resources

AS A 27-YEAR Sacramentan, it's pretty easy to detect that there are fewer winter moments of dense, bone-penetrating valley fog than before. Winter used to mean days on end without seeing a sun in the sky. But how many of us are just as aware that the blessed Delta breeze also isn't what it used to be? (It sure abandoned us in July.) Or how this ebbing of the wind has shifted the ecology of the Sacramento-San Joaquin Delta itself?

Earlier this year, David Fullerton, a researcher for the Metropolitan Water District of Southern California and a 17-year resident of Sacramento, was a co-author of a study published in the peer-reviewed journal *Estuaries and Coasts*, which looked at wind in the Delta. Monitoring stations have been measuring wind in the Delta for years, and by examining their records from 1995–2015, Fullerton and co-authors Aaron Bever and

announcements. See our [privacy policy](#) for more.

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July 13, 2018

Michael MacWilliams found wind declines ranging from 13 percent to 48 percent throughout the estuary.

The Delta breeze, in short, has been waning.

In the summer months of June through September, for example, the winds decreased 42 percent at Rio Vista. They dropped 20 percent at Sacramento Executive Airport. In the fall and early winter (October to January), they decreased nearly 48 percent. Everywhere around the Delta, there was less wind.

Miles away in Lake Tahoe, the latest State of the Lake report by researchers raised the fear that higher temperatures will steadily lead to a clouding of the lake, fading its signature blue color. Yet if the Delta breezes continue to ebb, precisely the opposite will happen. The Delta, as the winds have subsided, has become clearer.

The wind does more than provide a sense of human relief from the heat. The wind stirs things up, literally.

Wind is a primary driver of turbidity in the waters of the Delta. And what this research did was to apply sophisticated modeling tools to estimate how much clearer the Delta has become as a result of the decreased winds.

**Monsoon  
Rains  
Provide  
Some Relief  
to Drought-  
Stricken  
New Mexico**

July 11, 2018

REPUBLISH  
THIS ARTICLE

Take Suisun Bay as an example.

There, winds can suspend sediment in the shallower channels in places like Grizzly and Honker bays. The extraordinary power of the tides then helps to distribute the turbid water into the deeper channels throughout the area.

Fall/winter winds in Grizzly Bay decreased by 50 percent over the 20 years and 32 percent in Honker Bay. This is the period, October through January, that the reduction in wind has been the most pronounced, although the north Delta has experienced less wind in summer months at all monitoring stations.

Based on the modeling in this study, the decrease in wind had the effect of decreasing turbidity in Suisun Bay between 14 percent and 55 percent.

Why does that matter? Take, for example, the endangered delta smelt. Turbidity is a documented factor in the whereabouts of the much-studied fish species. It seems to like turbid water. Monitoring is far more likely to detect smelt in turbid water than clear stretches of the Delta. Presumably the smelt like to hide as they migrate from summering grounds such as Suisun Bay.

Less wind means less turbidity, which means less cover for a fish



such as the delta smelt. This species is under stress for many reasons. Add wind, or the lack of it, to the list.

The study found less wind, but did not answer why. It concluded with this: “Future work examining the cause of the long-term declines in observed wind speed would provide a greater understanding of whether the decline in wind speed over the past 20 years is due to cyclical processes and will increase in the future, or if wind speed is expected to remain low or decrease further in the future.” At this point, the future of the Delta breeze is unclear.

So far this year, Fullerton says that it has been less windy overall in the Delta than the year before. It is just a snapshot in time. But it is consistent with what for many of us is a hidden weather trend.

For both human and broader environmental reasons, it is time to pay more attention to the Delta wind, or what is left of it.

*The views expressed in this article belong to the author and do not necessarily reflect the editorial policy of Water Deeply.*



# DELTA # DELTA SMELT # FISH

# SACRAMENTO-SAN JOAQUIN DELTA # WIND

#### About the Author

##### Tom Philp

EXECUTIVE STRATEGIST,  
METROPOLITAN WATER  
DISTRICT OF SOUTHERN  
CALIFORNIA

Tom Philp is the strategic communications and policy advisor for the Metropolitan Water District of Southern California.

POLITICO

POLITICO



President Donald Trump's tweets about the fires have drawn confusion, since the state's firefighters have said they are not aware of a water supply problem. | Macio Jose Sanchez/AP Photo

## Trump wildfire tweets spark bewilderment about California water

The president has blamed ‘bad environmental laws’ for making California’s fires worse.

By **ANNIE SNIDER, CARLA MARINUCCI** and JEREMY B. WHITE | 08/06/2018 03:10 PM EDT | Updated 08/06/2018 05:45 PM EDT

OAKLAND, Calif. — Californians are stunned at President Donald’s Trump’s latest tweets on the state’s catastrophic wildfires — and his insistence that the state is burning because leaders are letting too much fresh water flow into the Pacific Ocean.

Trump tweeted Monday that California “Governor Jerry Brown must allow the Free Flow of the vast amounts of water coming from the North and foolishly being diverted into the Pacific Ocean. Can be used for fires, farming and everything else. Think of California with plenty of Water - Nice! Fast Federal govt. approvals.”

That tweet — on the heels of a Sunday tweet that referenced California’s “bad environmental laws” as a cause of the state’s current raging wildfires — drew an immediate reaction from veteran California GOP strategist Rob Stutzman, who responded via Twitter: “This is nuts” and also “low water IQ.” Stutzman has advised former Gov. Arnold Schwarzenegger and a host of national and state GOP candidates.

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California wildfires are being magnified & made so much worse by the bad environmental laws which aren't allowing massive amounts of readily available water to be properly utilized. It is being diverted into the Pacific Ocean. Must also tree clear to stop fire from spreading!  
— Donald J. Trump (@realDonaldTrump) August 6, 2018

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Trump’s comments may be referencing an unrelated dispute between Brown’s administration and California Republicans over how much of the state’s water can be diverted to Southern California farms and cities and how much must be allowed to flow naturally to benefit endangered and threatened fish species.

Wildfires around California have killed nine people, but firefighters have not raised concerns about the available water supplies.

“The notion that somehow more water would be mitigating or better in fighting these fires is just mind-boggling,” Stutzman told POLITICO on Monday. “I don’t watch ‘Fox & Friends,’ but it would seem that someone has put the idea in his head. It doesn’t even show an elementary understanding of water policy.”

Fox & Friends had aired a segment about the California fires nearly five hours before Trump's Monday tweet but didn't discuss water issues as part of the segment.

Stutzman called the president's recent tweets on California fires and water policy "frightening," saying that "water has nothing to do with why these places are tinder boxes. It's very exasperating. ... It's a statement from the president that shows no understanding of hydrology."

He said he would advise Brown, a Democrat, to "not take the bait" and react to such uninformed views.

Indeed, Evan Westrup, the spokesman for Brown, told POLITICO that "this does not merit a response." But he also added via email: "It's a sad state of affairs when journalism is reduced to chasing the uninformed, unsupervised tweets of the president."

Some Democrats seized on the latest tweet. Rhys Williams, spokesman for Democratic gubernatorial candidate Gavin Newsom, tweeted: "Has anybody seen the baby's pacifier? He dropped it again."

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## **Trump endorses Kobach for Kansas governor**

By **DANIEL STRAUSS**

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In a purely political sense, Trump's tweets reflected his alignment with California Republicans who have long complained that the state unfairly prioritizes environmental uses for water over the state's sprawling agricultural industry. Putting "fish over farms" is a popular formulation that has been invoked by Trump allies from California's agricultural heartland, such as Reps. Devin Nunes and Kevin McCarthy.

"Forests should be managed properly and water should be allowed for farmers to grow food to feed people," Nunes wrote on Twitter in response to Trump's Sunday tweet, cheering the president "for bringing much needed attention to our flawed environmental policies!"

Trump has courted the Republican-leaning Farm Bureau heavily. California's water wars are a huge issue for the group. Trump addressed the annual Farm Bureau convention in January, becoming the first president in more than two decades to do so. He also raised the issue during a campaign stop in Fresno in 2016.

But experts who make their living studying California's water system reacted for the second consecutive day with a communal groan of exasperation. Peter Gleick of the Pacific Institute,

one of the state's foremost experts on how the state manages its water, issued a tweet calling Trump's latest missive "nuts" after labeling the president's initial tweet "gobbledygook bullsh--."

In an email to POLITICO, Gleick noted that the water that flows from California's rivers into the ocean is what remains after cities and farms take their gulp — and that those flows are critical to shoring up ecosystems that, in some parts of the state, are teetering on the brink of collapse.

"Trump's tweets last night and today show a profound misunderstanding about water, fires, California environmental policy, and of course, climate change," Gleick said, adding that the "idea that somehow state water policies are leading to a shortage of water for fighting the fires is too stupid to rebut."

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WHITE HOUSE

## **The real lesson Trump learned from Charlottesville**

By ANNIE KARNI

---

Stutzman said that even more potentially damaging is that the president's Twitter pronouncement is "even somewhat offensive, given that he's trying to make a point on the backs of these fires."

He noted the president on Twitter to date has shown "no sympathy" and expressed no personal concern for the 18 active and raging blazes around the state, which have to date been responsible for the destruction of more than 1,000 homes and billions of dollars in damage.

Ironically, Stutzman said, Trump has stepped on what could have been his own positive message to California — that the White House "has been quick to approve funds and the emergency declarations have come without any complications."

In July, the State Water Resources Control Board proposed major changes to the state's water allocations, preserving more for ailing fish populations. The changes are slated for a vote later this month. That announcement drew the ire of the state's agricultural groups, and state Republicans have turned to their allies in Congress, who have voted to block federal funding related to the allocation plan.

*—Rebecca Morin contributed to this report.*

ATTACHMENTS  
III.E.-2.





**EASTERN SAN JOAQUIN  
GROUNDWATER AUTHORITY**

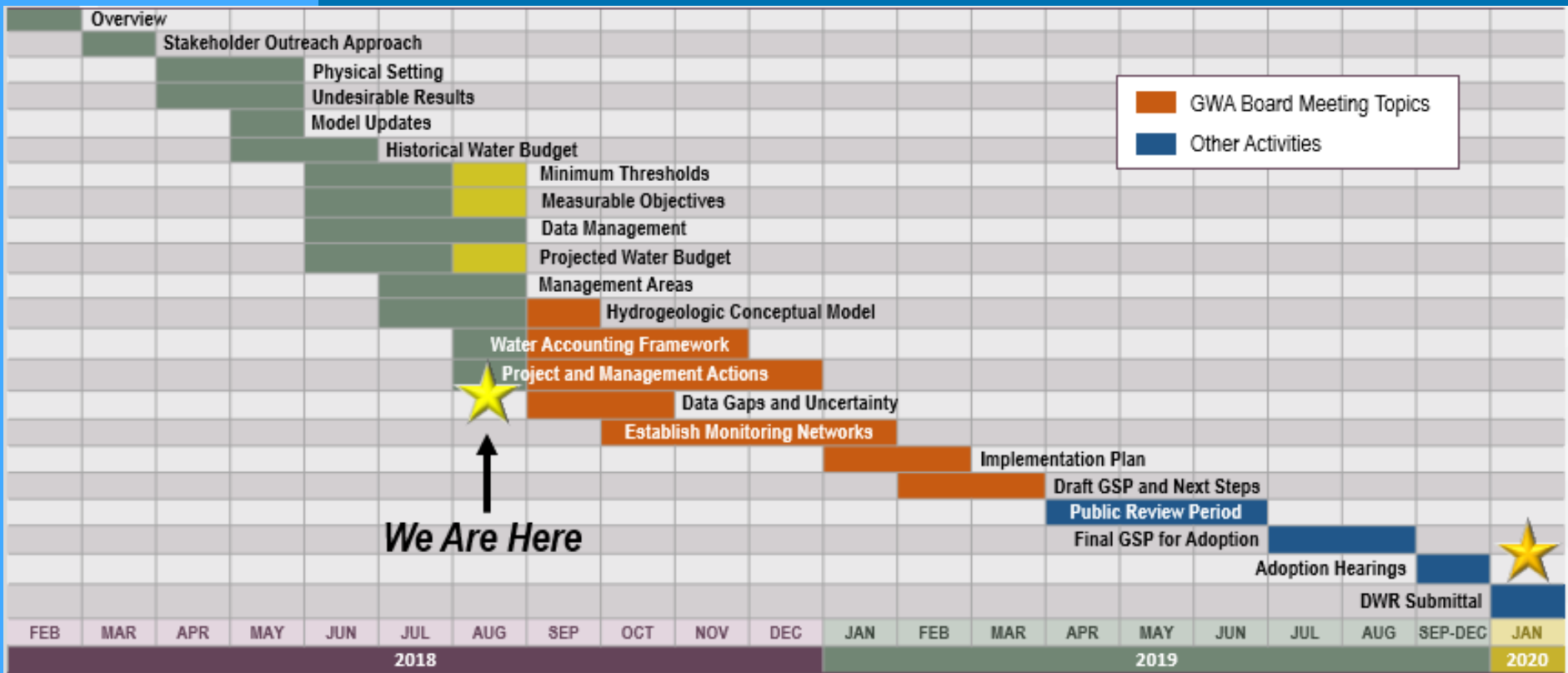
**GWA Board Meeting  
August 8, 2018**

# Agenda



- Approval of July Board Meeting Minutes
- Roadmap Update and Project Schedule
- Outreach & Groundwater Sustainability Workgroup Update
- GSP Action Update
- Hydrogeologic Conceptual Model
- DWR Update
- September Agenda Items

# GSP Topics & Project Schedule

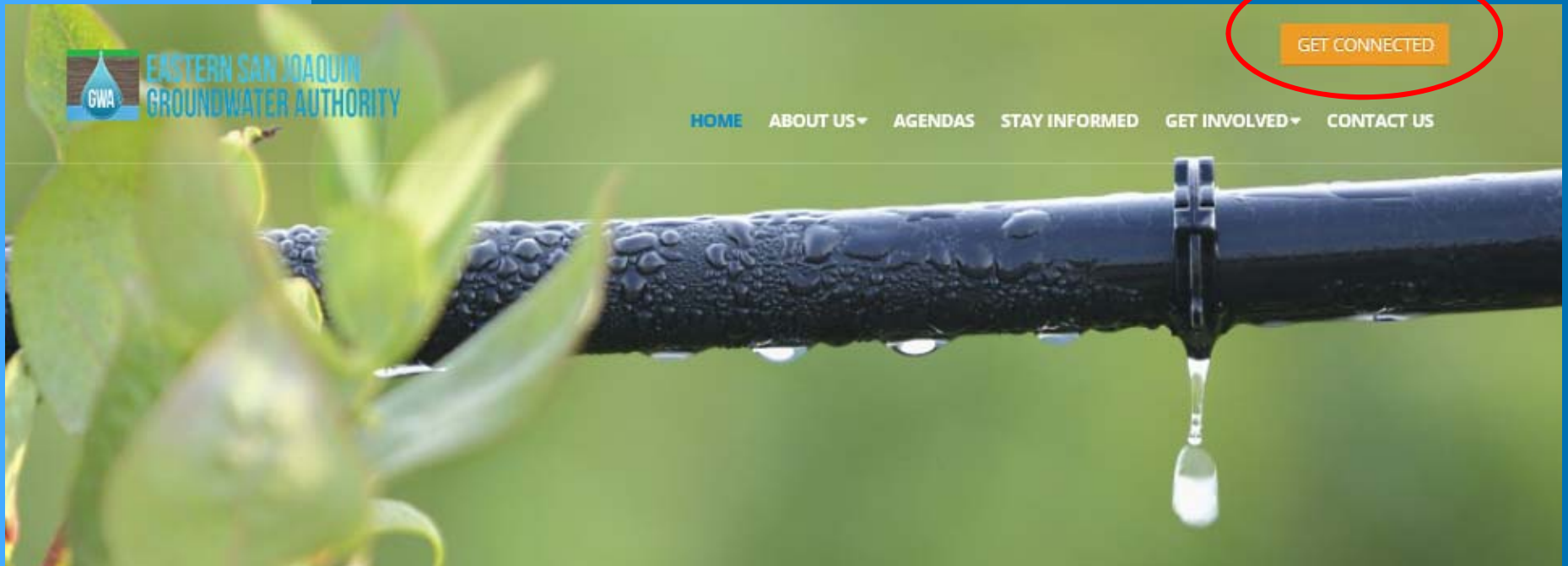




# Outreach & Groundwater Sustainability Workgroup Update



# Get Connected



# Workgroup Materials

## Meetings

The Eastern San Joaquin County Groundwater Authority will conduct Groundwater Sustainability Workgroup meetings and public meetings to provide opportunities to learn more and for involvement. The meetings are open to the public with details about each meeting posted below.

### Groundwater Sustainability Workgroup Meetings

Groundwater Sustainability Workgroup meetings occur on an approximately monthly basis. The Groundwater Sustainability Workgroup represents a diverse mix of members who represent the broad interests of groundwater users in the subbasin as well as the diverse social, cultural and economic elements of the population. During the meetings, stakeholders learn about the GSP's development, share questions and provide comments to the project's consulting team. Groundwater Sustainability Workgroup members are also encouraged to communicate information back to their organizations and report back any input to the consulting team.

2018

Meeting Notifications	Meeting Agendas	Meeting Materials
	<a href="#">July 10</a>	<a href="#">July 10</a>
<a href="#">June 12</a>	<a href="#">June 12</a>	<a href="#">June 12</a>

### Public Meetings

Public meetings will occur quarterly in various locations throughout the Subbasin. The meetings will provide an opportunity for interested members of the public to learn about the GSP, ask questions and share comments.





# Upcoming Open House



Outreach for August will focus on building awareness & promoting attendance for the August 29 Public Meeting (Open House format)

# Open House – August 29th



- The first Public Open House will be held on **August 29 at 6:30pm**
- The event will follow an open house format with one outreach station for each GSA
- SGMA background provided through four stations (Background, Process, Get Involved, Technology)
- All GSAs are strongly encouraged to participate and to promote the event
- Outreach flyer provided

**August 29th**

6:30 p.m. – 8 p.m.

Robert J. Cabral Agricultural Center,  
Calaveras Room



# Public Meeting Outreach Efforts



EASTERN SAN JOAQUIN  
GROUNDWATER AUTHORITY

August 29

6:30 p.m. – 8 p.m.



Robert J.  
Cabral  
Agricultural  
Center,  
Calaveras  
Room

**Mailer:** We will distribute to 400+ NGOs, local businesses & water suppliers

**Bilingual Flyer:** A bilingual flyer be emailed to 200+ NGOs, local businesses, and water suppliers. It has also been provided to members of the ESJ Board, Advisory Committee, & Groundwater Sustainability Workgroup

**Press Release:** A press release will be distributed to local media outlets & organizations with newsletters

# Outreach Tool Kit for GSAs



**Open House Flyer:** Available in English and Spanish

**Open House Press Release:** For organizations to include in their newsletters/blogs

**Social Media:** Facebook posts and Tweets created for use by GSA member agencies



# Examples of Social Media Content that Will be Provided



Did you know the Eastern San Joaquin Groundwater Authority is creating a sustainable groundwater management plan? Our first open house will be held on August 29 from 6:30–8 p.m. at the Robert J. Cabral Agricultural Center! You will have the opportunity to ask questions and provide your own input about the Groundwater Sustainability Plan. For more information visit: [www.esjgroundwater.org](http://www.esjgroundwater.org).



# Tracking GSA Outreach Efforts



- Each month, GSA representatives will be asked to fill out a simple survey template to indicate the outreach activities planned for the coming month
- Survey to be included in Board packet the following month

Example Survey:

GSA Name	Website Updated	Outreach Slides Posted	Public Meeting Attended	Posted to Social Media	Distributed Press Release
GSA #1	X		X	X	
GSA #2	X	X	X		
GSA #3		X	X	X	X
GSA #4	X		X	X	X
...					



# Groundwater Sustainability Workgroup Update



- 14 Workgroup members and 3 members of the public attended the last meeting on July 10th
- Members are currently reviewing draft July meeting notes and providing comment
- The next Workgroup meeting will be held on August 15<sup>th</sup> from 4 – 5:30 p.m. at the Robert Cabral Ag Center, Mokelumne Room

# Groundwater Sustainability Workgroup: Twelve Key Values



Be implemented in an equitable manner	Be affordable and accessible	Exhibit multiple benefits to local land owners and other participating agencies	Minimize and mitigate adverse impacts to the environment including climate change
Maintain or enhance the local economy	Minimize adverse impacts to entities within the Subbasin	Maintain overlying landowner and Local Agency control of the Subbasin	Protect the rights of overlying land owners
Protect groundwater and surface water quality	Provide more reliable water supplies	Restore and maintain groundwater resources	Increase amount of water put to beneficial use within the Subbasin



# Groundwater Sustainability Workgroup Update



1811 E. Hazzard Avenue  
P. O. Box 1810  
Stockton, CA 95204

(209) 468-3000  
E: [esgwa@esgwa.org](mailto:esgwa@esgwa.org)  
W: [esgwa.org](http://esgwa.org)

Eastern San Joaquin Groundwater Authority Groundwater Sustainability Workgroup  
August 15, 2018  
4 – 5:30 p.m.  
Robert J. Cabral Agricultural Center  
2101 E. Earhart Ave., Stockton, CA  
Calaveras Room

#### Agenda

- I. Welcome
- II. Comments and Meeting Notes
- III. Update on Background Conditions
- IV. Undesirable Results and Minimum Thresholds
- V. Brainstorming for Open House Station
- VI. Announcements
  - a. First public meeting August 29, 2018 6:30 pm, Robert J. Agricultural Center, Assembly Room 1
- VIII. Other Topics
  - a. Non-agenda items
  - b. Public Comment



**GSP Update**



# Reminder – How do the Pieces Fit Together?



Document Potential Undesirable Results for Each Sustainability Indicator

Identify Spatially Representative Minimum Thresholds

Identify Appropriate Monitoring / Measurement Locations throughout Subbasin

Develop Measurable Objectives above Each Minimum Threshold

# Reminder: Six Sustainability Indicators to be Addressed



Chronic lowering of groundwater levels indicating a significant and unreasonable depletion of supply



Significant and unreasonable degraded water quality



Significant and unreasonable reduction of groundwater storage



Significant and unreasonable land subsidence



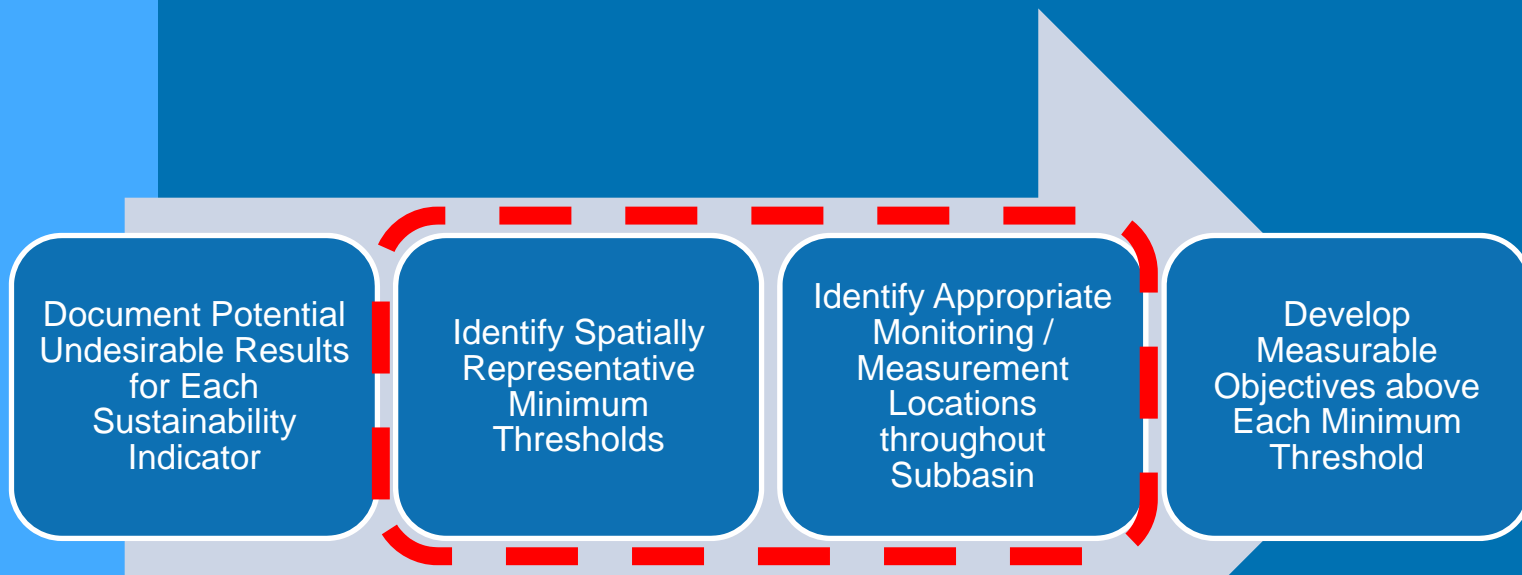
Significant and unreasonable seawater intrusion



Depletions of interconnected surface water that have significant and unreasonable adverse impacts on beneficial uses of the surface water



# Where are we now?



We are here

# Major Plan Focus Areas



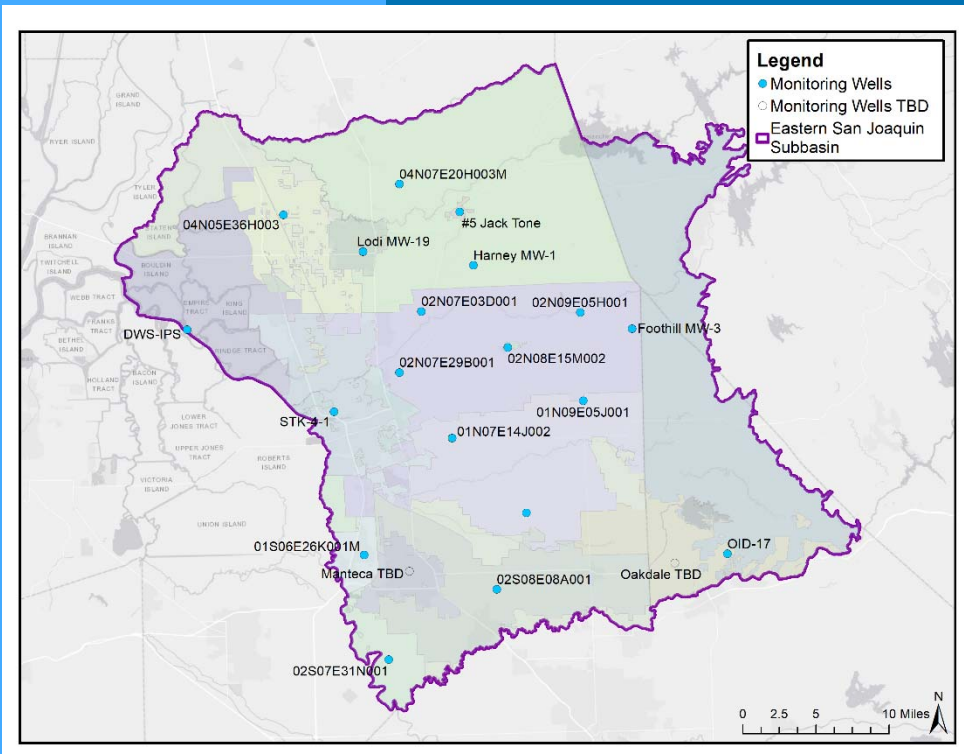
- Working through Advisory Committee and Groundwater Sustainability Workgroup to:
  1. Develop concept of what sustainability means for the Subbasin and identify high priority values around groundwater
  2. Identify undesirable results occurring now or in the past
  3. Develop minimum thresholds for each sustainability indicator

# Threshold Development



- Mapped lowest elevation of 1992 or 2015
- Met with GSAs to confirm understanding
- Developed alternative methodology with high/stable groundwater elevations (variance of last 5 years of data applied to lowest level recorded as a buffer)
- Identified monitoring locations for groundwater thresholds

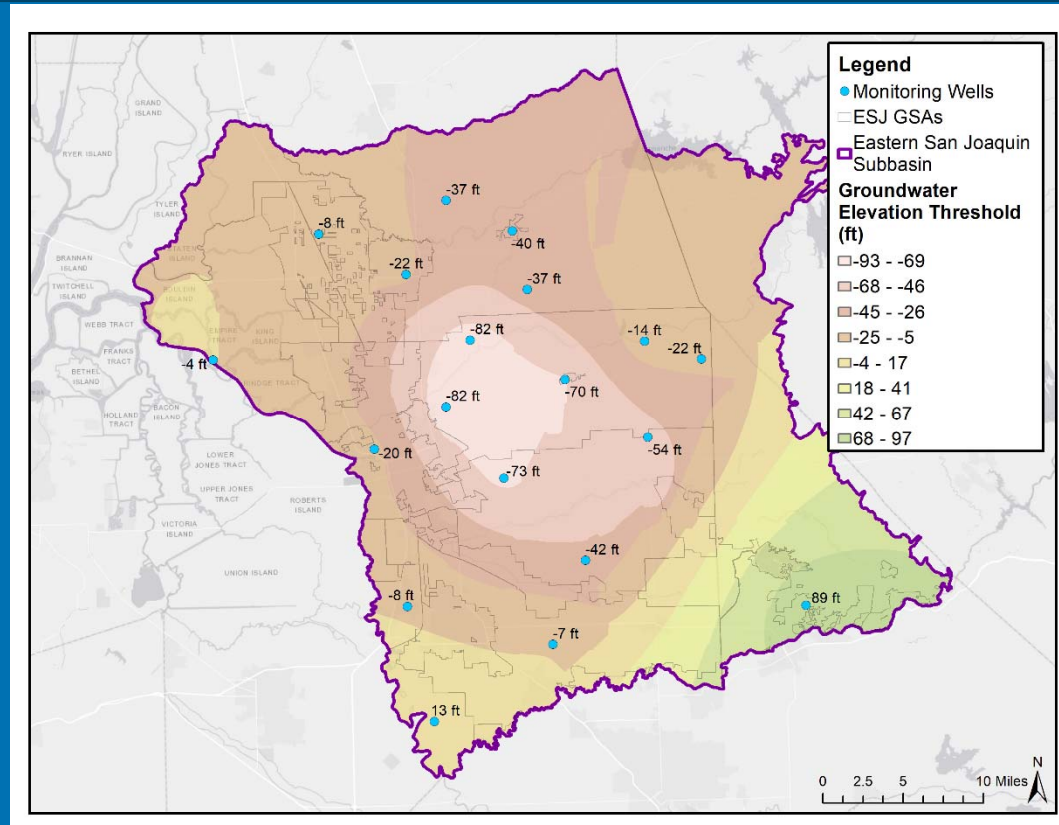
# Potential Monitoring Well Selection



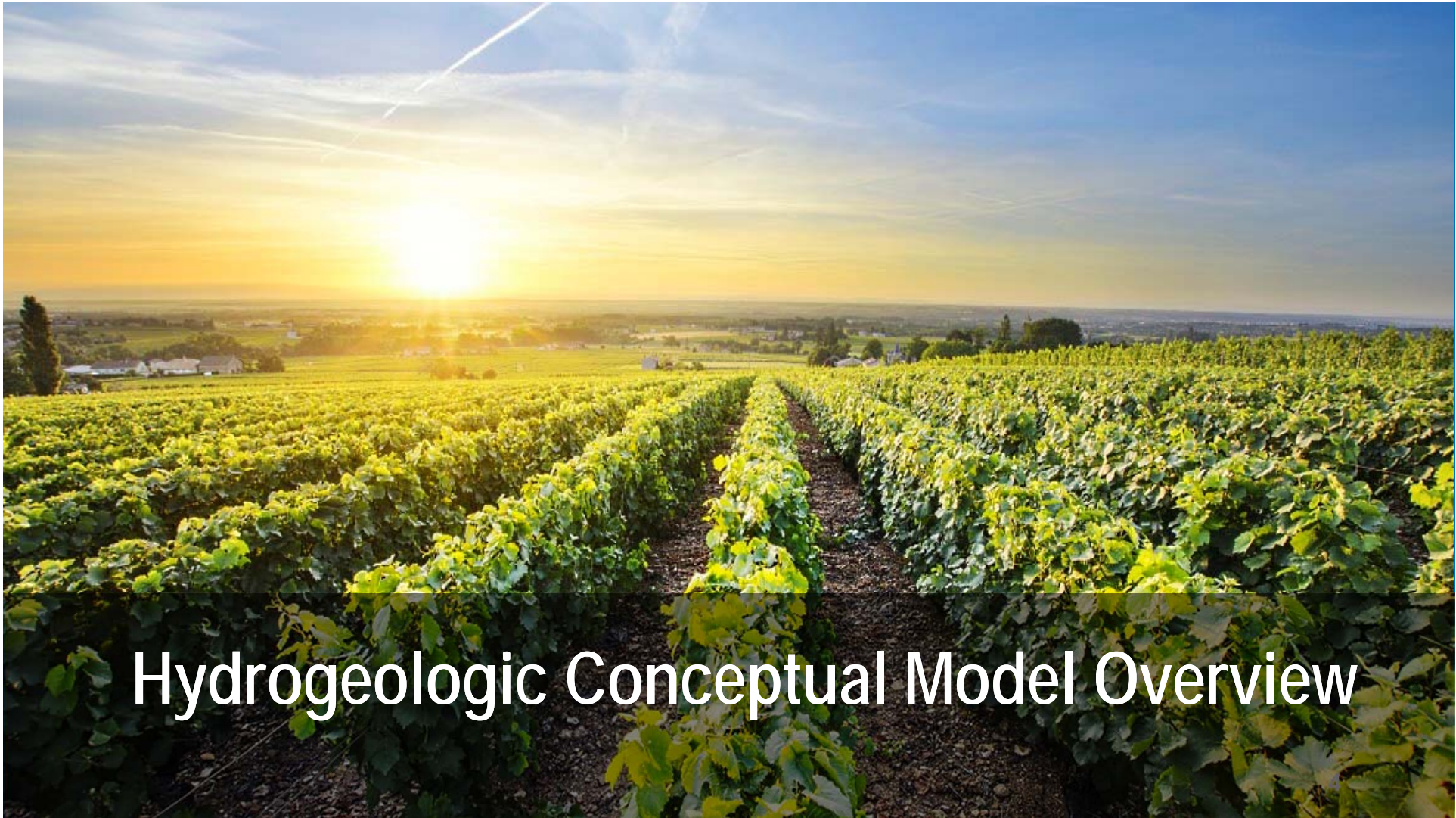
## Well Characteristics

- Spatial representation (>1 well per GSA)
- Wells selected are CASGEM where available
- Wells have representative behavior of area
- Good historical record
- Well construction information

# Proposed Groundwater Elevation Thresholds



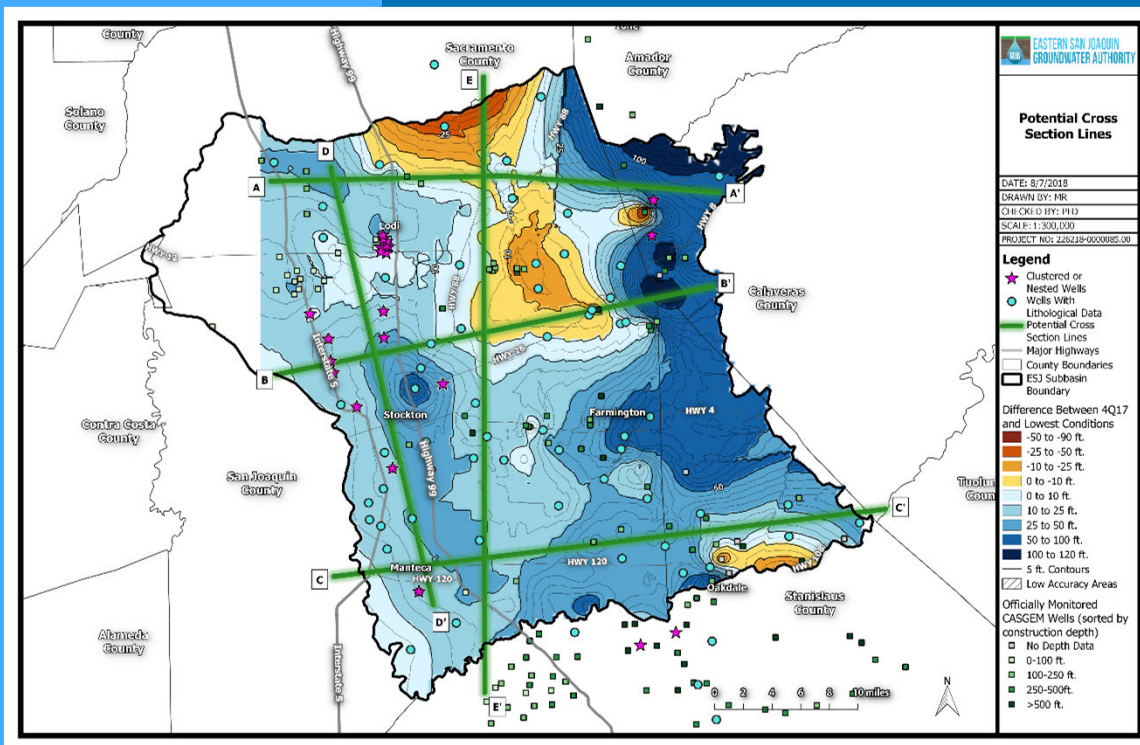




# Hydrogeologic Conceptual Model Overview



# HCM Cross – Section Line Selection

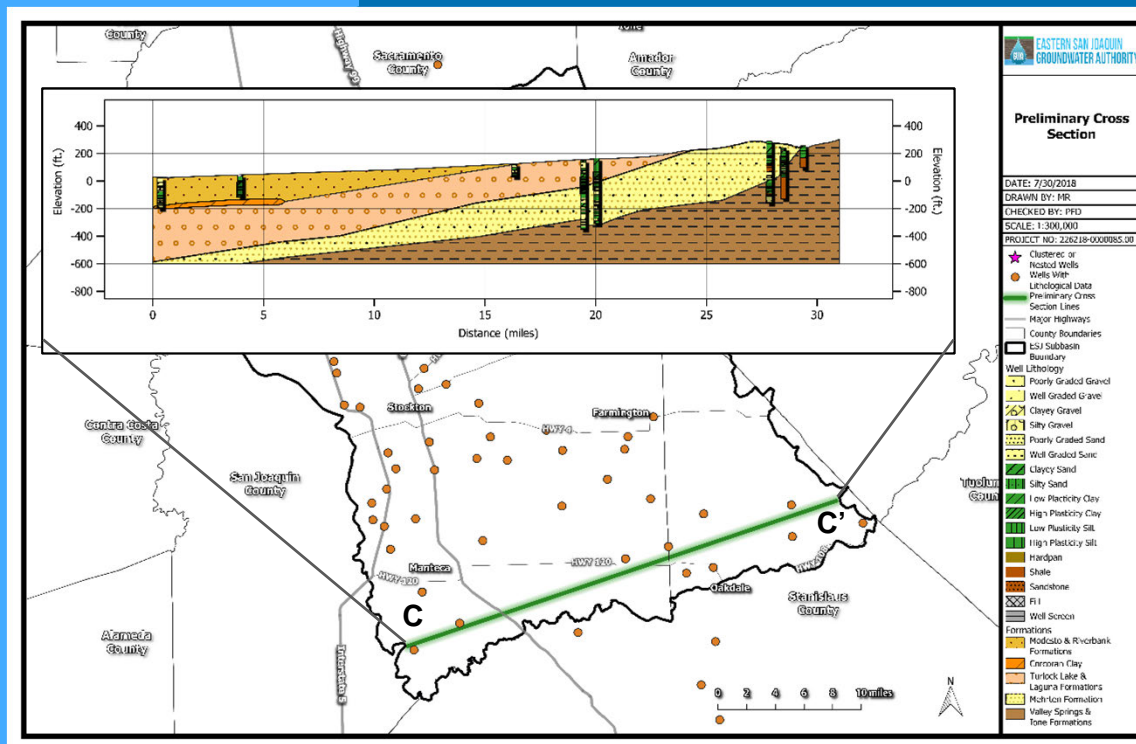


Cross section lines were chosen based having the following characteristics:

- Spans the entire subbasin
- Proximity to an adequate number of wells with borehole geologic and construction information
- Covers areas where current groundwater levels are lower than 1992 and 2015 levels (minimum thresholds)

# HCM Cross Section C-C'

## Preliminary Cross Section



Cross sections show principal aquifers, aquitards, and stratigraphy

Basin configuration

- West tilting stratigraphy

Oldest to Youngest:

- Lone/Valley Springs, Mehrten, Laguna Turlock/Lake, Corcoran Clay, Modesto/Riverbank Formations
- Borehole specific geology and well screen intervals depicted at each well







# DWR Update

# Technical Support Services Funding Update



- Draft application was submitted and approved!
- Working on monitoring well work order (next step)

# DWR Update



- Update from Paul Wells





# September Board Topics

# September Board Topics



- Projects and Management Actions

ATTACHMENT  
IV.A.

**DEPARTMENT OF WATER RESOURCES**

1416 NINTH STREET, P.O. BOX 942836  
SACRAMENTO, CA 94236-0001  
(916) 653-5791



July 27, 2018

Mr. Mark Seedall  
Contra Costa Water District  
1331 Concord Avenue  
Concord, California 94520

Commitment Letter – 2016 Proposition 1 Integrated Regional Water Management  
(IRWM) Disadvantaged Community Involvement Grant Award

Dear Mr. Seedall:

We are pleased to inform you that the proposal titled "San Joaquin River Funding Area Disadvantaged Community Involvement Proposal" filed by Contra Costa Water District has been awarded funding by the Department of Water Resources (DWR). This letter serves as DWR's conditional commitment of \$3,100,000 in Proposition 1 IRWM Disadvantaged Community Involvement grant funding for the proposal. This award is conditioned upon the execution of a Grant Agreement between DWR and your agency. Your DWR project manager is preparing your agreement.

The conditions that must be met before DWR will enter into a Grant Agreement with your agency are listed on the following page. Your timely attention to these conditions is critical to execute the Grant Agreement. Please email the requested information within the time periods listed to Desiree Ramirez.

If you have any questions, please contact Desiree Ramirez at (916) 653-0975 or [Desiree.Ramirez@water.ca.gov](mailto:Desiree.Ramirez@water.ca.gov).

Sincerely,

A handwritten signature in blue ink that reads "Carmel Brown".

Carmel Brown, P.E., Chief  
Financial Assistance Branch  
Division of Integrated Regional Water Management

Enclosure



## Grant Agreement Execution Conditions

The following conditions must be met before DWR will execute the Grant Agreement.

- Within 14 calendar days of the date of this letter, submit a letter or send an email confirming that your agency is willing to accept the grant award in the amount of \$3,100,000.
- Within 30 calendar days of the date of this email:
  - Fill out and submit the “Audited Financial Statement Summary Form”, which is available at the following link:  
[http://wdl.water.ca.gov/irwm/grants/resources\\_forms.cfm](http://wdl.water.ca.gov/irwm/grants/resources_forms.cfm)
  - Submit any changes to the work plan, budget, or schedule since the grant proposal was submitted. Any proposed changes should be submitted as track changes to the original document (work plan, budget, or schedule). Changes will only be considered acceptable by DWR if the project maintains or increases the level of quality and benefits as compared to the original proposal.

If applicable, Grantee must complete an Environmental Information Form for the project and submit to DWR. Electronic fillable form is available at the following link:  
[http://wdl.water.ca.gov/irwm/grants/resources\\_forms.cfm](http://wdl.water.ca.gov/irwm/grants/resources_forms.cfm)