



SAN JOAQUIN COUNTY
**FLOOD CONTROL & WATER
CONSERVATION DISTRICT**

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KRIS BALAJI
DIRECTOR OF PUBLIC WORKS

ADVISORY WATER COMMISSION

April 17, 2019, 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 February 20, 2019**
- III. **Discussion/Action Items:**
 - A. Discussion on Possible Local Sales Tax Measure for Water
 - B. Discussion on Integrated Regional Water Management Governance MOU Development (See Attached)
– Katie Cole, Woodard Curran
 - C. Standing Updates:
 1. Sacramento – San Joaquin Delta (See Attached)
 2. Sustainable Groundwater Management Act – SGMA (See Attached)
 3. Flood Management and Water Resources Activities
 - a. March 20, 2019 – California Central Valley Flood Control Association 2019 Flood Forum Presentations (See Attached)
- IV. **Informational Items (See Attached):**
 - A. February 19, 2019 – Email from Jacklyn Shaw; USACE/Pacific Delta Dredging
 - B. February 18, 2019 – latimes.com; “Brown was obsessed with twin-tunnel vision. Newsom has a more realistic view”
 - C. February 19, 2019 – nrdc.org; “Dec. 2019 Bay-Delta Agreements Were Only Smoke and Mirrors?”
 - D. April 3, 2019 – harder.house.gov; “Rep. Harder Statement on State Water Board’s Plan for San Francisco Bay-Delta Estuary Plan”
 - E. April 5, 2019 – Maven; “Cal Water Fix: Metropolitan Board Worship Compares One-Tunnel Options to Cal Water Fix”
- V. **Public Comment: *Please limit comments to three minutes.***

(Continued on next page)

ADVISORY WATER COMMISSION

April 17, 2019, 1:00 p.m.

AGENDA

(Continued)

- VI. Commissioners' Comments:
- VII. Adjournment:

Next Regular Meeting
May 15, 2019, 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
February 20, 2019**

The regular meeting of the Advisory Water Commission of the San Joaquin County Flood Control and Water Conservation District was held on Wednesday, February 20, 2019, beginning at 1:00 p.m., at Public Health Services, 1601 E. Hazelton Avenue, Stockton, California.

I. Roll Call

Present were Commissioners Nomellini, Roberts, Swimley, DeGraaf, Starr, Winn, Herrick, Holbrook, Hartmann, Meyers, Neudeck; Alternates Lazard, Houghton, Wright, Reyna-Hiestand, Heberle; Secretary Nakagawa, Vice Chair Price, and Chairman McGurk.

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

II. Approval of Minutes for the January 16, 2019

Motion and second to approve the minutes of January 16, 2019 (Neudeck/Roberts). Vice Chair Price noted a correction to the minutes, indicating that his quote was stated in the minutes in two locations and indicated the latter quote could be eliminated.

Unanimously approved.

SCHEDULED ITEMS

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

III. Discussion / Action Items:

A. Election of Officers

There was a discussion regarding the election of officers for the AWC. All in attendance agreed that the current officer and secretary positions should remain as they are (Chair: McGurk; Vice Chair Price; and Secretary Nakagawa). Motion and second (Nomellini & Herrick) to keep the current officers and secretary.

Unanimously approved.

B. Form 700

Secretary Nakagawa announced that Statement of Economic Interest Form 700 should be submitted to San Joaquin County Public Works. Secretary Nakagawa asked to have the words Advisory Water Commission written on the form.

C. 2019 Flood Forum – March 20, 2019

Central Valley Flood Control Association will be holding its 2019 Flood Forum on March 20, 2019. The Flood Forum coincides with the next regularly scheduled Advisory Water Commission meeting. Secretary Nakagawa stated that all AWC Commissioners and Alternates are invited to attend the Flood Forum and the registration fee would be covered. The Advisory Water Commission scheduled for March will be cancelled so that AWC Commission members could attend the 2019 Flood Forum.

D. Discussion and Possible Action to Recommend Consultant Services Agreement to the San Joaquin County Board of Supervisors for the Channel and Levee Maintenance Services

Secretary Nakagawa stated that the next agenda topic is a follow up discussion from the January 16, 2019 AWC meeting. Secretary Nakagawa presented to the AWC recommending that the AWC recommend that the Board of Supervisors approve a consulting services agreement for Prop 218 district engineering services to incrementally fund flood conveyance and levee maintenance services. The services would include the development of an assessment methodology and the Engineer's Report; initiating public outreach and performing balloting activities. Secretary Nakagawa stated that the total not to exceed contract amount is \$617,436.

Mr. Nakagawa also presented that the City of Stockton has a planned ballot measure for a sewer rate increase, which in the public's view, could be considered a competing ballot measure. He added that many of the early stakeholder interviews placed a lower priority on flood issues, compared to concerns such as homelessness, crime, jobs, and the economy. In light of the timing of the City of Stockton's ballot measure, staff recommends pushing the proposed flood maintenance ballot process to fall 2019. Secretary Nakagawa added that pushing the ballot measure back to the fall also allowed for more public outreach and it could align with the flood preparedness week sponsored by DWR in October. The extra press could help the ballot measure.

Alternate Heberle asked if it would be possible to push the ballot measure forth in the spring and repeat it in the fall if it fails initially. The response was that the cost of pushing the ballot measure forth twice would be costly.

Commissioner Price, Mr. Balaji, and Mr. Stone discussed the channel maintenance reserves and that postponing the Prop 218 is financially feasible while not putting the system at risk.

Commissioner Neudeck brought up suggestions concerning rates and how the supplemental assessment was going to be presented. He stated that it would be beneficial for the "total assessment" to be included in the messaging so that the public didn't find the message to be disingenuous. Commissioner Neudeck advised that the public could react negatively if this message wasn't put forth thoughtfully.

Mr. Balaji agreed with Commissioner Neudeck's point and asked for clarification on how best to explain the rate chart. Mr. Seth Wuerzel, of LWA, explained the assessment amounts that he developed and provided details on the reasoning for the methodology. Ms. Kim Floyd, who is heading the public outreach effort, mentioned that the increase in service amounts would not be portrayed as a standalone fee to the public.

Commissioner Wright asked if there was a breakdown of agricultural, residential, and industrial lands. Ms. Floyd stated that the majority of the land was residential.

It was noted that ballots would be sent to property owners only; it is not a registered voter assessment. It is weighted and apportioned based on the special benefits received by each parcel.

A motion was made and seconded (Holbrook/Wright) to recommend to the Board of Supervisors approval of consultant services agreement for Prop 218 assessment district engineering to incrementally fund required flood conveyance and levee maintenance services, and to approve commencement of ballot proceedings in fall 2019. The motion unanimously passed.

E. Discussion and Possible Action to Recommend to the San Joaquin County Board of Supervisors on Integrated Regional Water Management (IRWM) Plan

Secretary Nakagawa provided an overview of the San Joaquin County IRWM Plan. Benefits of the plan were discussed. Secretary Nakagawa provided four specific recommendations for consideration to be taken to the Board of Supervisors.

Supervisor Chuck Winn mentioned the importance of sending information to the board only after all the issues have been resolved and with precise goals in mind.

Commissioner Nomellini was concerned that there were changes after the previous meeting. Commissioner Hartman mentioned that he wanted to increase productivity and inclusivity; he would prefer to work on accomplishing tasks rather than just rubber stamping. Commissioner Hartman believes that the AWC has the personnel needed to accomplish the work related to this task. Commissioner Holbrook brought up that there was already DAC representation. Secretary Nakagawa brought up the SGMA DAC representation. Commissioner Nomellini stated that the DAC representatives do not need to be members of public entities.

Commissioner de Graaf wanted to clarify the specifics behind the motion, particularly if there was a specific number of people that could act as disadvantaged community representatives.

A motion was made and seconded (Nomellini/Hartmann) to accept the staff the recommendation. The motion unanimously passed.

F. Planning and Discussion on the Future Board of Supervisors Workshop on Water

It was stated that a future workshop will be developed for the Board of Supervisors on water matters. Commissioner Holbrook asked that agencies each give their own updates to the Board so that the Board has a complete view of what is being done. Commissioner Winn stated that workshop timing is being worked out, that evening sessions are being considered, and that a global view of water issues will be the focus.

G. Standing Updates

1. Sacramento – San Joaquin Delta (See Attached)

Secretary Nakagawa mentioned new appointments to the State Water Resources Control Board. Supervisor Chuck Winn stated that Governor Newsom met with the Supervisors and already seemed well versed on water issues. Alternative tunnel solutions were offered and Governor Newsom had a desire to meet again.

Supervisor Chuck Winn also mentioned that Governor Newsom spoke of 3.5 million new homes in 5 years and believes a large portion will be built in the central valley, which could raise concerns with water.

2. Sustainable Groundwater Management Act – SGMA (See Attached)

Secretary Nakagawa mentioned a schedule of policy issues and a deliverables plan. The time table is very tight, but the work and all involved parties seem to be on track.

3. Flood Management and Water Resources Activities

No comments were provided

IV. Informational Items:

- A. February 5, 2019, modbee.com, “Lawsuits from Central Valley, Bay Area Keep State ‘Water Grab’ Tied up in Courts.”
- B. February 12, 2019, modbee.com, “Felicia Marcus Removed from State Water Board. ‘It Was Time for a Change.’ ”

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.*

Mary Elizabeth from the Sierra Club had concerns with the ambiguity in the rates that property owners would pay. Ms. Elizabeth asked how much money single family property owners would pay compared to agricultural property owners. She also wanted more disclosure on the evaluation of benefits. Ms. Elizabeth expressed concern about entering into a contract without a scope of work or discussion of money to be spent. The mention of rubber stamping being brought up at such an early stage was concerning to Ms. Elizabeth. It was also mentioned that there were stakeholders that were not represented by the Advisory Water Committee and that there needed to be a continuance of the groundwater authority to ensure full representation. Ms. Elizabeth mentioned that there were always concerns when it came to disadvantaged communities; it was stated that holding meetings during the early afternoons made it burdensome on a lot of people.

Ms. Elizabeth also mentioned that from 5:00 to 7:30 P.M. at 338 E Market Street, Catholic Charities along with the Fathers and Families organization was holding an SB 1000 workshop.

VI. Commissioner’s Comments:

No comments given.

Next Regular Meeting: April 17, 2019 at 1:00 p.m.
Public Health Conference Room

VII. Adjournment: 2:48 P.M.



SAN JOAQUIN COUNTY
FLOOD CONTROL & WATER
CONSERVATION DISTRICT

ADVISORY WATER COMMISSION
MEETING OF FEBRUARY 20, 2019

ATTENDANCE SHEET

NAME	AFFILIATION	E-MAIL ADDRESS	PHONE
Tom McGURK	SEWD		
John G. Holbrook	OSWD		
Diane Lazard	City of Lathrop		
Drew Meyers	RD'S		
WILL PRICE	AT LARGE	Same	
George Hartmann	ROWM	Same	
Stephanie Reyna-Hiestand	City of Tracy	No change →	
MARK HOUGHTON	City of Manteca	SAME —	
CHRISTOPHER H. NEUDELL	BWCA/ KSN INC.		946-0268
Daniel de Graaf	City of Ripon		
Charlie Swimley	City of Lodi	SAME →	
DOUG HEBERLE	WID		
CHARLES STARR	USJWCD	"	"
Reid Roberts	CSJWCD		
CHUCK WINN	SJC		
Fritz Buchman	SJC PW		
Dan Wright	City of Stockton	dan.wright@stocktonca.gov	(209) 937-8279
John Herrick	SDWA		
Dante John Nomellini	CSWA		
SETH WURZEL	LWA	SETH@LAW&WURZEL.COM	530 655-8222
Jim Stone	SJC PW		
Kris Balaji	"		
Jane Wagner-Tyack	LWVJWC/Ind. Consultant		
	LOS		
Kim Floyd	KF Communications	kim@floydcommunications.com	

916-838-2666

name

Affiliation

Email

Phone #

Alicia Connelly San Joaquin County

Anthony Diaz SJC

ANDY NGUYEN SSC

Danny Trejo City of Stockton

Michael Callahan SJC PW

GLENN PRASAD SJC PW
Sierra Club

Mary Elizabeth

MEGAN PORTER KLEINFELDER

ANNETTE HENNEBERRY SCHERMESSEK
AWC-ALT

Advisory Water Commission

PUBLIC COMMENT FORM

PLEASE PRESS CLEARLY & PRESS FIRMLY

DATE 2.20.19

If you wish to address the Advisory Water Commission, please complete this form and return to the meeting recorder before the start of the Advisory Water Commission meeting. Completion of this form is voluntary. Public comments are limited to three (3) minutes.

NAME: Mary Elizabeth PHONE: _____

ADDRESS: PO Box 5447 Stkn CA 95204

AGENDA ITEM NO: ✓

OTHER: _____

Please, No Personal Attacks.

Adopted by the Advisory Water Commission 1/17/18

ATTACHMENT
III. B

GREATER SAN JOAQUIN COUNTY IRWM (DRAFT)

GOVERNANCE STRUCTURE

17 April 2019

Agenda

- Introduction (2 Mins)
- Meeting Purpose & Goals (3 Mins)
- MOU Matrix (15 Mins)
- Next Steps (5 Mins)

Introduction

- IRWM Roadmap Document completed in Q1 facilitated getting policy direction from leadership
- Now looking for input on governance structure

Staff Direction Recommendations



1. Participate on behalf of the Greater San Joaquin County IRWM Region in discussions with other groups in the San Joaquin River Funding Region.
2. Proceed with development of a new governance structure for a revitalized Greater San Joaquin County IRWM Region which includes DAC representatives.
3. Develop a framework, approach, and work plan for a 2019 IRWM Plan Update.
4. Recommend to the Board of Supervisors that funding be provided from Zone 2 to reboot IRWM efforts.

Meeting Purpose & Goals

- Purpose:

- *Introduce potential MOU elements for Greater San Joaquin County (GSJC) Region*

- Process:

- *Review MOU matrix*

- Goals:

- *Understand MOU matrix layout*
- *At May meeting, leave with direction on elements to include in an MOU*

MOU Matrix

- Handouts

- *Matrix summarizing MOU elements from 4 IRWM Regions*
- *MOUs for East Stanislaus, Southern Sierra, Coachella, and San Diego IRWM Regions*

- Matrix Notes

- *Grouped into 5 categories: Preamble, Administrative, Representation, Financing, and Public Outreach*
- *Each row represents similar elements across the 4 example IRWM Regions*
- *Some elements are common to some or all Regions; others are only found in 1 Region*

Next Steps

- Homework:
 - *Debrief today's meeting with leadership & staff*
 - *Discuss with your leadership and staff about potential MOU elements to include in GSJC Region MOU*
 - *Coordinate with Brandon*
- May 15th Advisory Water Commission Meeting:
 - *Leave with direction on elements to include in an MOU*

Memorandum of Understanding Southern Sierra Regional Entity (Date of Signing) 2009

This Memorandum of Understanding (MOU) is entered into by and among the members of the Planning Committee with regard to the formation of the Southern Sierra Integrated Regional Water Management Plan (IRWMP). The overarching vision of the IRWMP is to meet the integrated water needs of the people and watersheds of the South Sierra IRWMP region now and into the future. The IRWMP will be developed in three phases: 1) a formation (launch) phase to develop and submit an application to the California Department of Water Resources (DWR) for a Planning Grant; 2) a planning phase to develop the Southern Sierra IRWMP and; 3) an implementation phase to implement the plan. The Southern Sierra Regional Water Management Group (hereinafter referred to as the “Southern Sierra Planning Committee” or “Planning Committee”) will be realized through this MOU for the purpose of phases one and two of the IRWMP.

1 Purpose

This MOU is a statement of mutual understanding among the Planning Committee members to acknowledge the intentions of the parties and provide for cooperative action regarding:

- The roles and responsibilities of the parties in IRWMP formation, including the sources of funds and in-kind technical assistance
- The structure that will be used to exchange information with the Southern Sierra Planning Committee, Coordinating Committee, and other interested parties, and the public to provide for technical review and public support for formation of the IRWMP.
- The general work plan that Southern Sierra stakeholders will complete to form the IRWMP.

1.1 Duration of this Memorandum of Understanding

This MOU will remain in effect from the date of signing for 3 years or until replaced by another form of agreement by the Southern Sierra IRWMP Planning Committee.

1.2 Southern Sierra Preamble from the IRWMP

This IRWMP is not intended to, and it does not, impose legally binding requirements on the entities that adopt or participate in the IRWMP. The IRWMP’s purpose is to summarize the process and the plan developed by the Southern Sierra Region stakeholders to meet their common goals of achieving sustainable water supplies and uses, improved water quality, environmental stewardship, efficient urban development, protection of agriculture, and a strong economy.

Although the IRWMP refers to many legally binding statutory and regulatory provisions—such as general plans, zoning ordinances, water quality plans, and various permits, licenses, and approvals; its purpose in doing so is to ensure that the IRWMP is consistent and compatible with those existing legal obligations. Rather than adding to or modifying the present legal and regulatory environment, the IRWMP is intended to streamline and improve

the stakeholders' ability to operate and succeed within that environment. Thus, the IRWMP provides guidance to, but does not impose any mandates upon, the water agencies, land use agencies, local governments, watershed organizations and others who adopt the IRWMP.

2 Background

2.1 IRWMP Formation

The Southern Sierra Planning Committee intends to launch an IRWMP Planning process, which will culminate in submitting a Planning Grant Proposal to DWR soon after final guidelines are released.

2.2 IRWMP Adoption

Any organizations, agencies or individuals that support the Southern Sierra IRWM Plan may adopt it. These include such organizations as water agencies, conservation groups, agriculture representatives, businesses, tribal groups, land use entities, and local, state, federal agencies and private entities with an interest in the Southern Sierra.

Southern Sierra IRWMP Geographic Boundaries

The Southern Sierra IRWMP boundaries will include the foothills and mountain headwaters regions of the Kern, Tule, Kaweah, Kings, and San Joaquin watersheds. These watersheds cover the Sierra Nevada portion of Madera, Fresno, Tulare, and Kern Counties. The primary boundary includes the Sierra Nevada Ecosystem Project (SNEP) boundaries, but is adapted to sync with neighboring IRWMP efforts.

- To the east, the Southern Sierra IRWMP boundary is defined by the Sierra Nevada crest.
 - Rationale: Waters flowing to the west from the Sierra crest are source waters for foothill uses and management. Precipitation falling west of the crest drain the western slope of the mountain range and are connected hydrologically with the Tulare and San Joaquin basins.
- To the north, the Southern Sierra IRWMP is defined by the Upper San Joaquin watershed.
 - Rationale: The upper San Joaquin River basin is split between Fresno and Madera Counties, but the river is managed across counties. The issues on either side of the county line are similar, but contrast sharply with downstream users in intensive agricultural areas outside of the Sierra Nevada Region. The San Joaquin watershed shares many of the same issues with watersheds further south in the region.
- To the west, the Southern Sierra IRWMP is considering a boundary including the foothill areas of the region's watersheds.
 - In the Kings River Area, the SSIRWMP boundary extends the District boundaries of the Tri Valley, Orange Cove, Hills Valley Water Districts east of the towns of Orange Cove, Orosi and East Orosi. East of the City of Fresno, the boundary extends to the boundaries of the Fresno Metropolitan Flood Control District, the International Water District and the Garfield Water District.
 - Rationale: This boundary was negotiated with the Upper Kings River Forum Regional Water Management Group to match UKRF boundaries.

- In the Kaweah Delta area, the SSIRWMP boundary extends to the Kaweah reservoir or the 600-foot contour in the Kaweah River Drainage. Further, the boundary follows the RWQCB Irrigated Lands Program and generally follows surface water-ground water usage boundaries. In the aquaculture/Lewis/Avocado area, the boundary will be the 600' elevation contour and squared to section lines; the agriculture north of Elderwood will be in the KDRWMP. In Davis Valley, the Westside has small, irrigated lands while the east and the north are rangeland. The boundary will follow section lines in these areas. In Dry Creek, the boundary will follow land use: irrigated lands will be part of the KDWMP and grazing land will be in the SSIRWMP. In Mehrten Valley, the 600' contour will be the guide, most of the valley will be in KDRWMP. In Yokohl Valley, most of the western valley will be in the KDRWMP while the eastern portion of the valley will be in the SSIRWMP. In Round Valley, east of Lindsay, the KDRWMP will include a few small areas east of the ILP, the boundary will again be based on land use and squared to the section lines.
 - Rationale: This boundary was negotiated with the Kaweah Delta Water Conservation District Regional Water Management Group to match KDWCD boundaries.
- In the Tule River Area, the SSIRWMP boundary includes the Tule River Indian Reservation and down to approximately the 600-foot contour in all forks of the Tule and squared to section lines. The Deer Creek Tule River Authority planning area will follow irrigated lands while the SSIRWMP will follow rangeland.
 - Rationale: This boundary was negotiated with the Deer Creek-Tule River Authority Regional Water Management Group to match that region's planning boundaries.
- To the south, the Southern Sierra IRWMP boundary is defined by the Tulare-Kern County line.
 - Rationale: the Kern watershed's water resources will be managed by both SSIRWMP and Kern County Water Agency IRWMP. The two entities will work collaboratively in the watershed across the county boundary.

2.3 Planning Horizon

The Southern Sierra planning and implementation horizon is approximately thirty years into the future, in the range of 2038-2040. However, many Southern Sierra discussions and actions will be guided by a longer time horizon of up to fifty years into the future.

2.4 Joining and Leaving the Southern Sierra IRWMP Planning Committee

Any water stakeholder organization may join the Southern Sierra IRWMP as part of the Planning Committee (see below for description). Water stakeholders could include, but are not limited to such organizations as: water agencies, conservation groups, agriculture representatives, businesses, tribal groups, land use entities, and local, state, federal agencies and private entities with an interest in the Southern Sierra. A group who wants to join the Southern Sierra IRWMP should notify the Planning Committee of their intent to join and sign this MOU to signify their good faith effort to join.

Any entity who would like to discontinue their participation in the Southern Sierra IRWMP may do so at any time. This MOU is non-binding and non-regulatory. The Southern Sierra IRWMP Planning Committee only asks that any member who wants to leave, notify the rest of the Planning Committee at which point they will no longer be a member of the Planning Committee of the Southern Sierra IRWMP.

3 Program Management Structure

3.1 Planning Committee

The Planning Committee is the decision-making body during the SSIRWMP formation process. In that context it will oversee and approve major programmatic decisions such as funding applications and performance measures. The Planning Committee will set the overall strategic direction for formation of the IRWMP. During the planning phase, the Planning Committee or its designated Work Groups will meet at least every other month.

3.1.1 Membership

The first Planning Committee membership will be comprised of those who sign this Memorandum of Understanding. These members will commit to approximately three years on the Planning Committee or until the SSIRWMP is complete.

The Planning Committee strives to ensure its membership represents a broad range of interests, including: water supply, water quality, environment/habitat, recreation, agriculture and ranching, resource management, hydropower, cities/counties, sanitation, other water resource management areas, economically disadvantaged local communities and individual local stakeholders interested and willing to participate. In order to cover these interests, members may include, but are not limited to: water agencies, resource agencies, conservation groups, tribes, agricultural and ranching interests, cities, counties, education organizations, disadvantaged community representatives, private landowners, and businesses.

Planning Committee membership will be comprised of those who sign this MOU before submission of the planning grant proposal. Planning Committee members must be committed to ensuring long-term ecosystem health of the areas watersheds, water supply, water quality, involvement of the local communities, especially disadvantaged communities; and the protection, preservation and restoration of natural resources of the Southern Sierra region; and agree to work constructively with others.

The Project Manager will check in with Planning Committee members on regular basis to reconfirm their intent to actively participate and their primary representative. This will not be binding or require the member to re-sign the MOU. This activity is merely intended to give the Project Manager and Planning Committee the most updated list of active Planning Committee members and primary and alternate representatives. Membership in the Planning Committee may change to accommodate evolving circumstances, such as changes in individual organizational capacity or participation.

Planning Committee members agree they will strive to support the Southern Sierra IRWMP through a variety of supporting activities, which may include in-kind contributions and/or funding.

3.1.2 Representation

Each member organization will identify their lead representative for the Planning Committee and will make their best effort to attend Planning Committee meetings to make decisions. Planning Committee members may choose to identify alternates but they are encouraged to have one representative attend the IRWMP Planning Committee meetings for consistency.

3.2 Coordinating Committee

The Coordinating Committee, appointed by the Planning Committee, is a smaller, representative group of the Planning Committee that meets between Planning Committee meetings to assist staff with process planning, recommendations for process modifications, communications, and other issues for which staff needs advice. The Coordinating Committee may also provide more consistent fiscal oversight in helping to manage the IRWMP with the fiscal sponsor. Ultimate decision-making still resides with the Planning Committee. Membership in the Coordinating Committee may change to accommodate evolving circumstances (such as changes in individual organizational capacity or participation history) by consensus of the Planning Committee. The Coordinating Committee meets every month during planning stages and then every other month thereafter. This schedule could change again during implementation planning.

The Coordinating Committee may play a role in developing substantive proposals and policy, at the request and subject to the approval of the Planning Committee, but has no decision-making authority.

4 Formation Funding

4.1 Funding

Funding for the launch and planning phases will come from grants. Southern Sierra IRWMP anticipates that financial support for the regional entity will ultimately come from projects funded through the Southern Sierra IRWMP, but during the formation period (the formation period will end with a planning grant from DWR or other organization) will come from a portion of the launch and planning grants.

The Planning Committee agrees they will strive to support the Southern Sierra IRWMP through variety of supporting activities during the formation period.

4.2 Fiscal Agent

Fiscal Agent for IRWMP Launch

Sequoia Riverlands Trust shall serve as Fiscal Agent for the Southern Sierra IRWMP Launch phase. Duties include administering grant funds, coordinating meetings for the Coordinating Committee and Planning Committee, making meeting notes and notices publicly available, maintaining a webpage where IRWMP documents can be accessed.

Fiscal Agent for Planning Grant

The Planning Committee will choose a Fiscal Agent for the Southern Sierra Planning Grant Proposal to DWR and the Planning Phase. This entity will have custody and responsibility for administering all funds of the Southern Sierra regional entity, including without limitation deposit and disbursement of said funds and accounting of all business transactions of the

regional entity. Fiscal oversight will still be performed by the Planning Committee and Coordinating Committee.

Any budget line item change over \$1,000 should be considered by the Coordinating Committee, as the fiscal oversight of the IRWMP.

Any budget line item change over \$10,000 must be reviewed and approved by the Planning Committee

Annual Financial Reporting

At the close of each calendar (or fiscal) year, the fiscal agent(s) and individual project partners shall provide a complete accounting of fiscal activity related to Southern Sierra IRWMP and associated projects to the Planning Committee.

5 Public Outreach and Participation

5.1 Planning Committee Meetings

The Planning Committee will meet at least every other month and schedule additional meetings if necessary to ensure effective planning of the SSIRWMP. All Planning Committee meetings are open to the public. Interested parties are welcome and encouraged to attend to share concerns about the Plan and learn about the IRWMP. Highlights from the Planning Committee meetings shall be distributed to the Southern Sierra Planning Committee and posted on the web for public viewing.

5.2 Public Forum / Interested Parties

The public forum refers to the general public and broad range of organizations interested in the Southern Sierra process that seek information about Southern Sierra activities either by attendance at meetings or through other means of communication. The Southern Sierra IRWMP maintains an interested party or stakeholder email list. Email list participants receive notice of all Southern Sierra meetings and all other announcements about the Southern Sierra planning process.

5.3 Public Noticing and Transparency

Southern Sierra meetings are noticed via an inclusive email list discussed above. In addition, Southern Sierra IRWMP will begin sending meeting announcements to all the public agencies involved in the process and encourage them to post Southern Sierra Planning Committee meetings on their web pages and to announce through agency noticing procedures. Planning Committee member entities are not responsible for compliance by Southern Sierra with public agency noticing requirements. The Southern Sierra IRWMP shall maintain a publicly accessible website displaying a calendar of meetings, agendas, meeting notes, list of participants, and when appropriate, a brief description of accomplishments, partners and overall mission of the IRWMP.

In preparation for Planning Committee meetings, which will involve decision-making, the Planning Committee will be noticed that there is a decision-making meeting 2 weeks in advance of the meeting. This notice can be by email with the agenda if available at that time.

5.4 Briefings and Outreach

Southern Sierra IRWMP stakeholders representing their own organizations regularly conduct briefings with local elected officials and other organizations interested in Southern Sierra or in which Southern Sierra IRWMP would like to extend its reach. Southern Sierra IRWMP periodically prepares briefings materials and makes presentations at conferences and meetings. Only the Project Manager or a designated representative may make public statements on behalf of the Southern Sierra IRWMP as an entity.

6 Planning Committee Decision Making

6.1 Decision Making Rule

6.1.1 Consensus as the Fundamental Principle

The Planning Committee shall base its decision-making on consensus (agreement among all members) in all of its decision-making. Working toward consensus is a fundamental principle of the Southern Sierra IRWMP process.

6.1.1.1 Definition of "Consensus"

In reaching consensus, some Planning Committee members may strongly endorse a particular proposal while others may accept it as "workable." Others may be only able to "live with it." Still others may choose to "stand aside" by verbally noting a disagreement, yet allowing the group to reach a consensus without them if the decision does not affect them or compromise their interests. Any of these actions still constitutes consensus.

Since the IRWMP has no regulatory authority, any decisions it makes cannot regulate or force another entity against its will to take an action not in its interest. All decisions and projects will be made and developed under the consensus rule except as noted in Section 6.1.1.2 below.

6.1.1.2 Workgroups

Workgroups give input and recommendations to the Planning Committee. But all decisions will be approved by the Planning Committee as a whole.

6.1.1.2 Less than 100% Consensus Decision Making

The Planning Committee shall not limit itself to strict consensus if 100% agreement among all participants cannot be reached after all interests and options have been thoroughly identified, explored, discussed and considered. Less-than-consensus decision-making shall not be undertaken lightly. If, after full exploration and discussion, the Planning Committee cannot come to 100% agreement, it will use the less-than-consensus decision-making protocols as described below. For proposals or the Plan to be endorsed by the Planning Committee, it must pass the test identified in (a) below.

a) Broad Support of the Planning Committee Membership

The Plan or proposal must be endorsed by 75% of the total number of *active* members of the Planning Committee. (In other words, the Plan cannot be opposed by more than 25% of the total number of *active* members of the Planning Committee.) *Active* participation is defined in Section 6.1.1.3.

6.1.1.3 Definition of Active Participation by Planning Committee Members

Active participation means regular attendance at Planning Committee meetings; regular participation in at least one Work Group or ensuring that a designee of the Planning Committee member's organization participates in a Work Group under the Planning Committee member's close guidance; and reviewing planning and other written documents before discussions or decisions will be made. It is understood that occasionally Planning Committee members may need to miss a Planning Committee or Work Group meeting, or both meetings. If there is a question as to whether a Planning Committee member should be considered "active" for purposes of decision-making, the Coordinating Committee will make that determination by communicating with the member or determining whether the stakeholder is active or not based on recent participation.

7 Revisions to the MOU

Any revisions to this MOU must be made through the decision-making process outlined in the section above on decision-making.

Signature Page

Date: _____

Name (Signature) Print Name

Organization

Primary Representative:

Email: _____

Telephone: _____

Address: _____

Alternative Representative:

Email: _____

Telephone: _____

Address: _____

REFINEMENTS TO THE SSIRWMP M.O.U.

SOUTHERN SIERRA IRWMP

Adopted on May 10, 2012

The following materials are refinements and clarifications to the existing “Memorandum of Understanding, Southern Sierra Regional Entity,” originally dated 2009. The materials do not replace the M.O.U., they merely provide additional details to eliminate ambiguity, and additional protocols on a few important topics that were not yet addressed. Together they form the governing documents of the Southern Sierra IRWMP’s Regional Water Management Group.

1. Program Management Structure (Section 3)

3.3 Change of “Planning Committee” term to “Regional Water Management Group”

As of July 2012, the “Planning Committee” will be referred to as the “Regional Water Management Group” (RWMG). Per IRWM guidelines (August 2010, Section 4-A-1, Governance, page 19), the RWMG includes three or more local agencies, at least two of which have statutory authority over water supply or water management. These two agencies share decision-making authority with the other members of the RWMG. All other aspects of the Memorandum of Understanding apply.

3.4 Change of “fiscal agent” term to “grantee”

As of July 2012, the term “fiscal agent” will be replaced with “grantee,” for consistency with IRWM guidelines (August 2010), which defines “grantee” as the grant recipient (page 32).

3.5 Additional RWMG Roles and Responsibilities

Per the existing M.O.U., the RWMG will continue to oversee and approve major programmatic decisions, such as funding applications and performance measures, and will continue to set the overall strategic direction for formation of the IRWMP. Additionally, members of the RWMG will (1) review in advance of meetings and provide feedback on draft work products; (2) adopt final work products; (3) contribute expertise, data, and information to clarify discussions, eliminate false assumptions, and advance innovation; (4) communicate information to and from their agencies, organizations, and/or constituencies; and (5) act in a manner that will enhance trust among all participants.

3.6 Additional Coordinating Committee Roles and Responsibilities

Per the existing M.O.U., the Coordinating Committee will continue to assist staff with

process planning, recommendations for process modifications, communications, and other issues for which staff needs advice; may also continue to provide more consistent fiscal oversight; and may also play a role in developing substantive proposals and policy, at the request and subject to the approval of the Planning Committee. Additionally, the Coordinating Committee will help to prepare for RWMG meetings by reviewing and helping to develop meeting materials, and by reviewing draft work products, as needed.

3.7 Additional Membership Requirement

Members of the RWMG must be part of a public agency, an organization, a business, a California Native American Tribe, or other group that represents a public interest and has signed the M.O.U. The M.O.U. identifies the primary representative and alternate; to keep information up to date, members are required to submit a letter written on letterhead indicating if their primary representative or alternate changes. Alternates are encouraged to attend as much as possible to maintain continuity of the discussions. A single person may represent more than one agency, organization, business, Tribe, or other group, so long as they have documentation of their role from each entity they represent. The RWMG does not include individual members of the public. Individual members of the public who are interested in and concerned about the Southern Sierra IRWMP are requested to join the list of interested parties (see section 5.2.1).

5.2.1 Additional Information on Public Forum / Interested Parties

[This section augments the existing 5.2 Public Forum / Interested Parties]

All interested parties are welcome to attend and participate in RWMG meetings and other Southern Sierra IRWMP events. As specified in the existing M.O.U., the RWMG maintains a list of interested parties for the purpose of noticing meetings and other public events, and sharing news and information. The list may also be used to solicit feedback to the RWMG at appropriate times. The list includes individual members of the public, as well as members of agencies, organizations, businesses, Tribes, or other groups that have an interest in or are concerned about the Southern Sierra IRWMP but do not sign the Memorandum of Understanding.

3.8 Work Group Designation

The RWMG may choose to create work groups to advance specific tasks outside of RWMG meetings. The RWMG will specify a clear purpose for any work group and, as applicable, also specify the tasks or work products and corresponding timeline for the work group. All work groups will provide a status update on their activities at the RWMG meetings. All work products will be submitted in draft to the RWMG for adoption. While the work groups may make day-to-day decisions to advance their efforts, the work groups have no

final decision-making authority (see Section 6.1.1.2).

3.9 Roles and Responsibilities of the Facilitators

The facilitators will provide impartial guidance regarding the planning and implementation process, and will manage meetings on behalf of the RWMG. The facilitators are content-neutral, which means they will not advocate for particular policy or technical outcomes; the facilitators will, however, advocate for a fair, transparent, effective, and credible dialog and decision-making process, including helping the RWMG uphold the elements of the M.O.U. Specific duties include (1) designing the work plan and meeting agendas in partnership with the Project Manager, Coordinating Committee, and other RWMG members as needed; (2) providing guidance on process options and decisions; (3) reviewing and providing feedback on draft meeting materials; (4) overseeing the preparation of meeting summaries, including action items, key points of discussion, and agreements and decisions; (5) serving as a confidant for members who wish to express concerns about content or process privately. The facilitator is in service of the RWMG and will provide equal support to all its members.

2. Public Outreach and Participation (section 5)

5.5 Media Protocol

Per the existing M.O.U., the Project Manager or other designated representatives may make public statements on behalf of the Southern Sierra IRWMP as an entity. The first point of contact for media or external inquiries should be the Project Manager or other designated representatives. Additionally, if contacted by the media or an external party, or in other sessions outside the meeting, members will:

- a. Clarify that they are speaking only for themselves, not on behalf of the RWMG.
- b. Express concerns and support in ways that are consistent with their expressions in RWMG meetings.
- c. Represent other comments made in these meetings as general group concerns and support, rather than attributing statements to other people or characterizing the views of others.
- d. Avoid using the press as a vehicle for negotiation.

Members reserve the right to express their own opinion to the media, but not the opinions of others. Members can refer media inquiries to other group members, who then can speak for themselves. The RWMG may periodically develop and approve lengthier consensus statements to keep the public and media informed of its work and progress, and associated decisions and agreements.

3. RWMG Decision-Making (Section 6)

6.1.1.4 Clarification of Less than 100% Consensus Decision-Making

Decision-making in the absence of consensus will follow the protocol in the existing M.O.U. For clarification of section 6.1.1.2 (a), decisions or agreements must be endorsed by 75% of the total number of active members of the RWMG who are present at the meeting (including via telephone) when a decision is made. Per the existing M.O.U., meetings that include decisions will be noticed two weeks in advance of the meeting. For clarification of section 6.1.1.3, "regular attendance" means that the member has attended at least half of the RWMG meetings in the past year, or in the case of new members, that the member has attended at least half of the RWMG meetings since signing the M.O.U. The RWMG will maintain a current list of RWMG members, including their primary representative and alternate, and track meeting attendance. The requirement for participation in a work group is only applicable insofar as three or more work groups are active.

6.2 Protocol for Notifying Members of an Upcoming Decision

Per section 5.3, Public Noticing and Transparency, meetings that involve decision-making will be noticed two weeks in advance of the meeting. Members will be requested to acknowledge receipt of the email notifying them of the upcoming decision. If no acknowledgment is received, the facilitator(s) will follow-up by telephone to ensure the member is aware of the upcoming decision.

6.3 Multiple Entities Represented by a Single Individual

In some cases a single individual serves as the designated representative of more than one member entity. In order for the RWMG to have consensus on a decision, each of the member entities represented by the single individual must be in consensus.

If less than 100% consensus decision-making is involved, the single individual must choose a single entity to represent; any additional entity represented by that individual must send their alternate representative to take part in decision-making. All alternates are required to be fully briefed on the group's historical deliberations and information and issues involved in the decision, to ensure continuity of the group's discussions and a timely decision-making process. All decisions will be noticed in advance as specified in sections 5.3 and 6.2.

If less than 100% consensus decision-making is involved, and one of the entities represented by the single individual has a financial interest in the outcome (e.g., one of the entities represented by the single individual is applying to be the grantee for a planning or implementation grant), the single individual will be permitted to participate in discussions and decisions regarding the steps, criteria, and information used for making

the decision (e.g., selection of a grantee). In this regard, they help to shape the decision-making process as a whole. During the deliberation of the decision and final less than 100% decision-making, however, this individual will be requested to leave the room, and the entity that has a financial interest in the outcome will not be part of the less than 100% consensus decision-making. Additionally, none of the other entities represented by the single individual will be permitted to be part of the deliberation of the decision and final less than 100% decision-making. This is to avoid a situation where a secondary entity, even though it has no financial interest in the outcome, sends an alternate representative to support the selection of the single individual that typically represents them out of solidarity. To ensure that it has a voice in such a circumstance, any member entity typically represented by a single individual can decide to regularly send their alternate to the series of meetings leading up to a financial decision, and thus avoid relying on the single individual to represent them during that period of the RWMG's work. The RWMG will identify the appropriate number of meetings to attend early enough in the process to allow such participation.

4. Joint Fact-Finding (new section – section 8)

8 Joint Fact-Finding Protocol

The RWMG may choose to conduct joint fact-finding when it needs to make a decision regarding a complex scientific or technical issue, but cannot readily reach agreement on how best to proceed. Joint fact-finding provides an approach to building consensus and making informed decisions in the face of uncertainty. It involves a subset of RWMG members working with the consultant and subject-matter experts to frame the questions to be answered, interpret existing information, and generate recommendations. Joint fact-finding conducted by the RWMG will include the following steps:

1. The facilitator or RWMG member develops a short Issue Summary that identifies key issues and questions in enough detail to clearly communicate concerns to all members.
2. The RWMG identifies a few members to form a joint fact-finding work group on the designated topic. The work group identifies additional expertise needed to understand and address the topic, and invites mutually agreed-upon individual subject-matter experts to support the work group.
3. At its first meeting, the work group discusses how existing information applies to the issues and questions identified in the Issue Summary. Members identify areas where they are in consensus, and if possible, recommend to the RWMG how to move forward on the issues and questions identified. If the work group desires more information, it identifies the immediate next steps for gathering this. If the

desired information does not exist, the work group decides whether it can be generated in a timeframe that is consistent with the RWMG's work plan; if not, the work group agrees to continue its joint fact-finding effort and ultimately make a recommendation the absence of ideal information.

4. At its second or subsequent meetings, the work group reviews new information and seeks consensus on what to recommend to the RWMG. If the work group makes a sincere effort but cannot reach consensus, it may provide more than one set of recommendations to the RWMG.
5. When recommendations are ready, the work group presents these to the RWMG and answers any substantive or procedural questions from RWMG members. The intent is to provide recommendations in an open, transparent, and educative way that supports informed decision-making. The RWMG in turn seeks consensus on what recommendation(s) to adopt. The RWMG may request the work group to conduct additional fact-finding and report back.
6. The final recommendation adopted by the RWMG is recorded in the Issue Summary, as well as the standard meeting summary that is made publicly available on the website.

During the joint fact-finding process, the work group will update the RWMG as to its progress during the RWMG's regular meetings.

Regional Water Management Group/Planning Committee

- IRWMP decision-making body
- Membership: water agencies, resource agencies, conservation groups, Counties, Tribes, etc. from geographic scope of IRWMP (open to those interested in water resources management)
- Decision-making: consensus-based with a default for supermajority vote with representation from major interests.
- Meetings open to the public

Coordinating Committee

- Provides recommendations and guidance to IRWMP staff and consultants for managing IRWMP, preparation for meetings, drafting proposed policies, and planning tools
- Membership: representation from major interests and geographic area of IRWMP. Must also be members of Planning Committee.
- Size: Keep this Committee at a small workable number. Suggest 8.
- Frequency of Meetings: Meets every month during Planning stages and every other month thereafter.
- Decision-making: No decision-making authority. Proposes ideas to the Planning Committee for decision-making.

Grantee (1 entity)

(DWR eligibility: Non-profit or public institution)

- Administration of grants and funds including contracting, reporting, invoicing
- Grants awarded to fiscal sponsor on behalf of the IRWMP
- Leader in region and for IRWMP
- Contractor with DWR

Legal Authority (3 entities)

(DWR criteria: 3 public agencies, 2 with authority over water.)

- One of three entities will be fiscal sponsor for DWR Planning Grant
- Members of Planning Committee/members of Coordinating Committee
- Decision-making: none, these entities will make consensus decisions as part of the Planning Committee.
- Frequency of meetings: none. Group members may be part of the Coordinating Committee to engage in IRWMP coordination.

**MEMORANDUM OF UNDERSTANDING
BETWEEN CITY OF SAN DIEGO
COUNTY OF SAN DIEGO, and SAN DIEGO COUNTY WATER AUTHORITY
for the
INTEGRATED REGIONAL WATER MANAGEMENT PROGRAM
For Fiscal Years 2012-2016**

This Memorandum of Understanding (MOU) between the San Diego County Water Authority (Water Authority); the City of San Diego, a municipal agency (City); and the County of San Diego, a political subdivision of the State of California (County), sets forth the respective roles of Water Authority, City and County in regard to the Integrated Regional Water Management (IRWM) Plan and Program. Water Authority, City and County are sometimes referred to in this MOU collectively as the "Parties" and individually as "Party."

This MOU replaces the Memorandum of Understanding (March 25, 2009), as amended, between City, County, and Water Authority for Fiscal Years 2009-2013 for the IRWM Grant Program.

RECITALS:

1. The California Legislature enacted SBX2 1 (Perata, Chapter 1 Statutes of 2008), the Integrated Regional Water Management Planning Act, which repealed and re-enacted Part 2.2 of Division 6 of the Water Code relating to integrated regional water management plans. SBX2 1 provides that a regional water management group may prepare and adopt an integrated regional water management (IRWM) plan.
2. In November 2002, Proposition 50, the Water Security, Clean Drinking Water, Coastal and Beach Protection Act, authorized the Legislature to appropriate funding for competitive grants for IRWM projects.
3. In November 2006, Proposition 84, the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Act, authorized the Legislature to appropriate funding for competitive grants for IRWM projects.
4. The intent of the IRWM Grant Program (Program) established in accordance with Proposition 50 and SBX2 1, is to encourage integrated regional strategies for management of water resources and to provide funding, through competitive grants, for projects that protect communities from drought, protect and improve water quality, promote environmental stewardship, and improve local water security by reducing dependence on imported water.
5. To qualify as a regional water management group (RWMG) and comply with the Program Guidelines (Guidelines) established under Proposition 50 and SBX2 1, at least three agencies must participate in the group; two of the agencies must have statutory authority over

water management that may include water supply, water quality, flood control, or stormwater management.

6. In 2005, the Parties established an RWMG that consists of Water Authority, which has statutory authority over water management; City, which has statutory authority over water management, water quality, wastewater, flood management and stormwater; and County, which has statutory authority over water quality, stormwater and flood control in the unincorporated area.

7. The Parties understand that only through a collaborative effort with the many stakeholders involved in water management planning can the IRWM Plan process be successful in the San Diego region.

8. As part of the public outreach and stakeholder involvement effort, the Parties established the Regional Advisory Committee (RAC), which comprises up to 32 representatives appointed by the Parties from the water management areas of water supply, water quality and natural resources/watersheds management; and representatives of businesses, academia and tribes, as well as other interested members of the public. The purpose of the RAC is to make recommendations to the Parties on key issues related to IRWM planning and grant applications.

9. The Parties, acting with positive recommendations from the RAC, completed the first San Diego IRWM Plan (Plan) in 2007. Subsequently, the Parties have received funding for planning and implementation of projects from the California Department of Water Resources (DWR). Additional funding is available to the San Diego IRWM Program from Proposition 84, approved by California voters in 2006.

10. To qualify for Proposition 84 IRWM funding, a planning region must have an IRWM Plan that complies with the requirements of California Water Code Section 83002(b)(3)(B), or must have committed to bringing its plan into compliance within two years of receiving such funding.

11. A Local Project Sponsor (LPS) is a proponent of an individual project that will be funded as part of an IRWM Program grant from the State or other future funding agencies. An LPS may be Water Authority, County, City, a Water Authority member agency, a municipality, a local agency or a non-profit organization.

12. This MOU consists of five major components: general grant obligations, San Diego IRWM Plan update, IRWM grant administration, the role of the RAC, and funding for IRWM Program management.

Now, therefore, in consideration of the above incorporated recitals and mutual obligations of the Parties herein expressed, the Parties agree as follows:

1. General Grant Obligations

- a. The Parties are equal partners in the development and submission of IRWM grant applications. All Parties shall provide timely reviews and approvals before grant

applications are submitted.

- b. Water Authority shall submit the grant applications to the funding agency on behalf of the Parties.
- c. To expedite the grant application process, Water Authority shall provide initial funding for a consultant to develop the applications. The total cost of the consultant and applications shall be shared by the parties consistent with Section 5 of this MOU.
- d. The funding commitment by the Parties under Section 5 of this MOU assumes that the Parties will continue to pay or provide in-kind services as allowed for the entire cost of grant applications for the IRWM Program. As part of the IRWM Plan Update described in Section 2 of this MOU, the Parties agree to study the concept of obtaining funding from other sources to fully or partially defray the cost of grant applications.
- e. Water Authority shall be responsible for administering funding for projects that are receiving IRWM Program grant funding with respect to submitting invoices and quarterly reports to the funding agency, distributing funding to LPS, and processing contract amendments as applicable.
- f. The Parties shall share equally in any and all contractual liability, regardless of nature or type, which arises out of or results from a LPS's performance of services under its agreement with the Water Authority. The Parties shall share equally in any of the default provisions listed in the grant agreements received by the Parties. The Water Authority also agrees to pursue contractual remedies.
- g. Each Party shall procure and maintain during the period of this MOU insurance from insurance companies admitted to do business in the State of California or shall self-insure to cover any contractual liability resulting from the conditions referenced in Section 1f.

2. San Diego IRWM Plan Update

- a. The Parties are equal partners in the update of the Plan. Water Authority shall contract with a consultant to update the Plan in compliance with the Guidelines and schedule established by DWR, and submit the updated Plan to DWR.
- b. The update of the Plan shall be contingent upon receipt of grant funding for this purpose.

3. IRWM Grant Contracts Administration

- a. The Water Authority shall administer and manage IRWM grant agreements, administer the LPS contracts, develop and maintain a reporting and invoicing program, and communicate project and agreement progress to the RWMG, RAC, and the funding agency.

- b. An LPS that has satisfied all invoicing requirements for a grant shall invoice the Water Authority, which shall in turn invoice the funding agency. The Water Authority shall, within 45 days of receipt of funds from the funding agency, disburse the funds to the LPS.
- c. The Water Authority shall appropriate a percentage of the grant money allocated to each LPS project to fund administration of the IRWM grants. The Parties shall agree mutually to the percentage of the grant money that is to be appropriated for this purpose. To the extent that costs exceed the amount in this fund, and that the Parties mutually agree to the additional cost, the Parties shall equally share the additional costs in accordance with Section 5a.
- d. Where a labor compliance requirement has been established by the granting agency, Authority shall report to the granting agency the compliance status of LPS, as reported by LPS, with applicable public works laws.

4. Role of Regional Advisory Committee (RAC)

The RAC shall be considered the project advisory committee. The Parties are committed to a cooperative relationship with the RAC and will incorporate the RAC's consensus recommendations in documents prepared for presentations to the Parties' governing bodies. The Parties' governing bodies will give primary consideration to the recommendations of the RAC as part of any decision related to the following:

- a. Adoption of updates to the IRWM Plan for the San Diego Region.
- b. Criteria for prioritizing projects to be submitted for IRWM grant programs.
- c. Reevaluation of all projects submitted for grant funding if a funding agency funds the Program at a level lower than the requested grant amount and does not provide direction on which projects to fund. Parties shall fund the projects based on consultation with the RAC and the criteria for project prioritization (Section 4b).
- d. Approval and submittal of grant applications.
- e. Transition of responsibility for implementation of the IRWM Plan to a new institutional structure.

5. Funding

- a. Funding for FY 2012-2016 shall not exceed \$1,470,000. Each Party shall provide an equal share of this funding in an amount not to exceed \$490,000. If a Party's contribution was not totally expended in the MOU (March 25, 2009), as amended, that Party shall be credited for the unexpended amount in this MOU.

- b. In-kind services provided by the Parties shall be considered in excess of the above funding amounts and are not reimbursable. The Parties' staff shall separately document time spent on in-kind services for IRWM planning, administration and grant applications.
- c. The funding commitment described in 5a shall not include expenditures to administer the IRWM Grant Program.
- d. Water Authority shall invoice City and County on a quarterly basis along with supporting documentation of expenses. City and County shall remit payment within 60 days of receipt of invoice.

6. Assignment

Parties shall not assign or transfer this MOU or any rights under or interest in this MOU without written consent of all other Parties, which may be withheld for any reason.

7. Defense and Indemnity

Water Authority, City, and County each agree to mutually indemnify, defend at its own expense, including attorneys' fees, and hold each other harmless from and against all claims, costs, penalties, causes of action, demands, losses and liability of any nature whatsoever, including but not limited to liability for bodily injury, sickness, disease or death, property damage (including loss of use) or violation of law, caused by or arising out of or related to any negligent act, error or omission of that party, its officers or employees, or any other agent acting pursuant to its control and performing under this Agreement.

Nothing in the foregoing shall be construed to require any Party to indemnify another for any claim arising from the sole negligence or willful act of the Party to be indemnified.

8. Document Review

Water Authority, City and County each shall make available for inspection to the other Parties, upon reasonable advance notice, all records, books and other documents relating to the Plan and the Program, unless privileged.

9. Term

The term of this MOU shall begin on the date of execution by all Parties and expire on June 30, 2016 expressly contingent upon funding by Water Authority, City and County. The term may be extended by written agreement of all Parties. The Parties shall continue to participate in the planning, development and coordination of the Plan and Grants to the maximum extent possible. The Parties agree to notify one another in the event that their agency's future budget appropriations impact Program funding continuity. If appropriations are different than anticipated, the MOU and Program funding shall be adjusted based on actual funding.

10. Notice

Any notice, payment, credit or instrument required or permitted to be given hereunder will be deemed received upon personal delivery or 24 hours after deposit in any United States mail depository, first class postage prepaid, and addressed to the Party for whom intended as follows:

If to the Water Authority:	San Diego County Water Authority 4677 Overland Avenue San Diego, CA 92123 Attn: Mark Stadler
If to City:	City of San Diego Water Department 600 B Street, Suite 600 San Diego, CA 92101 Attn: Cathy Pieroni
If to County	County of San Diego 5201 Ruffin Road, Suite P San Diego, CA 92123 Attn: Sheri McPherson

Any Party may change such address or contact by notice given to the other Parties as provided herein.

11. Amendments

The MOU may be amended by written agreement of all Parties.

12. Severability

The partial invalidity of one or more parts of this MOU will not affect the intent or validity of this MOU.

13. Governing Law

This MOU shall be deemed a contract under the laws of the State of California and for all purposes shall be interpreted in accordance with such laws. Any action brought shall be in San Diego County, California.

14. Obligations

Nothing in this agreement shall create additional obligations with respect to the Plan or Program.

15. Termination of MOU

This MOU may be terminated by any Party with or without cause 30 days after notice in writing to the other Parties.

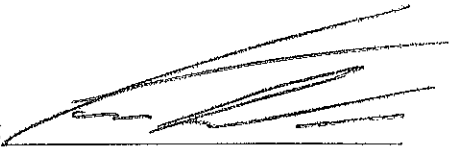
16. Signatures


The individuals executing this MOU represent and warrant that they have the legal capacity and authority to do so on behalf of their respective legal entities.

IN WITNESS WHEREOF, the Parties have executed this MOU as of the date below.

San Diego County
Water Authority

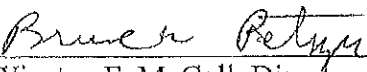
City of San Diego

By: 
Ken Weinberg
Director of Water Resources

By: 
Hildred Pepper Jr.
Purchasing & Contracting
Director

County of San Diego

By: 
Richard Crompton, Director
Department of Public Works

By:  **RISKY**
Winston F. McColl, Director
Department of Purchasing and Contracting

APPROVED AS TO FORM:

San Diego County
Water Authority

By: [Signature]
General Counsel
San Diego County Water Authority

City of San Diego

By: [Signature]
Raymond C. Palmucci
Deputy City Attorney

County of San Diego

By: [Signature]
James O'Day
County Counsel, Senior Deputy

Date: 9/21/11

**MEMORANDUM OF UNDERSTANDING
AMONG CITY OF MODESTO, CITY OF TURLOCK, CITY OF HUGHSON, AND CITY OF CERES
FOR INTEGRATED REGIONAL WATER MANAGEMENT PLANNING**

This Memorandum of Understanding (MOU) dated August 23, 2011 is entered among the City of Modesto, City of Turlock, City of Hughson, and City of Ceres (collectively known as the East Stanislaus Regional Water Management Partnership or Partnership) for the purposes of coordinating water resources planning activities undertaken by the cities/water agencies and to establish mutual understandings of cities/water agencies with respect to their joint efforts in developing an Integrated Regional Water Management Plan (IRWMP) that will increase regional coordination, collaboration and communication and help in obtaining funding for water resources-related projects.

WHEREAS, the California Legislature enacted SBX2 1 (Perata, Chapter 1 Statues of 2008), the Integrated Regional Water Management Planning Act, which provides that a regional water management group may prepare and adopt an Integrated Regional Water Management Plan.

WHEREAS, In November 2006, the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Act (Prop 84), authorized Legislature to appropriate funding for competitive grants for projects included in Integrated Regional Water Management Plans.

WHEREAS, the Cities of Ceres, Hughson, Turlock and Modesto adopted and entered into a cost share agreement for the preparation of an Integrated Regional Water Management Plan on June 22, 2010.

WHEREAS, the Partnership has submitted an application for approval of the Integrated Regional Water Management Plan and East Stanislaus Region approval, which includes descriptions of the regional boundary, the Partnership, Committees, and governance structure, among other topics, through the Department of Water Resources (DWR) Region Acceptance Process (RAP).

WHEREAS, the signatories of the MOU anticipate the potential need for future agreements on specific projects or programs and with other affected agencies to further coordinate long-term water resources planning.

WHEREAS, the MOU does not prevent any signatory from pursuing other projects individually and participation in Plan planning is nonbinding, and in no way suggests that an agency's ability to plan and undertake efforts to plan for projects or secure project funding from any source. An agency may withdraw from participation at any time.

Now, therefore, the following is mutually understood and agreed:

1. GOALS

The goals of the Partnership are:

1.1. To develop a comprehensive planning document to facilitate regional cooperation in providing water supply reliability, water recycling, water conservation, water quality improvement, storm water capture and management, flood management, wetlands enhancement and creation, and environmental and habitat protection and improvement.

1.2. To foster coordination, collaboration and communication between Partnership agencies responsible for water-related issues and interested stakeholders, to achieve greater efficiencies, enhance public services, and build public support for vital projects.

1.3. To improve regional competitiveness for State and Federal grant funding.

2. DEFINITIONS

As used in this MOU, the following words and phrases shall have the meanings set forth below unless the context clearly indicates otherwise.

2.1. Integrated Regional Water Management Plan. The Integrated Regional Water Management Plan (IRWMP) envisioned by state legislators and state resource agencies that integrates the projects and management plans of all water-related agencies and stakeholders in a region, in this case the East Stanislaus Region, in order to foster coordination, collaboration and communication among those entities and to assist decision-makers in awarding grants and other funding. The plan will address water supply, water quality, wastewater, stormwater/flood control, watershed planning and habitat protection and restoration.

2.2. Agency. A public entity, be it a special district, city or other governmental entity, responsible for providing one or more services in the areas of water supply, water quality, wastewater, recycled water, water conservation, stormwater/flood control, watershed planning and habitat protection and restoration.

2.3. Service function. A water-related individual service function provided by an agency, i.e. water supply, water quality, wastewater, recycled water, water conservation, stormwater/flood control, watershed planning, and habitat protection and restoration.

2.4. Partnership. The Partnership consists of the member agencies signatory to this MOU.

2.5. Partner: Agencies that have signed this MOU shall individually be referred to as Partner.

2.6. Project. A comprehensive list of resource projects or programs that yield multiple benefits including one or more of the following: water supply reliability, water conservation and water use efficiency; stormwater capture, storage, clean-up, treatment and management; removal of invasive non-native species, the creation and enhancement of wetlands, and the acquisition, protection, and restoration of open space and watershed lands; non-point source pollution reduction, management and monitoring; groundwater recharge and management; contaminant and salt removal through reclamation, desalting, and conveyance of reclaimed water to users; water banking, exchange, reclamation and improvement of water quality; planning and implementation of multipurpose flood management programs; watershed protection and management; drinking water treatment and distribution; ecosystem and fisheries restoration and protection.

2.7. Management plan. An agency's or organization's plan, based in part on the land-use plans within the entity's jurisdiction, that addresses how that entity will provide service in the future in one or more of the following service functions: water supply, water quality, wastewater, recycled water, water conservation, stormwater/flood control, watershed planning or habitat protection and restoration.

2.8. Integration. Assembling into one document the water-related management strategies, projects and plans in the East Stanislaus Region. The first phase would be to identify water management strategies for the region and the priority projects that work together to demonstrate how these strategies work together to provide reliable water supply, protect or improve water quality, provide watershed protection and

planning, and provide environmental restoration and protection. Projects and plans would be categorized and opportunities to identify regional benefits of linkages between multiple water management strategies among projects and plans of separate service functions and to see where projects and plans of separate service functions may further interrelate, e.g. wastewater treatment and water recycling or habitat restoration.

3. IRWMP PROJECT PARTICIPANTS

3.1. Public agencies. Public agencies, which have developed projects and management plans, are responsible to their respective electorates, and are devoting staff to the process, will take the lead as the voice in the IRWM planning process as described in "Approach to developing the Plan" below. These public agencies shall be one or more of the Partners of the Partnership.

3.2. Contributing entities. Other entities, such as business and environmental groups, are considered valuable contributors and will continue to be invited and encouraged to participate.

3.3. Regulatory agencies. These agencies, such as the Regional Water Quality Control Board and the Department of Fish and Game, will be invited to participate.

3.4. Stakeholders and disadvantaged communities. The Signatories understand that a collaborative effort with stakeholders and disadvantaged communities, regardless of their ability to contribute financially, is vital to a successful Plan planning process and ultimate preparation of a Plan. The public at large, stakeholders, and disadvantaged communities will be asked to participate in the planning process and will be given opportunities to provide input and comments on the preparation of a Plan.

4. MUTUAL UNDERSTANDINGS

4.1. An IRWM Plan is needed for the following reasons:

(a) To foster increased coordination, collaboration and communication between East Stanislaus Region cities/water agencies and interested stakeholders that may result in more effectively managed resources, cost efficiencies and better service to the public.

(b) Some state grants and other funding opportunities require development and implementation of an Integrated Regional Water Management Plan.

4.2. Future cost sharing agreements will be developed among the Partnership members, as needed. Developing an Implementation Grant Funding Application and minor costs of supporting the governance structure are two areas that may require additional funding through this cost sharing agreement.

4.3. The Plan will include, but may not necessarily be limited to, water supply, water quality, wastewater, recycled water, water conservation, stormwater/flood control, watershed planning and habitat protection and restoration. It is acknowledged that the management plans of each individual public agency are based, in part, on the land-use plans within an agency's jurisdiction. Therefore, the resultant Plan will by design have incorporated the land-use plans and assumptions intrinsic to the respective water-related service function.

4.4. The East Stanislaus Region for this MOU is defined as a portion of eastern Stanislaus County that includes the signatories' service areas and is bounded by the Merced River on the South and Stanislaus River on the north. A full description of the regional boundary will be included in the Regional Acceptance Process application which will be submitted to DWR for approval and also as depicted in Exhibit A.

4.5. Approach to developing the Plan:

(a) A reasonable approach towards developing the Plan is to first identify the roles and responsibilities of the representatives and stakeholders involved. The governance structure and public outreach sections of the Regional Acceptance Process application will more thoroughly describe these groups and their roles.

(b) The proposed forum for this regional planning effort is through the creation of the Partnership, Steering Committee, Stakeholder Committee and Stakeholder Subcommittees. Agencies, entities, and the public at large will be invited to participate in the effort. Throughout the Plan planning process, the Partnership will have final decision-making authority.

4.6. Decision-making. Consensus will be sought in the event the need for a decision arises. A governance structure will be developed outlining the decision making process. Any decision being made by the Partnership is done so based on a vote with each member representative in the Partnership receiving one vote and all actions requiring a simple majority vote. The Partners understand unless a vote of its representative is either pre-approved or ratified by the Partner's governing body, namely its city council or board, the effect of the representative's vote does not bind that Partner to the decision. Regional decision-making and management processes may be revised as the Region matures and the IRWM Plan is developed and implemented.

4.7. The Partnership shall consist of one representative and one alternate from each participating Partner in the Partnership. Such representatives shall be a board member, council member, general manager, city manager, or as designated by the member agency's electoral body. In the event that the primary representative is unavailable for a meeting, the alternate shall serve as representative.

4.8. Quorum. Representatives or alternates from a majority of the Partnership members shall constitute a quorum for transacting business, except that less than a quorum may vote to adjourn the meeting or to set a date for the next meeting.

4.9. Approval of the Plan. Plan approval and adoption is anticipated by each Partnership member. Should a Partnership member refuse to adopt the IRWMP, the reasons for refusal should be cited and attempts will be made to reconcile any differences. Should the differences remain irreconcilable, the dissenting member will be asked to withdraw from participation in the Partnership.

4.10. Non-binding nature. This document and participation in this MOU and Plan effort are nonbinding, and in no way suggest that a Partner may not continue its own planning and undertake efforts to secure project funding from any source. A Partner may withdraw from participation at any time.

4.11. Personnel and financial resources. It is expected that the signatories of the MOU will contribute the personnel and financial resources necessary to develop and implement the Plan as determined by subsequent agreements.

4.12. Terms of Office. Each representative and alternate in the Partnership shall serve as long as the Partner's governing body, namely the city council or board of directors, designates that person to serve in that capacity. . If at any time a representative vacancy occurs in the Partnership, a replacement shall be appointed or designated by the Partner within ninety (90) days of the date that such position becomes vacant. The Partner's alternate representative shall fulfill the role of primary representative until a primary representative is designated by the member agency. Alternate representatives to the Partnership shall be empowered to cast votes in the absence of the primary representative or in the event of a conflict of interest that prevents the primary representative from voting subject to this MOU.

4.13. Officers of the Partnership. The Partnership shall elect a Chair and Vice-Chair, and such other officers it deems appropriate. The duties of the Chair and Vice-Chair are as follows:

(a) Chair. The Chair shall direct the preparation of agendas, call meetings of the Partnership to order, and conduct other activities as deemed appropriate by the Partnership.

(b) Vice-Chair. The Vice-Chair shall serve as the Chair in the absence of the Chair. In the event both Chair and Vice-Chair are absent from a meeting, which would otherwise constitute a quorum, and a temporary Chair was not designated by the Chair at the last regular meeting, any Partnership member may call the meeting to order and a temporary chair may be appointed by majority vote to serve until the Chair or Vice-Chair is present.

4.14. Other on-going regional efforts. Development of the Plan is separate from efforts of other organizations to develop water-related plans on a regional basis. As the Plan is developed, work products can be shared with these other organizations.

4.15. Reports and communications. The Steering Committee will regularly report on the progress of the Partnership to the agencies and stakeholders they represent and the associations or organizations to which they belong that are involved in the Plan process.

4.16. Termination. Because the Plan will require periodic review and updating for use into the future, it is envisioned that the joint efforts of those involved will be on-going in maintaining a living document. Thus this document will remain as a reflection of the understandings of the participants when they signed the MOU. As indicated, Partners of the Partnership MOU may terminate their involvement at any time upon thirty (30) days written notice. However, the Partner terminating its involvement in the Partnership shall still be subject to any agreements entered into by the Partner before the effective date of the termination.

4.17. Additional agencies may join the Partnership provided the Partnership receives a written request from the interested agency to join, the Partnership receives a majority vote to approve the new agency's membership and the new agency becomes a signatory to this MOU and any related cost sharing agreements,

4.18. Procedures. The Partnership may adopt bylaws, rules of conduct for meetings, and operating procedures for the Partnership which would be updated from time to time as needed. To facilitate such efforts, the Partnership may adopt the administrative procedures and policies of a Partner.

4.19. Minutes. A secretary or clerk may be appointed by the Partnership to keep and distribute meeting minutes.


5. SIGNATORIES TO THE MEMORANDUM OF UNDERSTANDING

We, the undersigned representatives of our respective agencies, acknowledge the above as our understanding of how the East Stanislaus Integrated Regional Water Management Plan will be developed.

IN WITNESS WHEREOF, the Parties hereto have executed this Memorandum of Understanding as set forth below.

CITY OF MODESTO

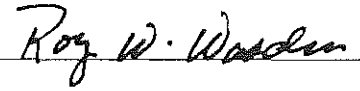
Member Agency

By: 
GREG NYHOFF, City Manager

Dated: 8-24-11

CITY OF TURLOCK

Member Agency

By: 
ROY WASDEN, City Manager

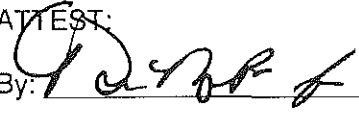
Dated: 8/29/11

APPROVED AS TO FORM:

By: 

PHAEDRA NORTON, CITY ATTORNEY

ATTEST:

By: 
STEPHANIE LOPEZ, City Clerk

Resolution 2011-359 Aug. 9, 2011

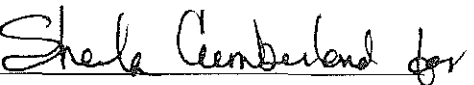
APPROVED AS TO FORM:

By: 

ROLAND R. STEVENS,
Assistant City Attorney

CITY OF CERES

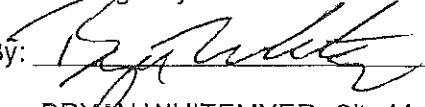
Member Agency

By: 
ART DE WERK, Acting City Manager

Dated: 8-16-11

CITY OF HUGHSON

Member Agency

By: 
BRYAN WHITEMYER, City Manager

Dated: 8-10-11

MEMORANDUM OF UNDERSTANDING
among
**CITY OF COACHELLA/COACHELLA WATER AUTHORITY, COACHELLA
VALLEY WATER DISTRICT, DESERT WATER AGENCY, CITY OF
INDIO/INDIO WATER AUTHORITY, AND MISSION SPRINGS WATER
DISTRICT**
for
**DEVELOPMENT OF AN INTEGRATED
REGIONAL WATER MANAGEMENT PLAN**

This Memorandum of Understanding (MOU) dated Sept. 9, 2008 is entered into among the City of Coachella/Coachella Water Authority, Coachella Valley Water District, Desert Water Agency, City of Indio/Indio Water Authority, and Mission Springs Water District (collectively known as Partners) for the purpose of coordinating water resources planning activities undertaken by the water agencies.

WHEREAS, each Partner has adopted a Resolution of commitment pledging to create an Integrated Regional Water Management Plan (IRWMP).

WHEREAS, it is in the interests of the signatory Partners and the region served by the Partners that these water resources are responsibly managed and conserved to the extent feasible; and

WHEREAS, the Partners wish to coordinate their long term water supply planning efforts in accordance with Section 10531 of the *Integrated Regional Water Management Planning Act of 2002* and Division 43 of the *Safe Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Acts)*; and

WHEREAS, the Partners anticipate the potential need for future agreements on specific projects or programs and with other affected agencies to further coordinate long term water supply planning.

NOW, THEREFORE, it is mutually understood and agreed as follows:

**SECTION 1:
AUTHORITY OF PARTNERS**

- 1.1 The Coachella Water Authority is a joint powers authority formed as a component of the City of Coachella and Redevelopment Agency of the City of Coachella and has statutory authority over water supply.
- 1.2 The Coachella Valley Water District is a public agency of the State of California organized and operating under County Water District Law, California Water Code section 30000, et seq, and Coachella District

MEMORANDUM OF UNDERSTANDING

August 10, 2008

Merger Law, Water Code section 33100, et seq. Coachella Valley Water District is a State Water Project Contractor and Colorado River Contractor empowered to import water supplies to its service area, and has statutory authority over water supply.

- 1.3 The Desert Water Agency is an independent special district created by a special act of the state legislature contained in chapter 100 of the appendix of the California Water Code. Desert Water Agency is also a State Water Project Contractor empowered to import water supplies to its service area, replenish local groundwater supplies, and collect assessments necessary to support a groundwater replenishment program as provided for in the Desert Water Agency Law and has statutory authority over water supply.
- 1.4 The Indio Water Authority is a joint powers authority formed as a component of the City of Indio and Redevelopment Agency of the City of Indio and has statutory authority over water supply.
- 1.5 Mission Springs Water District is a County Water District formed under Section 30000 et seq of the California Water Code and has statutory authority over water supply.

SECTION 2: DEFINITIONS

The abbreviations and capitalized words and phrases used in this MOU shall have the following meanings:

- 2.1 Acts – mean Section 10531 of the Integrated Regional Water Management Planning Act of 2002 and California Water Code Division 43, known as the *Safe Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006*
- 2.2 Coachella Valley Region – the watershed bounded on the North by the San Bernardino Mountains, Little San Bernardino Mountains and Mecca Hills Area, on the East by Mortmar and Travertine Rock, on the South by the Santa Rosa Mountains and San Jacinto Mountains and on the West by Stubbe Canyon.
- 2.3 CVWD – Coachella Valley Water District
- 2.4 CVRWMG – Coachella Valley Regional Water Management Group
- 2.5 CWA – Coachella Water Authority
- 2.6 DWA – Desert Water Agency

MEMORANDUM OF UNDERSTANDING

- 2.7 IRWMP – Integrated Regional Water Management Plan
- 2.8 IWA – Indio Water Authority
- 2.9 MSWD – Mission Springs Water District

**SECTION 3:
PURPOSES AND GOALS OF THIS MOU**

3.1 Purpose and Goals:

3.1.1 This MOU is to memorialize the intent of the Partners to coordinate and share information concerning water supply planning programs and projects and other information, and to improve and maintain overall communication among the Partners involved. It is anticipated that coordination and information sharing among the Partners will assist the agencies in achieving their respective missions to the overall well-being of the region. Coordination and information sharing shall focus on issues of common interest in Section 3.2.

3.1.2 The execution of this MOU by the Partners shall constitute the formation of a Regional Water Management Group consisting of the Partners, in accordance with the Acts. The Regional Water Management Group shall be named the Coachella Valley Regional Water Management Group (CVRWVG).

3.1.3 It is the goal of the Partners to prepare and adopt an IRWMP for the Coachella Valley Region and to implement projects and programs individually or jointly in groups that address issues of common interest, as the group so identifies.

3.2 Common Issues and Interest:

3.2.1 Water supply programs and projects that may provide mutual benefits in improving water supply reliability and/or water quality.

3.2.2 Coordination of near-term and long-term water supply planning activities.

3.2.3 Development of regional approaches to problem-solving and issues resolution as well as to further common interest.

3.3 Future Agreements By Partners: The Partners acknowledge that by virtue of commitments and intentions stated within this MOU, the need for

certain other considerations that will facilitate the preparation of an IRWMP for the Coachella Valley Region will likely emerge. These include and are not limited to:

- 3.3.1 Developing a Scope of Work
- 3.3.2 Determining the cost sharing of projects
- 3.3.3 Establishing methods for project management
- 3.3.4 Establishing a project timeline

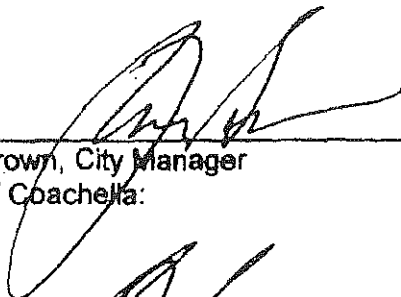
**SECTION 4:
JOINT PLANNING FOR PROJECTS AND PROGRAMS**

- 4.1 **Projects and Programs Covered by this MOU:** it is the intent of the Partners that they coordinate and collaborate to address the common issues identified. The Partners may develop and implement projects and programs individually or jointly in groupings of two or more, or enter into additional agreements in furthering those goals. Applicable projects and programs include, but are not limited to the following:
 - 4.1.1 Water conservation programs and other demand management programs.
 - 4.1.2 Water recycling, desalination, groundwater basin management, and water quality improvement programs and projects.
 - 4.1.3 Water banking, conjunctive use and transfer arrangements.
 - 4.1.4 Storage development to improve system reliability, efficiencies, and flexibility.
 - 4.1.5 Project and program planning and development to solicit external funding.
 - 4.1.6 Other meritorious projects or programs consistent with the purposes of this MOU.
- 4.2 **Communication and Coordination:** It is the intent of the Partners to meet on a monthly basis in order to carry out the purposes and goals of this MOU. The frequency and location of meetings are subject to the discretion of the Partners and may be changed when appropriate.

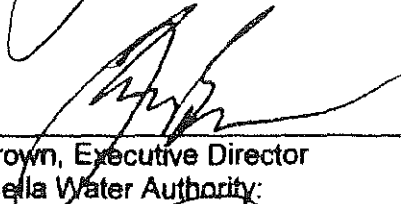
**SECTION 5:
GENERAL PROVISIONS GOVERNING MOU**

- 5.1 **Term:** The term of this MOU is indefinite. Any Partner may withdraw from the MOU by written notice given at least 45 days prior to the effective date.
- 5.2 **Construction of Terms:** This MOU is for the sole benefit of the Partners and shall not be construed as granting rights to any person other than the Partners or imposing obligations on a Partner to any person other than another Partner.
- 5.3 **Good Faith:** Each Partner shall use its best efforts and work wholeheartedly and in good faith for the expeditious completion of the objectives of this MOU and the satisfactory performance of its terms.
- 5.4 **Rights of the Partners and Constituencies:** This MOU does not contemplate the Partners taking any action that would:
- 5.4.1 Adversely affect the rights of any of the Partners; or
- 5.4.2 Adversely affect the customers or constituencies of any of the Partners.
- 5.5 This document and participation in this IRWMP are nonbinding, and in no way suggest that a Partner may not continue its own planning and undertake efforts to secure project funding from any source.
- 5.6 It is expected that Partners will contribute the personnel and financial resources necessary to develop the IRWMP.


IN WITNESS WHEREOF, the parties have executed this Memorandum of Understanding as of the day and year indicated on the first page of this MOU.



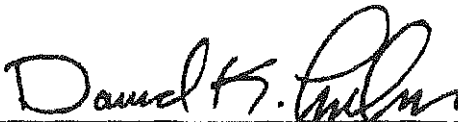
Tim Brown, City Manager
City of Coachella:



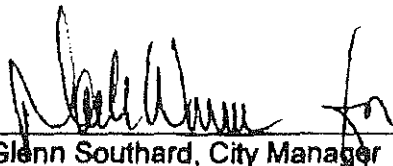
Tim Brown, Executive Director
Coachella Water Authority:



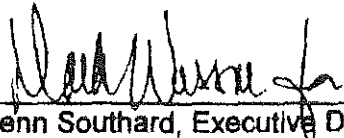
Steve Robbins, General Manager/Chief Engineer
Coachella Valley Water District:




Dave Luker, General Manager
Desert Water Agency:



Glenn Southard, City Manager
City of Indio:



Glenn Southard, Executive Director
Indio Water Authority:



Arden Wallum, General Manager
Mission Springs Water District:

MEMORANDUM OF UNDERSTANDING

ATTACHMENT
III. C.1



**CALIFORNIA CENTRAL VALLEY
FLOOD CONTROL ASSOCIATION
2019 FLOOD FORUM**

**SACRAMENTO AND SAN JOAQUIN
DRAINAGE DISTRICT
(SSJDD)**

Leslie Gallagher, Executive Officer
Central Valley Flood Protection Board

March 20, 2019

Flood Protection in the Central Valley



100 YEARS OF EVOLVING FLOOD MANAGEMENT



1917

**LOCAL
LEADERSHIP
ERA**

**PARTNERSHIPS
AND SUSTAINABLE
FUNDING**

2017



\$110 million
authorized for Sacramento River Flood Control Project

INVESTMENT

\$17 to \$21 billion
Investment needed systemwide for both river basins

3+
Agencies

**AGENCIES
AND
REGULATION**

500+
Districts and agencies (Local, State, and Federal)

Simple and adequately funded

MAINTENANCE

Conflicting regulations and inconsistent funding
result in deferred maintenance

Note: All values in 2016 dollars.



Flood Protection in the Central Valley

Public Policy Institute of California, Paying for Water's "Fiscal Orphans"

“California’s water system is generally well funded and adequately maintained, but there are a few areas that lack a steady funding source. The most prominent of these “fiscal orphans” are safe drinking water for disadvantaged rural communities, *flood management*, stormwater management, and water for the environment.”

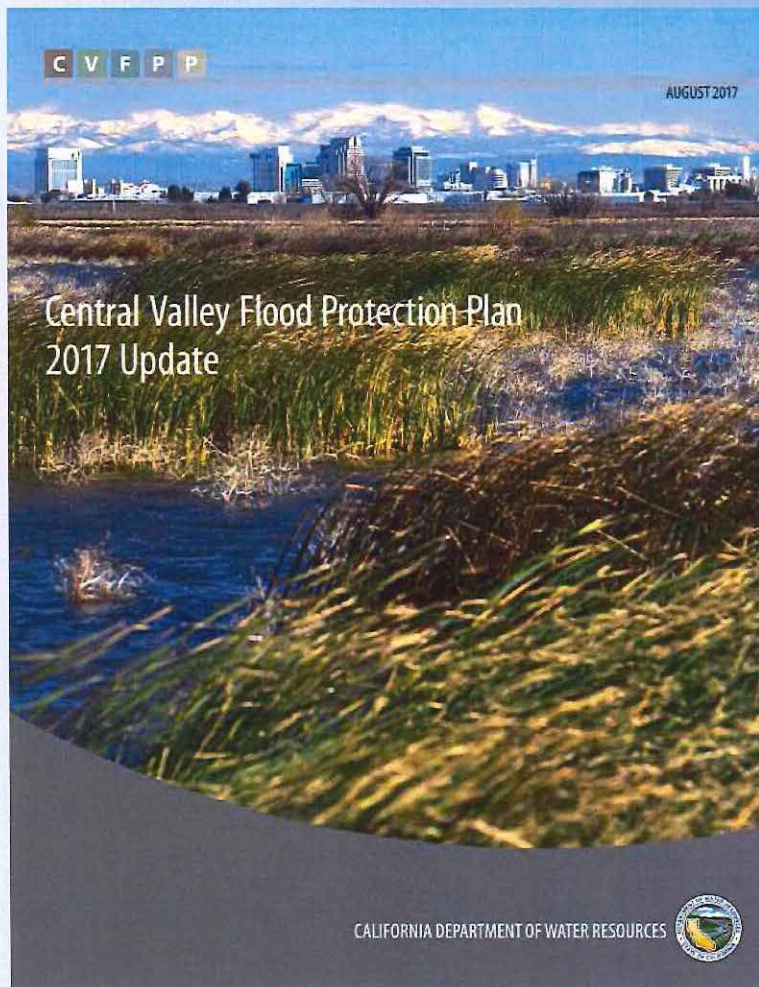


Flood Protection in the Central Valley

Public Policy Institute of California, Paying for Water's "Fiscal Orphans"

“We currently use bond acts to raise the capital needed to build projects. But funding for the operation and maintenance costs of those projects is expected to come from somewhere else—or nowhere. No sensible business thinks this way; capital funding and operations and maintenance should be part of a unified financing plan.”

Flood Protection in the Central Valley



A strategic, long-range plan, the Central Valley Flood Protection Plan and its updates describe a programmatic vision for flood system improvements over time in accordance with the requirements of the Central Valley Flood Protection Act of 2008. The CVFPP was adopted in 2012. The Board adopted a comprehensive update in 2017.



Central Valley Flood Protection Plan Update

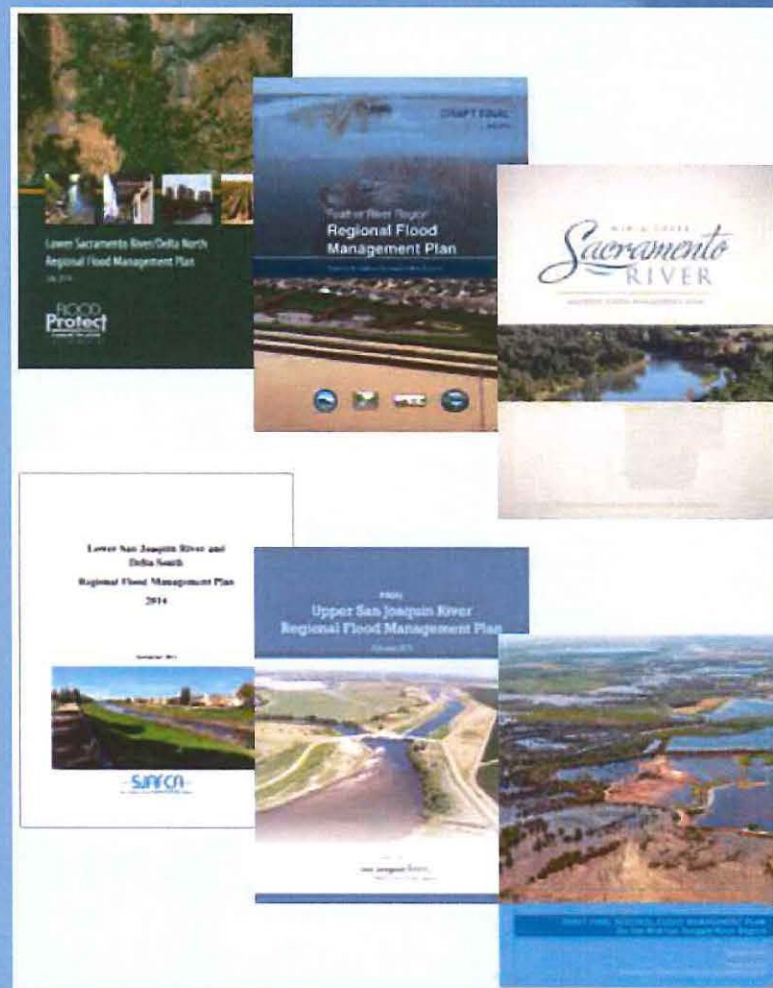
- ◎ Awards won
 - Floodplain Management Association Project of the Year 2017
 - American Society of Civil Engineers, Sacramento Section Outstanding Water Resource Planning Project of the Year 2018
 - Association of State Floodplain Managers Tom Lee State Award for Excellence in Floodplain Management 2018
 - American Planning Association, Sacramento Valley Section Award of Excellence in Comprehensive Planning (Large Jurisdiction) 2018
 - APEX Grand Award for Publishing Excellence in category of Government Publications



Flood Protection in the Central Valley

Regional Flood Management Plans (RFMP)

The six RFMPs, led by local agencies, were critical to developing the 2017 CVFPP Investment Strategy. The regional plans provided important regional perspective on investment priorities, ability and willingness to pay and cost sharing capabilities.





Flood Protection in the Central Valley

Investments in Flood Protection (2017 CVFPP Update)

The State's past investments in flood management have begun to improve the flood system. For example, investments over the past decade prevented the impacts of the 2017 storm events from being much worse. Critical repairs, forecast-coordinated operation of dams, improved and new infrastructure, and informed floodplain management helped prevent flooding in many regions in California.

All elements of the flood system are aging and vulnerable; we must look ahead: \$17 to \$21 billion of investment is needed over 30 years in the Central Valley.



Flood Protection in the Central Valley



STATE

General Fund

General Obligation Bond



FEDERAL

USACE Programs

FEMA Programs

Federal Ecosystems Programs



LOCAL

Benefit Assessments

Special Taxes



NEW

**Sacramento/San Joaquin
Drainage District**

- Reutilize this district, originally established in 1911.

- Generate revenue for operations and maintenance and local share of capital improvements.

**River Basin
Assessments**

- Establish river basin specific assessments across the State.

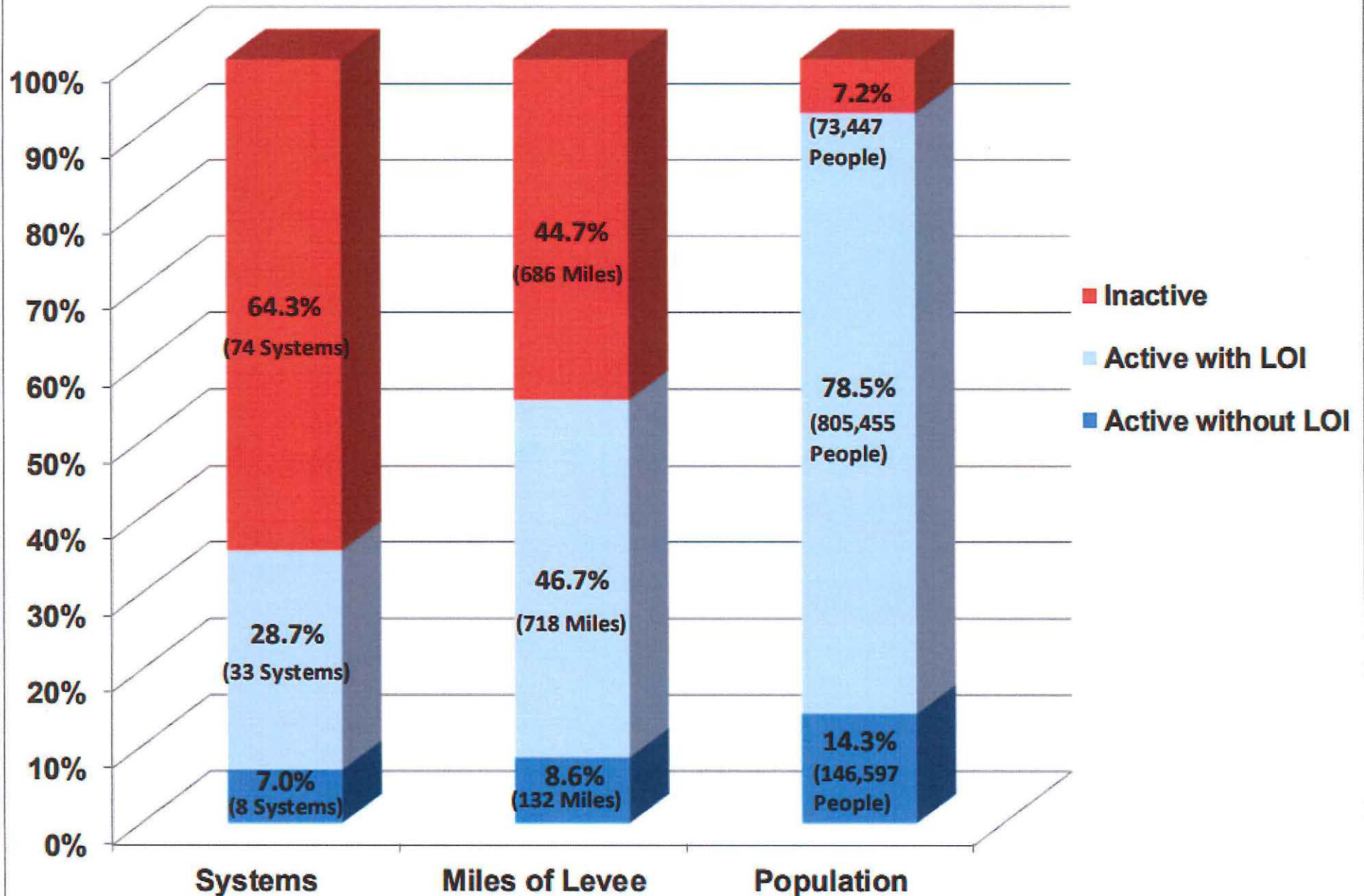
- Generate and return revenue to individual river basins to be shared across all integrated water management activities in that watershed.

**State Flood
Insurance Program**

- Augment/replace the National Flood Insurance Program (NFIP) with a State-led program.

- Generate revenue for insurance protection and investment to lower flood risk.

Public Law 84-99 Status as of February 22, 2019



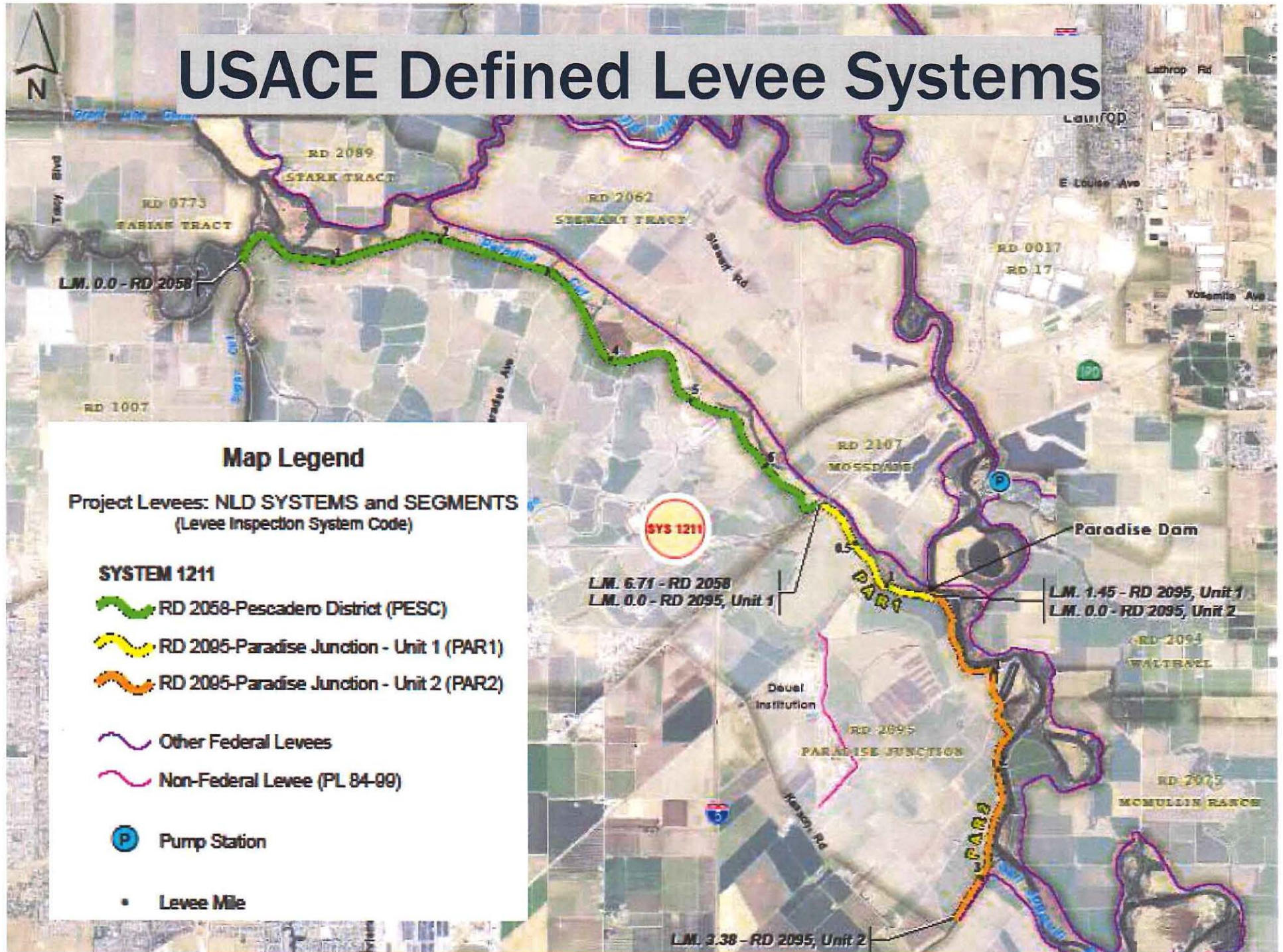


Flood Protection in the Central Valley

USACE Definition of a Levee System

“A levee system comprises of one or more levee segments and associated features which collectively provide flood, storm, or hurricane damage reduction to a defined area. ***Failure of one feature or segment within a levee system constitutes failure of the entire system.*** The levee system is inclusive of all features that are interconnected and necessary to ensure protection of the associated separable floodplain...”

USACE Defined Levee Systems



Board Resolution No. 2018-06



Acceptable Operation and Maintenance of the State Plan of Flood Control

- Confirms the State's standards for OMRR&R of SPFC facilities
- Acknowledges USACE requires SPFC facilities to be operated and maintained in accordance with Federal Regulations and O&M Manuals
- Asserts the State's long term goal of improved operation and maintenance includes working toward Public Law 84-99 eligibility and compliance with O&M manuals

Board Resolution No. 2018-06



Acceptable Operation and Maintenance of the State Plan of Flood Control

- Confirms sustainable funding is a State priority
- Acknowledges the State's commitment to working with maintaining agencies to improve O&M
- Encourages the System-wide Improvement Framework (SWIF) as a tool for compliance.

CVFPP Investment Strategy



2017 CVFPP Update

States why flood investments are needed and proposes a portfolio of actions

Investment Strategy

Recommends a strategy to fully fund the actions presented in the 2017 CVFPP Update

Funding Plan

Capital and Ongoing Investments to fully fund the 2017 Refined SSIA Portfolio as presented in the 2017 CVFPP Update

Funding

Recommendations

Multiple scenarios of existing and potentially new funding mechanisms by State, Local and Federal entities

SSJDD Feasibility

Study

One scenario is to reutilize the function of the SSJDD to provide an addition source of funding



1913 Reclamation Board Act

- ◎ In 1913, the legislature authorized the Reclamation Board to assume responsibility for protecting the vulnerable areas by constructing flood control works with funds raised by direct assessment on the benefitted land.

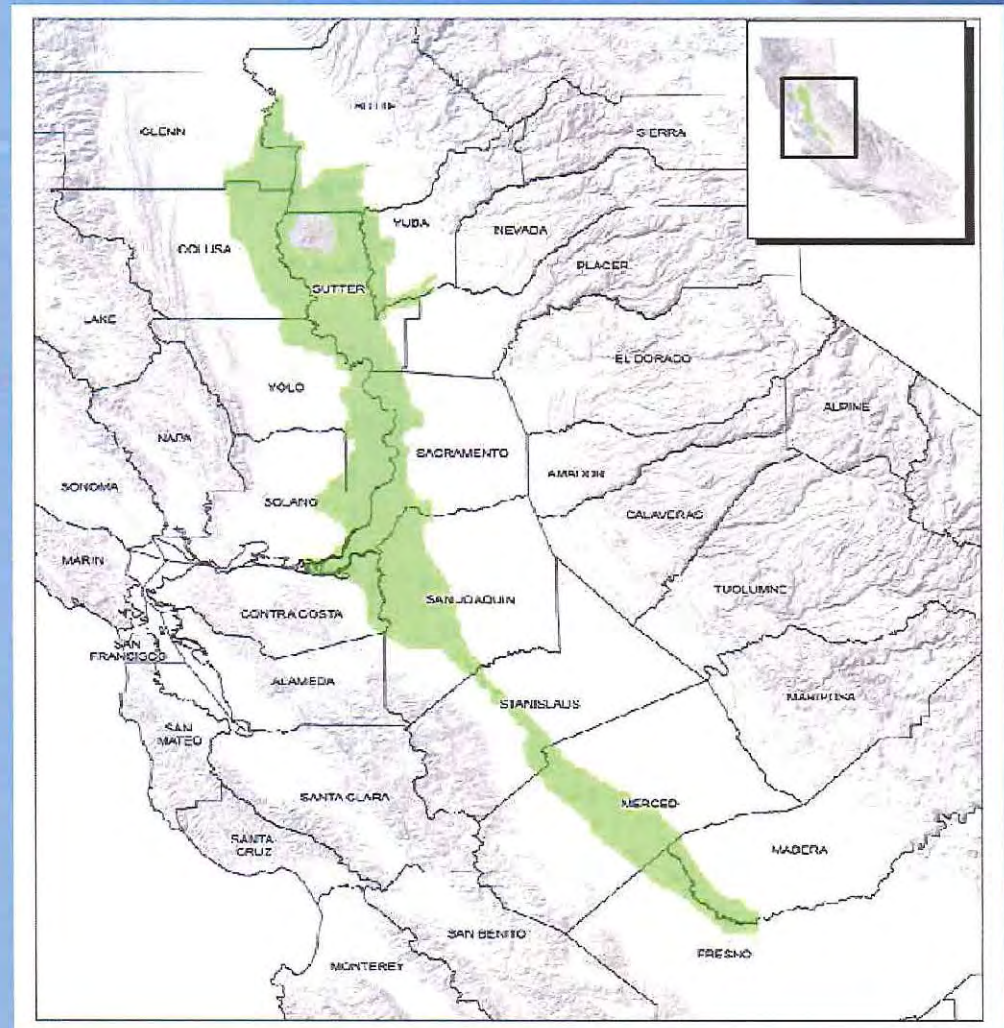
- ◎ Purpose of the Act: to carry into effect the plans of the California Debris Commission for the control of the flood waters of the Sacramento and San Joaquin rivers and their tributaries.

- ◎ The Act also empowered the Board to:
 - Acquire lands and rights-of-way for project elements,
 - Enlarged the Board's membership from 3 to 7, and
 - Created SSJDD and placed it under control and management of the Board.

Legal Description of SSJDD



The legal description is 13 pages in length and references the boundaries of 19 counties, 12 tributaries, 2 ranchos, the Yolo Bypass, Rio Vista corporate city limits, and public land calls.



SSJDD

Boundaries

- Approximate Dimensions:
 - Length: 200 miles
 - Perimeter: 600 miles
- The boundaries of the district are set forth and described in Chapter 170, Statutes and Amendments to the Codes, California, 1913 (*Added by Stats. 1943, Ch. 369*)



CHAPTER 170.

An act to amend an act entitled "An act approving the report of the California debris commission transmitted to the speaker of the house of representatives by the secretary of war on June 27, 1911, directing the approval of plans of reclamation along the Sacramento river or its tributaries or upon the swamp lands adjacent to said river, directing the state engineer to procure data and make surveys and examinations for the purpose of perfecting the plans contained in said report of the California debris commission and to make report thereof, making an appropriation to pay the expenses of such examinations and surveys, and creating a reclamation board and defining its powers," approved December 24th, 1911; by amending sections one, three and four of said act, and adding sixteen new sections to said act to be designated as sections five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, sixteen and one half, seventeen, eighteen and nineteen; creating a drainage district to be known as Sacramento and San Joaquin drainage district, appointing of a reclamation board, providing for the management and control of said district and defining

SSJDD Assessments



- SSJDD Assessments executed from 1914 through 1920's.
- Funds from SSJDD assessments were used to construct major flood control projects in the Sacramento Valley.
- SSJDD Assessments were created on the premise that the beneficiaries pay.

List of SSJDD Assessments



Assessment Number	Associated Project
1	General Assessment
2	Sacramento River Outlet Project
3	Sacramento By-Pass Project
4	Fremont Weir Project
5	Freeport Levee Project
6	Sutter-Butte By-Pass Project
7	Feather River Project
8	Hood Levee Project



SSJDD Assessed \$ & Timeline

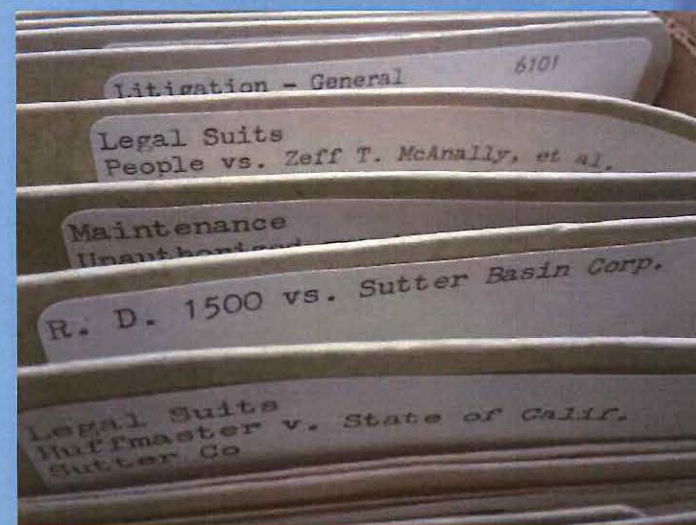
Assessment Number	Associated Project(s)	Total	When levied
1	General Assessment	\$250,000	June 1914
2	Sacramento River Outlet Project	\$1,500,000	Aug. 1914 Dec. 1918
3	Sacramento By-Pass Project	\$1,095,000	Aug. 1914 Feb. 1916
4	Fremont Weir Project	\$219,000	Aug. 1915 May 1916
5	Freeport Levee Project	\$219,000	Jan. 1916
6	Sutter-Butte By-Pass Project	\$10,624,522	Nov. 1917 Dec. 1918 Sept. 1920
7	Feather River Project	\$370,800	Oct. 1919



Suits Against Assessment 1

County	Number Suits	Number Owner Plaintiffs
Butte	3	6
Glenn	7	143
Colusa	67	105
Yuba	3	35
Sutter	1	1
Yolo	6	6
Sacramento	7	9
Solano	0	0
San Joaquin	1	19
Contra Costa	0	0
Stanislas	0	0
Merced	6	6
Madera	1	1
Fresno	0	0

In 1913, a large number of suits were initiated by landowners in different counties to annul General Assessment No. 1.





Landmark Suit Against SSJDD

- ◎ In 1913, Miller & Lux, Inc. firm challenged the Reclamation Board's Assessment No. 1, which levied a tax of five cents an acre on San Joaquin Basin lands.
- ◎ Miller & Lux had acquired land on both sides of the San Joaquin River, for a distance of 100 miles from Modesto to Madera. The corporation owned 700,000-acre land in the valley.
- ◎ Miller & Lux argued that the assessment was unconstitutional under the 14th Amendment to the US Constitution on three grounds:
 1. No flood control plans had yet been made for the San Joaquin (a prerequisite of assessment);
 2. The assessment was not calculated on the basis of benefits; and
 3. The firm derived no benefits from the purposes of the assessment.
- ◎ The assessment was ultimately upheld by the California and US Supreme Court

Landmark Suit Against SSJDD



- ◎ Miller & Lux, Inc., v. Sacramento & San Joaquin Drainage District, 256 U.S. 129 (1921)
 - “...the doctrine has been definitely settled that in the absence of flagrant abuse or purely arbitrary action a State may establish drainage districts and tax lands therein for local improvements, and that none of such lands may escape liability solely because they will not receive direct benefits.”

Levy & Collection of Assessments



“The Board shall levy and cause to be assessed, equalized and collected in the manner provided in this part, an assessment to the amount of the estimate upon land included in the district by the change of boundaries, according to benefits in the manner provided in this part.” (CA Water Code Section 8760, Added by Stats. 1943, Ch. 369.)



Basis of Assessment



“In determining the benefits that will or may accrue to each particular tract of land by the construction or maintenance of the works contemplated by any project or unit, the works of the project or unit shall be considered as a whole and land shall be assessed for the works embraced in the project or unit only in the proportion that it will or may be benefited by the construction of the entire works embraced in the project or unit.”

Water Code § 8757 (*Added by Stats. 1943, Ch. 369*)





SSJDD Feasibility Study

Purpose:

To evaluate the feasibility of a state assessment to provide funding for SPFC projects and maintenance

- ◎ Advantages: A valley-wide assessment could contribute to several CVFPP Goals including
 - Improved operation and maintenance (O&M) through sustainable funding
 - Improved institutional support
 - Improved flood risk management



SSJDD Feasibility Study

Contribute to the Implementation of the 2017 CVFPP Update – Board Resolution 2017-10:

- Resolution 14 – “adequate funding is necessary”
- Resolution 15 – “current O&M funding is \$31M annually...estimated required funding is \$131 M annually...”
- Resolution 17 – the Board is committed to “adequate funding for...O&M and supports the study of the viability of a SSJDD Assessment.”

CVFPB Website

<http://cvfpb.ca.gov/>
<http://cvfpb.ca.gov/cvfpp/>



CA.GOV  **Central Valley Flood Protection Board** 

[Home](#) [Meetings](#) [Regulations](#) [Permitting](#) [Enforcement](#) [Profiles & Maps](#) [Public Notices](#)



Central Valley Flood Protection Board

The Central Valley Flood Protection Board (CVFPB) is the State regulatory agency responsible for ensuring that appropriate standards are met for the construction, maintenance, and protection of the flood control system that protects life, property, and wildlife habitat in California's vast and diverse Central Valley from the devastating effects of flooding. CVFPB issues encroachment permits and works with other agencies to improve the flood protection structures, enforces removal of problematic encroachments, and keeps watch over the Central Valley's continually improving flood management system.

- March 29, 2019 – Regular business meeting begins at 9:00 a.m.

Title 23 Update – Article 8, Standards

- The Board has released the final draft of the updated Title 23, Division 1, Article 8, Standards. This draft is a revision of the last draft circulated in the fall of 2015 and is limited to the Article 8.

California Governor
Gavin Newsom
Governor's webpage 

California Natural Resources Agency
Wade Crowfoot
Visit Website 

Mission Statement: "To reduce the risk of catastrophic flooding to people and property within the California Central Valley."

WEBCAST

CALENDAR

CVFPP

2017 STORM DAMAGE EMERGENCY REHABILITATION

ATTACHMENT
III. C.2



**EASTERN SAN JOAQUIN
GROUNDWATER AUTHORITY**

SGMA Policy Input Board of Supervisors – April 9, 2019

Presentation Objectives



**EASTERN SAN JOAQUIN
GROUNDWATER AUTHORITY**

- Present to the Board of Supervisors on the Progress of the Eastern San Joaquin Groundwater Authority (GWA)
- Receive Input from the Board on Key Policies Prior the GWA Board of Directors and Advisory Committee Meetings on April 10

**SGMA: Sustainable Groundwater
Management Act of 2014**

What Does SGMA Require?



EASTERN SAN JOAQUIN
GROUNDWATER AUTHORITY

- Groundwater Sustainability Agencies (GSAs) must be formed by **July 1, 2017**
- **For critically over-drafted basins**, GSAs shall adopt and submit Groundwater Sustainability Plans (GSPs) by **January 31, 2020**
- GSPs shall include measurable objectives and milestones and shall be updated **every five years**
- GSP development shall include **Stakeholder** input
- Subbasins shall achieve sustainability **by 2020**

Where is the Eastern San Joaquin Subbasin Boundary?



- Critically Over-drafted
- High Priority
- Failure to Meet SGMA Deadlines, Adopt a GSP for the Entire Subbasin, or Reach Sustainability Will Result in State Intervention

Potential Fees – State Intervention



Fee Example Scenarios

- The following table provides examples of how the proposed probative secondary fee rates for eight hypothetical farms would approximately relate to the volume of water applied on irrigated

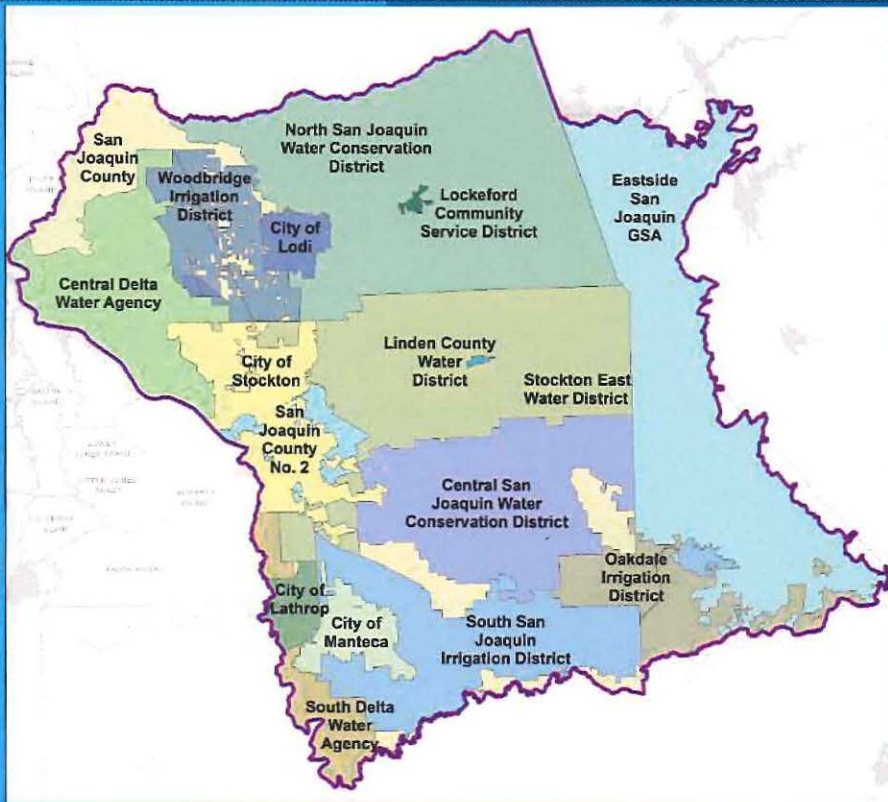
Crop	Irrigated Acreage	Feet of Water Applied Annually Per Acre (DWR ^(b))	Probative Rate	Cost per Acre	Total Cost
Alfalfa	150	2.0	\$40	\$202	\$30,300
Almonds	150	3.54	\$40	\$142	\$21,240
Corn	150	2.83	\$40	\$113	\$16,980
Cotton	150	3.09	\$40	\$124	\$18,540
Grapes	150	1.86	\$40	\$74	\$11,160
Misc. Fruit Trees	150	3.3	\$40	\$132	\$19,800
Pistachios	150	3.54	\$40	\$142	\$21,240
Rice	150	4.56	\$40	\$182	\$27,360

(b) State-wide averages, Department of Water Resources, Agricultural Land and Water Use Estimates

- The following table provides examples of how the proposed probative secondary fee rates would apply to a municipal water supplier and industrial user:

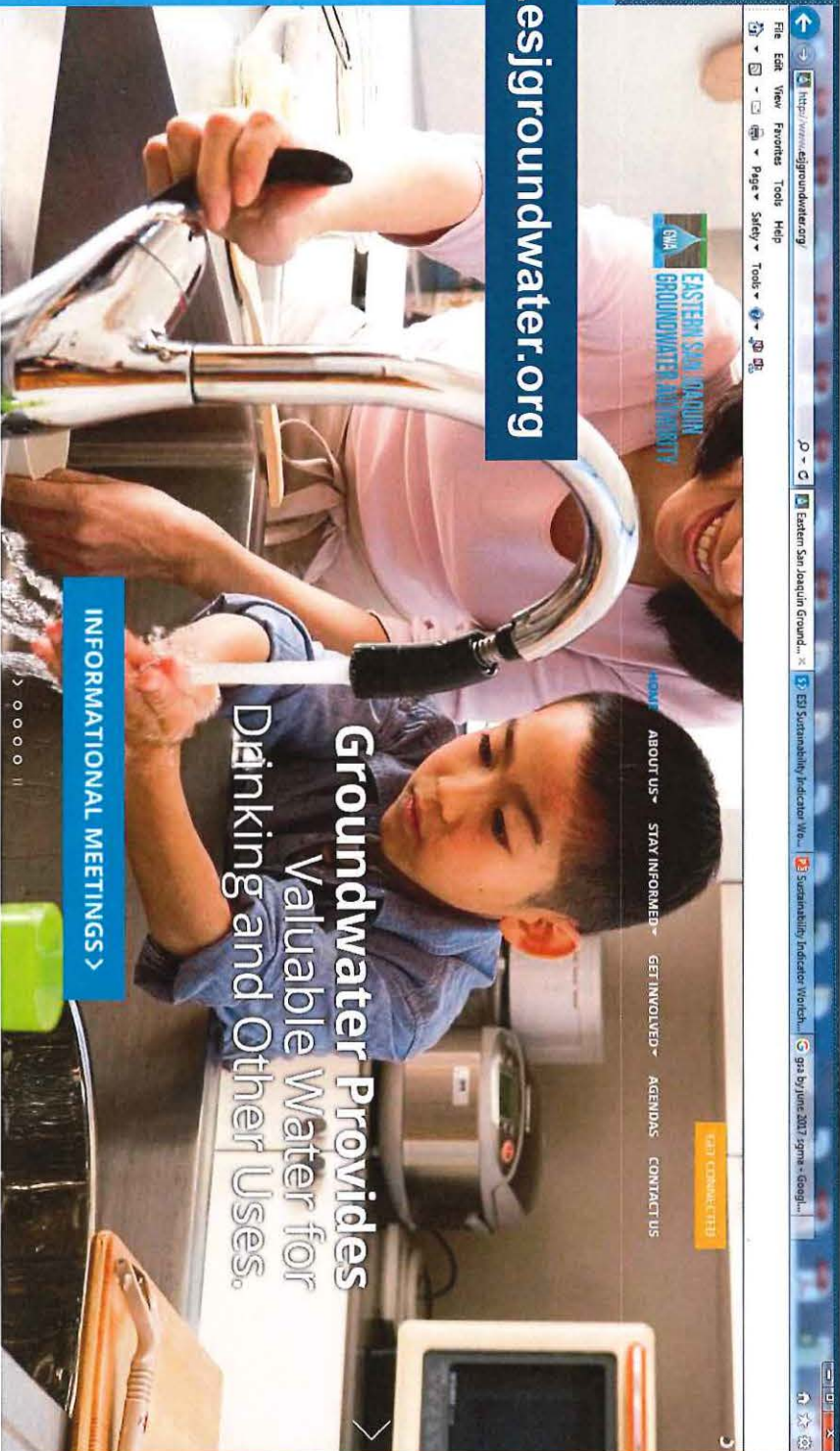
Purpose of Use	Volume	Probative Rate	Total Cost
Municipal Water Supply	3,600 acre-ft	\$40	\$144,000
Semiconductor Factory (Industrial)	5,200 acre-ft	\$40	\$208,000

Eastern San Joaquin Subbasin



- Formation of the Eastern San Joaquin Groundwater Authority (GWA) includes 15 GSAs
- Collaborating to develop a Single GSP for the Entire ESJ Subbasin
- Secured a \$1.5 M State Grant and raised additional local cost share to develop the GSP

Website: www.esjgroundwater.org



Groundwater Provides Valuable Water for Drinking and Other Uses.

INFORMATIONAL MEETINGS >

WHAT IS THE SUSTAINABLE GROUNDWATER MANAGEMENT ACT?

WHAT IS A GROUNDWATER SUSTAINABILITY PLAN?

WHAT IS THE EASTERN SAN JOAQUIN GROUNDWATER AUTHORITY?

STAY INFORMED AND CONNECT WITH US

Stakeholder Workgroup

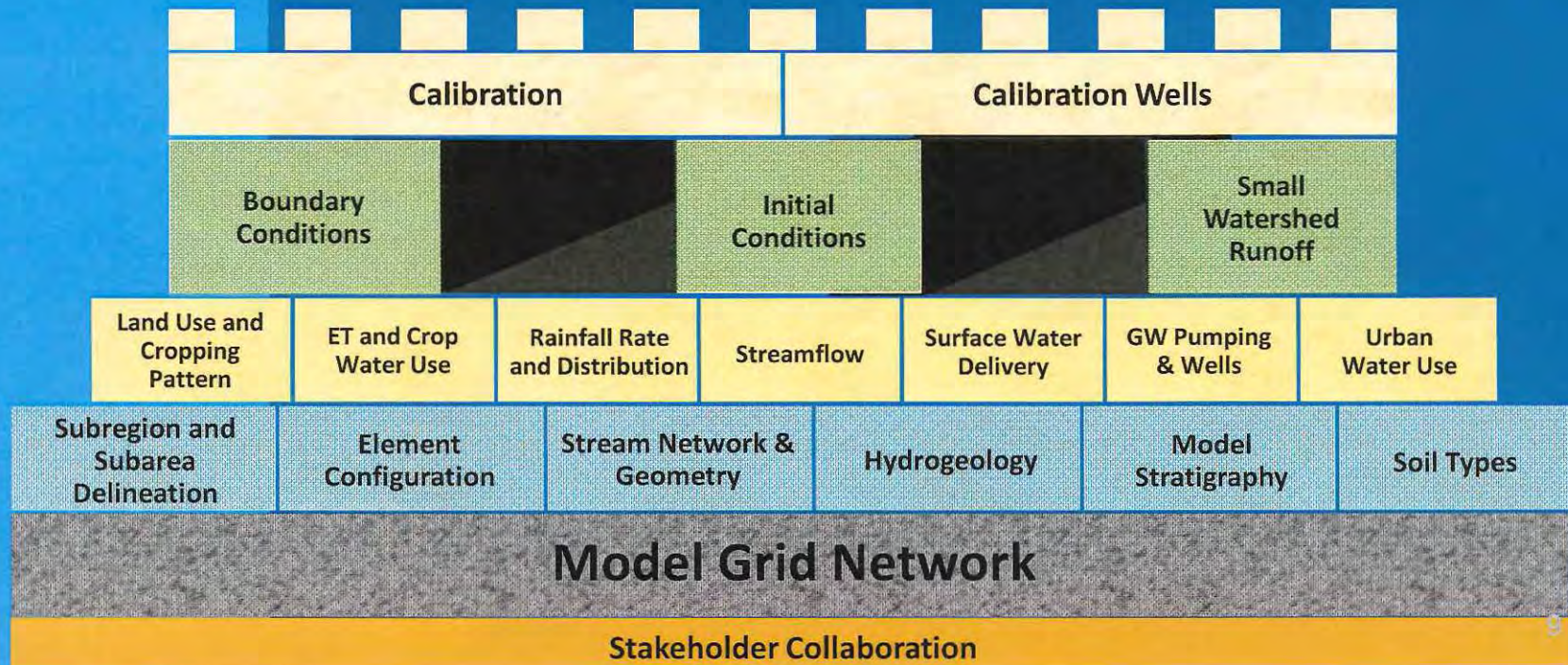


Total # of Applicants:

22

- 2Q Farming
- Calaveras County Resource Conservation District
- Catholic Charities of the Diocese of Stockton
- The Hartmann Law Firm/Advisory Water Commission
- San Joaquin Audubon
- Sierra Club
- San Joaquin Farm Bureau Federation
- Trinchero Family Estates and Sutter Home Winery
- South Delta Water Agency
- SJC Environmental Health Department
- Manufacturers Council of the Central Valley
- The Wine Group
- J.R. Simplot Co.
- Lima Ranch
- University of the Pacific
- Sequoia ForestKeeper
- Ag Business – Farmer
- The Environmental Justice Coalition for Water
- Spring Creek Golf & Country Club
- Machado Family Farms
- California Sportfishing Protection Alliance

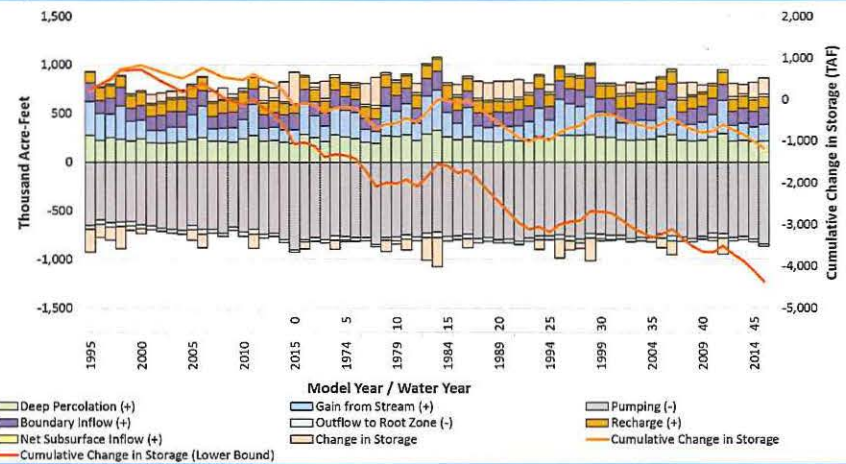
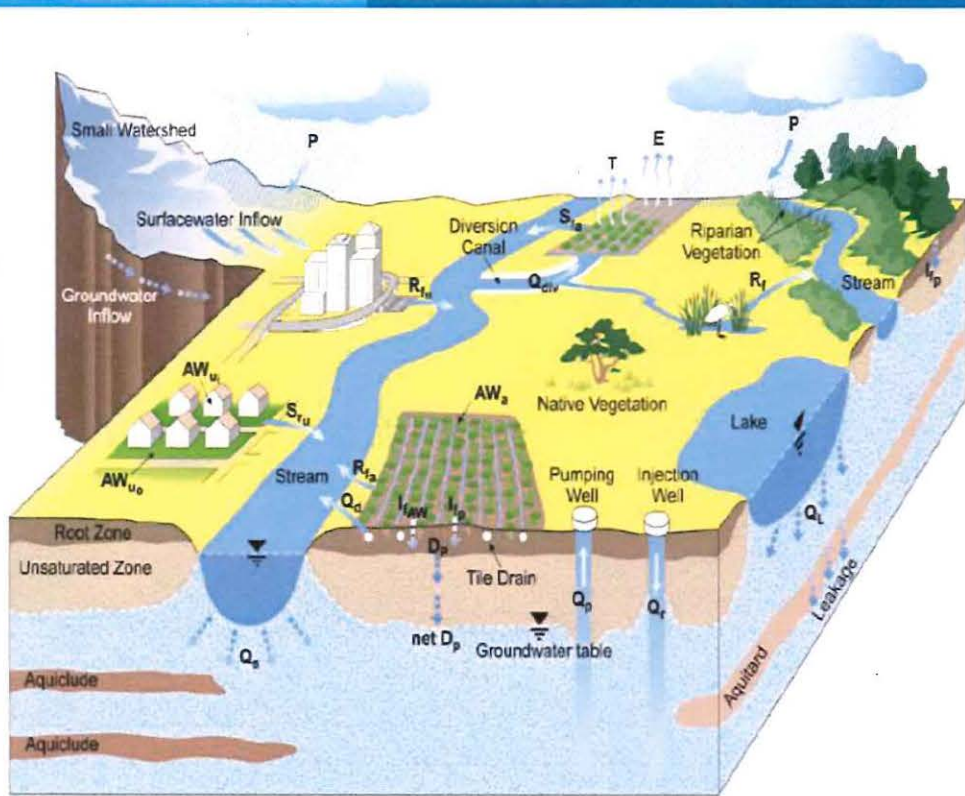
ESJ Water Resources Model Development



The Water Accounting Framework Summarizes the Water Budget



- Historical Water Budget
- Current Conditions Baseline
- Projected Water Budget



Policy Discussion



EASTERN SAN JOAQUIN
GROUNDWATER AUTHORITY

Policy issues coming to the GWA Board and Advisory Committee on April 10:

1. **Water Budget Planning Estimates** – *Adopt water budget assumptions for GSP*
2. **Sustainability Indicators** – *Guidance on addressing sustainability indicators in the GSP*
3. **Monitoring, Measuring, and Model Refinements** – *Guidance to conduct monitoring, measuring, and modeling at the basin-scale subject to a financing plan*
4. **Project Implementation** – *Guidance on who should implement projects in the GSP*
5. **Management Actions** – *Increasing supply with projects vs. reducing groundwater demand to reach sustainability*

1. Water Budget Planning Estimates









EASTERN SAN JOAQUIN
GROUNDWATER AUTHORITY

Action Needed: Recommendation to the GWA Board to adopt the following planning assumptions in GSP development:

- Groundwater Pumping Offset Needed to Meet Sustainable Conditions:**
- Recommended Estimate (~77,900 AFY)

2. Sustainability Indicators



-  Chronic Lowering of Groundwater Levels
-  Reduction in Groundwater Storage
-  Seawater Intrusion
-  Degraded Water Quality
-  Land Subsidence
-  Depletion of Interconnected Surface Water

3. Monitoring, Measuring, and Model Refinements



EASTERN SAN JOAQUIN
GROUNDWATER AUTHORITY

- Monitoring and reporting
- Data collection and analysis
- Administrative actions
- 5-year update
- DMS updates
- Public outreach
- Website maintenance
- Legal support
- Grant writing

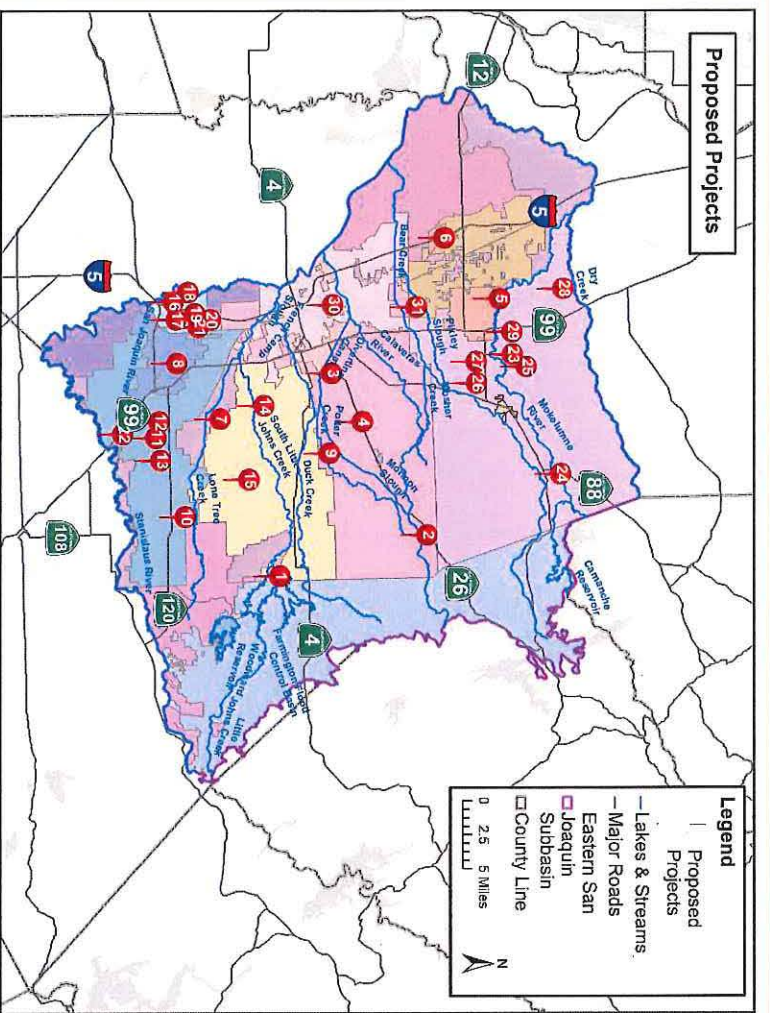
3. Monitoring, Measuring, and Model Refinements



EASTERN SAN JOAQUIN
GROUNDWATER AUTHORITY

Action Needed: Recommendation to the GWA Board to conduct monitoring, measuring, and modeling **at the basin-scale** subject to a financing plan.

4. Project Implementation: Discussion



- 1 – Farmington Dam Repurpose Project
- 2 – Lake Grube In-Lieu Recharge
- 4 – SW Implementation Expansion
- 5 – SW Facility Expansion & Delivery Pipeline
- 6 – White Slough WPCF Expansion
- 7 – Recycled Water Transfer to Agriculture
- 9 – Water Transfers to SEWD and CSJWCD
- 10 – Increase SSJID Nick DeGroot SW Deliveries
- 11 – City of Escalon Wastewater Reuse
- 12 – South San Joaquin Stormwater Reuse
- 13 – Pressurization of SSJID Facilities
- 14 – BNSC Intermodal Facility Recharge Pond
- 15 – CSJWCD Capital Improvement
- 22 – City of Ripon Surface Water Supply
- 24 – Mokelumne River Loss Study
- 25 – North System Modernization
- 26 – PDA Banking
- 27 – South System Modernization
- 29 – Winery Recycled Water
- 30 – Advanced Metering Infrastructure
- 31 – Mobilizing Recharge Opportunities

Project Implementation



EASTERN SAN JOAQUIN
GROUNDWATER AUTHORITY

Action Needed: Recommendation to the GWA Board that projects in the GSP Implementation Plan be developed and implemented **at the GSA level**, with the option for GSAs with projects in the GSP to work with additional parties in the development of their projects.

Management Actions: Discussion



EASTERN SAN JOAQUIN
GROUNDWATER AUTHORITY

Projects Approach: Projects that provide a net input to groundwater through supply-side, recharge, and conservation projects.

Demand-side Management Approach: Reductions in pumping through use restrictions and conservation.

**Staff Strongly
Recommends**

GSP Deliverables Review Schedule

Approved By GWA Board 3/13



Deliverable	Public Draft#1 goes to GWA for Review	GWA MEETING JPA Board - Discussion (if areas of disagreement)	Possible Public Draft#2 goes to GWA for Review	GWA MEETING Action Item	Public Review Period	Staff provide response to comments/discussion of proposed revisions	GSA Review	Final Draft of GSP Distributed	GWA MEETING Action Item	GSA Final Approval
Bundle 1 (Administrative Information; Plan Area; HCM)	May 1	May 8	June 5	June 12	July 10-Aug 25	Sept 15	Oct 15	Nov 5	Nov 13	Dec/Jan
Bundle 2 (Water Budget – at basin-scale)	June 5	June 12	July 1	July 10	July 10-Aug 25	Sept 15	Oct 15	Nov 5	Nov 13	Dec/Jan
Bundle 3 (Undesirable Results & Minimum Thresholds, Monitoring Network, Projects)	June 5	June 12	July 1	July 10	July 10-Aug 25	Sept 15	Oct 15	Nov 5	Nov 13	Dec/Jan



**EASTERN SAN JOAQUIN
GROUNDWATER AUTHORITY**

Questions

and

Discussion

www.esjgoundwater.org



**EASTERN SAN JOAQUIN
GROUNDWATER AUTHORITY**

Back-up Slides

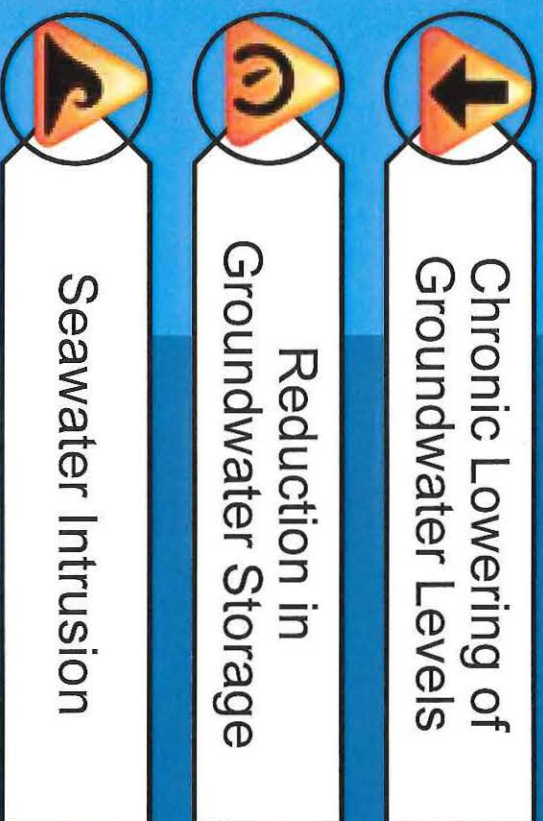
www.esjgroundwater.org

Undesirable Results are Significant and Unreasonable Impacts



EASTERN SAN JOAQUIN
GROUNDWATER AUTHORITY

Six Sustainability Indicators



Undesirable Results

- “Chronic lowering of groundwater levels indicating a significant and unreasonable depletion of supply if continued over the planning and implementation horizon”
- “Significant and unreasonable reduction in groundwater storage”
- “Significant and unreasonable seawater intrusion”

Undesirable Results are Significant and Unreasonable Impacts



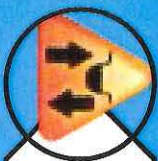
Six Sustainability Indicators



Degraded Water Quality



Land Subsidence



Depletion of Interconnected Surface Water

- “Significant and unreasonable degraded water quality, including the migration of contaminant plumes that impair water supplies”
- “Significant and unreasonable land subsidence that substantially interferes with surface land uses”
- “Depletions of interconnected surface water that have significant and unreasonable adverse impacts on beneficial uses of the surface water”

ATTACHMENT
III. C.3

DOWNEY BRAND |
advancing your interests

Scott L. Shapiro

**CCVFCA Association
Annual Flood Forum
March 20, 2019**

The Existing Legal Framework

- The CVFPB may levy an assessment upon any lands within the Drainage District. (Water Code, § 8750.)
- Any assessment levied must be apportioned according to the proportional flood control benefit provided by the Drainage District. (Water Code, § 8788.)
- In determining the benefits that will or may accrue to each particular tract of land by the construction or maintenance of the works contemplated by any project or unit, the works of the project or unit shall be considered as a whole and land shall be assessed for the works embraced in the project or unit only in the proportion that will or may be benefited by the construction of the entire works embraced in the project or unit. (Water Code, § 8757)

Policy and Legal Questions

- Will the funds raised be used only for OMRR&R, or capital expenditures too?
- Will the CVFPB create subunits, with funds from each subunit going to benefit the subunit, or will funds be collected only from a larger area?
- How will the bounds of the assessed area be set?
 - Lands adjacent to waterways?
 - Lands subject to inundation from 100-year or 200-year event?
 - Lands in 100-year or 200-year floodplain?
 - Lands benefiting from the system?
 - Lands burdening the system?
 - Other?

Policy and Legal Questions

- Who will decide how funds will be expended?
- Will this new source of funding reduce the appropriation of general funds?
- How should we consider the varied assessments already paid by landowners in the basin, and should this be a factor for where money is sent?
- Would amendment of the SSJDD law require a simple or two-thirds majority of the legislature, and how does that affect what policy should be proposed?
- Will funds be used only for systemwide benefits, or also on local benefits?

ATTACHMENT
IV. A

Sallah, Melanie

From: Jacklyn Shaw <jacklyn.el.shaw@icloud.com>
Sent: Tuesday, February 19, 2019 12:48 PM
To: Villalpando, Kelly; Nakagawa, Brandon; Balaji, Kris
Cc: Elliott, Bob
Subject: USACE/PacificDeltaDREDGING., include Lodi/RioVistaToAntioch +Press alerts on Marijuana Crops harm? Fwd: February 20, 2019 - Advisory Water Commission Meeting Agenda
Attachments: AWC Agenda 02202019 with attachments searchable.pdf

On 2/19/2019 from jjjshaw@verizon.net:

Dear Kelly V., Staff & Water Commissioners/AWC, San Joaquin County:

RE: West of Lodi would sure appreciate your long awaited action on my/our request, since 2015 at AWC/sjcgov.org, for USACE/Corps Engineers to restore Deep, PURE Dredging from Rio Vista (Highway 12 straightaway to Lodi) towards Antioch Bay.

We appreciate the email and mailing for notes. Finally, we read justification for USACE/ engineers for flooding questions to benefit Stockton and Lower South Delta River. As advised, I'd written to USACE/Sacramento and people were thrilled for jobs in that County. Then we learn that for Lodi Westward the contact is USACE Pacific (San Francisco). Lodi westward goes by Highway 12, straight to Rio Vista, the heart of the Delta River. Yes WID abstains for the ultimate reality of all for one or one for all, for SJCounty. Meanwhile, being ignored may lead to abstention. However, that does not mean that no comments mean that all are happy campers, like 3rd to 5th generation families of 100-200 years.

May I kindly make this written request: Please include west of Lodi and Rio Vista, in restoring the DEEP, PURE DELTA DREDGING. (Before, I'd mentioned that a late basic engineer from Terminous said that he'd done dredging on all the islands. He said that *Deep, Pure Dredging purifies the soil by aeration and absorption*. The request is for DREDGING from RIO VISTA towards Antioch Bay. Our concern is increased soil salinity the past 10 years with five year drought and more cycles. Moreover, a USACE Delta engineer says that the wetlands are polluted. It was shocking to hear at the CVWR/Flooding workshop that Levee Maintenance was 80% Non-Compliance (July 2015).

Coincidentally, former US Senator (B. Boxer, alleged interest in water bonds) transferred funds for Delta Dredging to Washington State (Sacramento Bee, 2014, as cited before). Then Whoa and behold, we had "flooding", supposedly as justification for the Delta Tunnel/s. (Given some politicians, they probably planned that option from the start, as if only one Tube under the Delta River.) Yes, west of Lodi will be directly impacted with dusty, itchy "peat snakes" in Delta breeze (10 to 40 mph). We could wait for the ugly Nutria to eat the itchy "peat snakes" (or vice versa). But West of Lodi would sure appreciate your long awaited action, since 2015 at AWC, for USACE/Corps Engineers to restore Deep, PURE Dredging from Rio Vista (Highway 12 straightaway to Lodi) towards Antioch Bay. Can this be forwarded to other Commissioners or entered for Public Comments? (Regretfully, I cannot afford the time. Here is three minutes above and then below in opportunity to participate.)

In God we Trust,
Jacki Lauchland Shaw
Prof-Author & Grower
Lodi, CA 95242

P.S. We see many cities represented at county water meetings, taxes paid by county dwellers. We hear that Narcotic crops (marijuana "et al", pun intended) use more water than vineyards, which use the least. *Can we*

please have public health service releases in news/media — to alert/alarm the community-at-large of the economic and social harm of Marijuana. (Farm Bureau hosted Channel 3 & 10, plus Fox 40 is local.)

From Imprimis (A. Berenson, Jan. 2019) we learn research shows repercussions, “Marijuana, Mental Illness, and Violence”: After an exhaustive review, the National Academy of Medicine found in 2017 that ‘cannabis use is likely to increase the risk of developing schizophrenia and other psychoses; the higher the use, the greater the risk.’”

He adds, “Far less work has been done on marijuana than on alcohol, in part because advocates have stigmatized anyone who raises the issue. But studies showing that marijuana use is a significant risk factor for violence have quietly piled up.”

Further, it impacts the job opportunities of young adults and older. Maybe we need to recognize work quality in businesses (Made in USA), as a positive approach?

Thanks, jels, 2/19/2019

Cc:

bruceb@sjfb.org

"cwinn@sjgov.org" <cwinn@sjgov.org>

AndyC Wid <widirrigation@gmail.com>

"tpatti@sjgov.org" <tpatti@sjgov.org>

Begin forwarded message:

From: "Villalpando, Kelly" <krvillalpando@sjgov.org>

Subject: February 20, 2019 - Advisory Water Commission Meeting Agenda

Date: February 15, 2019 at 11:32:28 AM PST

To: "Nakagawa, Brandon" <bnakagawa@sjgov.org>

Good morning,

Attached is a copy of the agenda packet for the February 20, 2019 Advisory Water Commission meeting, which will take place at 1:00 p.m. The meeting will be held at the Public Health Conference Room, 1601 E. Hazelton Ave., Stockton, CA.

Have a great weekend!

Kelly R. Villalpando

Management Analyst II

Public Works – Water Resources

(209) 468-3073

KRVillalpando@sjgov.org

ATTACHMENT
IV. B



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Avenatti indicted on 36 counts of tax dodging, perjury, theft from clients

Funeral procession will follow Nipsey Hussle's Staples Center memorial

Lakers are in trouble, and many around NBA think Rob Pelinka must go

Here is the Hussle's 2nd processio

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blue door group
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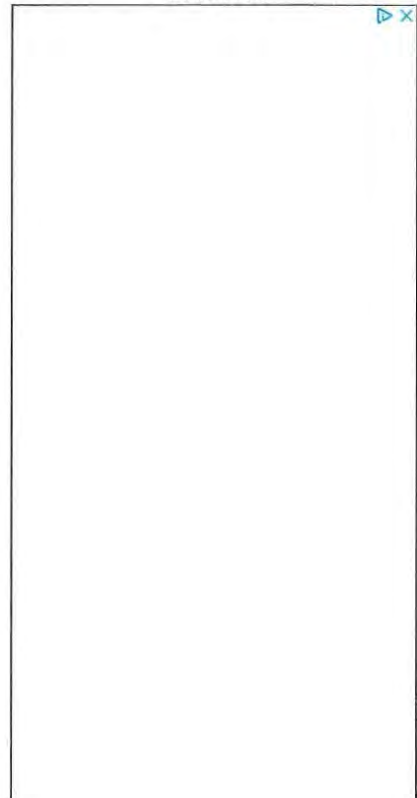
CAPITOL JOURNAL POLITICS

Brown was obsessed with twin-tunnel vision. Newsom has a more realistic view

By GEORGE SKELTON FEB 18, 2019 | 12:05 AM | SACRAMENTO



ADVERTISEMENT



A sign opposing a proposed tunnel plan to ship water through the Sacramento-San Joaquin River Delta to Southern California is displayed near Freeport, Calif., in 2016. (Rich Pedroncelli / Associated Press)

A potential grand compromise to settle a decades-long water fight has been obvious for years but blown off. Now Gov. Gavin Newsom is forcing all combatants to consider it seriously.

California's water future hinges on the ultimate deal.



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LATEST POLITICS

Avenatti indicted on 36 counts of tax dodging, perjury, theft from clients

Funeral procession will follow Nipsey Hussle's Staples Center memorial

Lakers are in trouble, and many around NBA think Bob Pelinka might be indicted on 36 counts of tax dodging, perjury, theft from clients and other crimes
1h

Here is the Hussle's 2:30 procession

Read the Julian Assange indictment charging the WikiLeaks founder with computer hacking
2h

Interior secretary nominee David Bernhardt's ethics problems aren't going away
2h

Kamala Harris and other 2020 contenders target health risks faced by pregnant black women
3h

Supreme Court revisits wedding cakes and same-sex marriages
3h

The battle has been over whether to bore two monster water tunnels under the Sacramento-San Joaquin River Delta or to build none at all. The solution: Duh. One tunnel.

Newsom decreed one tunnel as the likely sweet spot for a deal last week in delivering his first State of the State address.

It's an answer neither side particularly likes but seems resigned to reluctantly accept.

"Sometimes when you come up with an idea that nobody likes it's a fair compromise, and sometimes it just means it's a bad idea," says Jeffrey Kightlinger, general manager of the Metropolitan Water District of Southern California.

The MWD is the twin-tunnel project's principal backer — aside from former Gov. Jerry Brown — and it's biggest bankroller.

"I can't imagine us walking away from one tunnel just because it doesn't work as well as two tunnels," Kightlinger says.

On the other side is a coalition of delta farmers, local communities, environmentalists and northerners who fear a "water grab" by big cities, especially in Southern California, and by San Joaquin Valley corporate farmers.

"We're delta people and we don't like tunnels," says Barbara Barrigan-Parrilla, executive director of Restore the Delta. "Our plan is a 'no tunnel' plan.

[More from George Skelton »](#)

"But I swore under oath at a state water board hearing that we would evaluate any new project with fresh eyes. One tunnel can still cause a tremendous amount of damage. But we have to see what type is proposed and what the design is."

Later, in a statement that was striking for conciliation — a rarity in today's polarized politics — Barrigan-Parrilla urged tunnel opponents to cool it before they start attacking Newsom weeks for offering.

Avenatti indicted on 36 counts of tax dodging, perjury.

Funeral procession will follow Nipsey Hussle's Staples Center memorial

"Let's breathe and be grateful," she said. "After more than 12 years of daily combat with two prior governors, Gov. Newsom heard us. That is huge.... We matter.... This is a major shift in the water narrative of California."

"Expecting a California governor, who must represent the interests of all its people, to pick one side only in California's ongoing water battles is simply unrealistic.... He is not going to alienate a sizable and powerful water industry."

"Dance, sing, have a few drinks and celebrate."

Coverage of California politics »

That style of candor and pragmatism has become an endangered species in Sacramento and Washington, although Newsom seems to be trying to salvage some semblance of it.

In his State of the State address, the new governor might have been a tad naïve when he declared: "We have to get past the old binaries, like farmers versus environmentalists, or North versus South."

Good luck trying to coax valley farmers and coastal fishing interests into singing "Kumbaya." The more delta water is delivered to crops, the less there is for struggling salmon.

Newsom used his speech to pare back both of Brown's signature legacy projects: the \$77-billion bullet train and \$17-billion twin tunnels. He could have let both linger for a while but decided to clear the air soon after taking office.

He asserted "there simply isn't a path" financially to lay tracks from Los Angeles to San Francisco, as planned, and announced he'll focus on completing a high-speed rail line between Merced and Bakersfield. He objected to calling it a "train to nowhere."

On the delta, he said: "I do not support the Water Fix" — Brown's name for the project — "as currently configured. Meaning, I do not support the twin tunnels.... I do support a single tunnel. The status quo is not an option."

"Our approach can't be 'either/or.' It must be 'yes/and.' Conveyance and efficiency. And recycling projects like we're seeing in Southern California's [MWD], expanding floodplains in the Central Valley, groundwater recharge like farmers are doing in Fresno County. We need a portfolio approach to building water infrastructure."

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At the heart of the water fight has been whether the delta should be treated as a unique wildlife estuary, recreational haven and small farming community, or a plumbing fixture. A 2009 law says it should be managed as both. But that seems an impossible needle to thread. And power politics has always favored the plumbing fixture.

The delta supplies water for 25 million people and 3 million acres of cropland. Giant pumps at the delta's southern end feed aqueducts, reversing river flow and confusing small salmon headed to the ocean. The fish often get gobbled up by lurking predators or the pumps. So the pumps sometimes are shut down, angering farmers.

Brown's solution was to dig two 35-mile, 40-foot-wide tunnels from the delta's north end, carrying fresh Sacramento River water under the estuary directly to the aqueducts. Don't run the pumps so much.

Opponents complained this would rob the interior delta of fresh water needed for people, crops and fish — not to mention the chaotic mucky mess created by a decade of tunnel burrowing in this bucolic backwater.

But one tunnel might be more tolerable. Would one work?

Better than none, say valley and southern water interests.

It depends on the tunnel size and how it's operated, both sides say.

Brown was obsessed with twin-tunnel vision. Newsom has a more realistic view.

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Political columnist George Skelton has covered government and politics for more than 50 years and for The Times since 1974. He has been a Times political writer and editor in Los Angeles, Sacramento bureau chief and White House correspondent. He has written a column on California politics, "Capitol Journal," since 1993. Skelton is a Santa Barbara native, grew up in Ojai and received a journalism degree at San Jose State.

ATTACHMENT
IV. C



[EXPERT BLOG](#) › [DOUG OBEGI](#)

Dec. 2018 Bay-Delta Agreements Were Only Smoke and Mirrors?

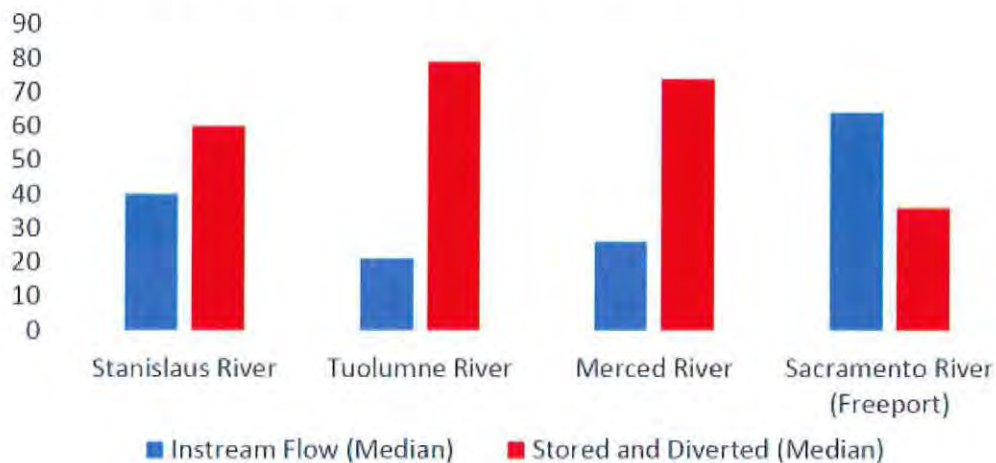
February 19, 2019

[Doug Obegi](#)

It's becoming clear that the voluntary settlement agreements presented to the State Water Board last December as part of the [so-called "grand bargain"](#) were nothing more than smoke and mirrors. Those agreements purported to increase flows in our rivers and through the Delta and to propose significant new investments in habitat restoration. However, recently released modeling data indicates that the voluntary settlement agreements announced last year would result in *less* water flowing through the Delta than today, and publicly available information shows that the agreements were largely double-counting habitat restoration projects that are either already required or planned using public funds.

There's no question that we need to [increase protections for California's rivers and Bay-Delta estuary](#) if we're going to prevent the extinction of our native fish and wildlife, sustain thousands of salmon fishing jobs in California, and restore the health of the largest estuary on the west coast of the Americas. For example, on average nearly 80% of the water that would flow in the Tuolumne River is diverted, with as much as 90% diverted in drier years, devastating the river's historic salmon runs.

Where does the water go today?



As a result, in December the State Water Board adopted new standards that would largely maintain existing flows in the Stanislaus River and would nearly double flows in the Tuolumne and Merced Rivers, even though those standards are [significantly less water than scientists](#) with state and federal agencies have concluded is needed. In addition, last July the State Water Board released a [Framework](#) of its proposal to increase Delta outflow by 1.3 million acre feet per year on average, which also would require better management of upstream reservoirs to prepare for droughts and the adoption of pumping restrictions in the Delta similar to those in effect today.

In the waning days of the Brown Administration, some officials touted the voluntary settlement agreements as an alternative to the State Water Board adopting its long-studied and long-anticipated flow standards. Yet as the Trump Administration moves to [eviscerate environmental protections in the Bay-Delta](#), modeling by the U.S. Bureau of Reclamation demonstrates that the combination of the voluntary flow settlements and these rollbacks of protections for endangered species would actually increase water diversions from the Delta and reduce the amount of water flowing through the Delta—the opposite of what the scientific evidence shows and of what the State Water Board has concluded is needed.

Proposed Action 122318 minus Current Operations 122118

Statistic	Monthly Outflow (CFS)											
	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
Probability of Exceedance												
10%	-2,456	526	16,329	904	-1,159	5,124	-5,630	-5,852	8	-1,825	408	-14,554
20%	-4,832	-4,646	6,406	1,913	236	1,322	-4,411	-2,950	2,991	-2,006	211	-15,066
30%	-4,819	-7,355	4,399	-1,021	-611	-2,336	-3,743	-2,872	3,087	-1,392	22	-11,182
40%	-2,605	-6,053	1,401	-282	3,069	-2,438	-3,718	-2,155	3,663	0	0	-6,903
50%	-1,285	-4,594	1,201	986	1,495	-925	-2,886	-1,543	3,556	-1,286	0	-34
60%	0	-1,426	3,036	245	-120	966	-1,180	-462	2,473	0	0	427
70%	0	200	1,655	315	190	-890	-1,447	-84	2,048	1	-179	196
80%	0	6	1,136	205	-217	606	-398	810	2,034	0	-141	10
90%	0	84	537	-116	709	-1,017	258	75	1,763	0	1	0
Long Term												
Full Simulation Period ^a	-1,503	-2,411	2,975	55	191	-41	-2,175	-1,676	2,090	-705	39	-5,245
Water Year Types^{b,c}												
Wet (32%)	-3,527	-5,776	7,656	699	525	626	-4,178	-4,187	1,229	-751	28	-13,273
Above Normal (16%)	-2,136	-2,993	3,358	-845	1,881	870	-3,030	-1,532	3,734	-1,796	96	-7,042
Below Normal (13%)	-160	-548	160	90	1,328	846	-1,352	-282	3,498	-1,478	396	185
Dry (24%)	-103	-97	-24	188	-825	-1,463	-503	-108	2,495	23	-148	210
Critical (15%)	0	-55	0	-624	-1,716	-916	-452	-279	206	67	-14	26

^a Based on the 62-year simulation period
^b As defined by the Sacramento Valley 40-30-30 Index Water Year Hydrologic Classification (SWRCB D-1641, 1999)
^c These results are displayed with calendar year - year type sorting
^d All scenarios are simulated at ELT (Early Long-Term) Q5 with 2025 climate change and 19 cm sea level rise
^e These are draft results meant for qualitative analysis and are subject to revision

For instance, rather than significantly increasing Delta outflows in the February to June period as proposed in the State Water Board’s Framework, this table from the Bureau of Reclamation’s January 4, 2019 draft biological assessment shows that in most years Delta outflows would be significantly reduced in those months (the red numbers show flows would be lower than today). While some farms and cities upstream of the Delta would contribute to very modest increases in flow under this proposed settlement, the figure below from the Bureau’s draft biological assessment shows that the CVP and SWP would increase exports from the Delta and divert that water and more under their proposal (the blue bar is exports under existing regulatory requirements, the red bar shows higher exports under the voluntary settlement and Trump Administration’s proposed environmental rollbacks, and the black bar shows zero exports under the Bureau’s hypothetical baseline that assumes that the CVP and SWP do not divert any water).

March-June Total Exports SWP and CVP Averages

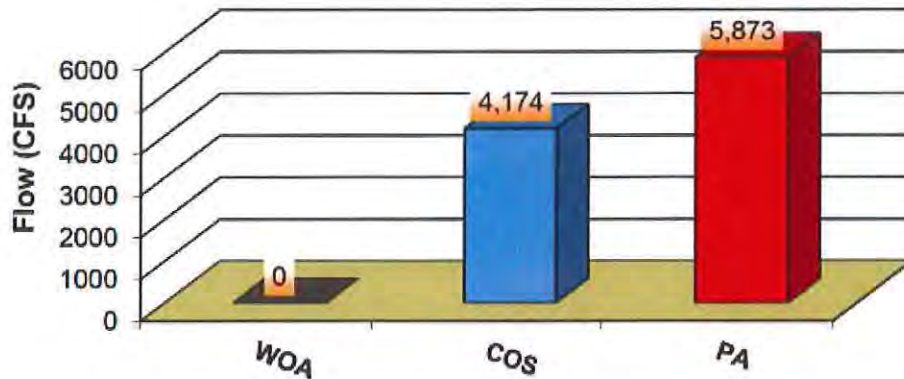


Figure X2. Total Exports March-June

It has also become apparent that most of the habitat restoration projects proposed to be included in the voluntary flow agreement are already constructed, already required by existing permits, or already planned using public dollars. The Sacramento Bee [exposed](#) some of this double-counting earlier this year, noting that many of the habitat restoration projects identified in the agreement were already constructed or required. Together with other conservation groups, we compiled this [working draft document](#) that identifies whether the habitat restoration projects in the proposed agreement are already required or planned using existing funds. The document indicates that the vast majority of these projects are not new projects, and instead, appear to be simply a repackaging of existing commitments and planned projects. Most of these projects would occur in the absence of the proposed voluntary settlement agreement, and they should be included in the baseline in the State Water Board's analysis.

With less water than today and a set of old habitat restoration projects wrapped up in a new package, the voluntary settlement agreements presented in December appear to be nothing more than smoke and mirrors.

This is not to say that voluntary agreements in the abstract are unworkable—but the details matter. In particular, voluntary agreements could be an important tool to help regions reduce their reliance on the Bay-Delta. A Portfolio Approach to voluntary agreements would significantly increase flows (and divert significantly less water from the Delta) in all but wet years, and pair those new flows with investments in: (1) local and regional water supply projects like groundwater recharge, water recycling,

expanding San Luis Reservoir, and improved water use efficiency; and, (2) floodplain restoration, which provide multiple benefits including reduced flood risks. Effective voluntary agreements should not use the failed approach of D-1641, which has more loopholes than Swiss cheese, but instead should be based on a modified percent of unimpaired flow approach that clearly defines the amount of water available for the environment, establishes minimum flows, and gives fishery managers some flexibility to shape flows to achieve specific functions. And any such agreements also need to include improved reservoir management rules (to ensure adequate water for people and the environment during future droughts), and reasonable restrictions on operations of the state and federal water projects in the Delta (to ensure that increased flow upstream of the Delta isn't just exported by Westlands and Southern California, and which stops the Trump Administration from driving native Delta species extinct).

Real agreements to restore the health of the Bay-Delta need to include real water and real habitat restoration, not the smoke and mirrors that were unveiled in December.

ABOUT THE AUTHORS



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Director, California River Restoration, Water Division, Nature Program

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ATTACHMENT
IV. D



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Rep. Harder Statement on State Water Board's Plan for San Francisco Bay-Delta Estuary Plan

April 3, 2019 | Press Release

WASHINGTON, DC – Representative Josh Harder today issued a statement regarding the State Water Resources Control Board's proposal to the U.S. Environmental Protection Agency (EPA) concerning revising water quality Standards for the San Francisco Bay-Delta:

“The future of California's water resources must be determined by a comprehensive, transparent, and science-based review with a Central Valley seat at the table. The State Water Resources Control Board's proposal to the EPA misses the mark. It fails to provide the transparency our community deserves. Thousands of pages of information have been sliced down into a two-page document, which fails to acknowledge harmful effects of the proposed 40 percent water grab and blatantly

ignores the progress made on voluntary settlement agreements being negotiated by our irrigation districts and water users.

“Ideally, members of our community should come together to create a real solution and not rely on a drawn-out lawsuit that will slam the brakes on any progress. That’s why I joined a bipartisan group of Representatives to urge the EPA and the Board to take action and conduct a thorough review of the state’s proposal, ensuring the standards adopted are based on sound science. It’s time to find a solution through voluntary agreements, so that our community can move forward with a plan that helps secure, better manage, and grow our water supply.”

Harder was joined in calling for a thorough review by a bipartisan group of Members from California. You can read their letter **HERE**

(https://drive.google.com/file/d/1Nt_EjrYMFdhjKXpxFA4PL9UUHs2zwnMq/view?usp=sharing).



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IV. E



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CAL WATER FIX: Metropolitan Board workshop compares one-tunnel options to Cal Water Fix

[April 5, 2019](#) [Maven](#) [Meetings](#)



Presentation compares water delivery capability, stormwater diversion capability, water quality benefits, reverse flows, seismic events, project costs

Governor Newsom sent reverberations through the California water community when he announced during his state of the state address: *"I do not support the Water Fix as currently configured,"* said Governor Newsom. *"Meaning, I do not support the twin tunnels. But we can build on the important work*

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that's already been done. That's why I do support a single tunnel."

So just what would a one-tunnel project look like? A workshop for Metropolitan Water District board members compared a single tunnel project at both 3000 cfs and 6000 cfs to the California Water Fix project, looking at water delivery capability, the ability to divert stormwater flows, water quality benefits, reverse flows, seismic events, and project costs.

General Manager Jeff Kightlinger began the workshop by noting that they are working closely with the Newsom Administration and looking at the various alternatives. The purpose of the workshop is to cover the various single tunnel alternatives that have been analyzed, including the single tunnel alternatives analyzed through the Bay Delta Conservation Plan process, as well as the staging approach that was previously proposed. Mr. Kightlinger reiterated that no final decisions have been made, so it's unknown where things are headed at the moment, but they are expecting decisions to be made on the new configuration and environmental analysis in the next 60 days.

2015 IRP Strategy Continues Diversified Approach

<p>Achieve Additional Conservation Savings 1.5 Million Acre-Feet/YR</p> 	<p>Develop Additional Local Water Supplies 2.43 Million Acre-Feet/YR</p> 
<p>Maintain Colorado River Aqueduct Supplies 900 Thousand Acre-Feet/YR</p> 	<p>Stabilize State Water Project Supplies 1.2 Million Acre-Feet/YR</p> 

5

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Weekly emails from Maven's Notebook

Steve Arakawa, Bay Delta Initiatives Manager, began by giving background on the State Water Project and how it fits into Metropolitan's Integrated Resources Plan (IRP). The IRP's goal is to stabilize the state water supply; the reliability of state water has been reduced over time due to various factors.

"The IRP identified these diverse approaches to meeting the region's water supply, including water conservation, local resources development, maintaining the Colorado River Aqueduct supply, and then stabilizing the State Water Project supplies," he said. "So when we say stabilize the State Water Project, we are looking to maintain the supply the Metropolitan region gets on average – not to increase supply and develop new supply through the state project, but to stabilize that supply and to develop local supply and new conservation to meet the future needs of the region."

"In many ways, the stabilization of the State Water Project really does mean to reinvest in the system to make it work for today's needs," he added.

PERMITS AND PROCESSES

Comparison of Processes

Existing Operations	New Tunnel Conveyance
<ul style="list-style-type: none"> Coordinated Operations Agreement Water Quality Control Plan and Voluntary Agreement Long-Term Ops, ESA BIOps, & CESA 	<ul style="list-style-type: none"> New Operations Criteria No Harm Agreement SWRCB Change In Point of Diversion ESA BIOps and CESA Project CEQA and NEPA Delta Plan Consistency Permits

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Mr. Arakawa then reviewed the various processes underway regarding the state and federal water project systems and any proposed tunnel conveyance.

With respect to the existing system:

The Coordinated Operations Agreement

governs the way in which the state and federal projects coordinate their respective operations for releasing flow from the reservoirs for meeting outflow requirements of the regulations and meeting in basin needs upstream. Late last year, the state executed an addendum to the agreement that adjusted how the flows and exports would be shared; that was executed in December. The state is now preparing environmental documentation.

The Bay Delta Water Quality Control Plan is being updated by the State Water Board who has the responsibility to set water quality and flow standards in the Delta. There are parties in the watershed who are looking to work with the state to reach a voluntary agreement to help meet the objectives that are necessary to meet the beneficial uses.

There are Endangered Species Act processes that govern the long-term operations of the two projects; there are both federal and state requirements; the State Water Project would need to meet both the federal and state and the federal project needs to meet the federal requirements.

With respect to the new conveyance:

As with any new project, it would include **new operational criteria**, possibly through the State

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Water Board's change in point of diversion process.

There would also be Endangered Species Act requirements to meet the state and federal endangered species laws; the new project would have to get permits for both state and federal endangered species act provisions.

The new project will have to certify consistency with the Delta Plan through the Delta Stewardship Council's consistency determination process.

There are Army Corps requirements required for construction.

MANAGING DELTA RISKS FOR THE FUTURE

Over the last several years, Mr. Arakawa said that there have been different challenges with regard to the water supply reliability or the delivery capability of the system. With the changing climate, there will



be changes in runoff patterns, which can mean more intense storms and more intense runoff periods;

coordinating-committee-funding-fair/?instance_id=5584)

9:30 am California Water Commission @ Natural Resources Building (https://cawaterlibrary.net/event/california-water-commission-40/?instance_id=5336)

5:30 pm GRA Sac Valley Branch : The Disco... @ Panighetti's Eatery

there will also be increasing sea level rise to deal with. So being prepared to deal with intense storms and sea level rise is part of what's necessary to manage the Delta risks for the future, he said.

With regard to seismic issues, USGS scientists that looked at earthquake risks in the Delta due to faults that either run through or are adjacent to that area, and the USGS projected a 2/3rds chance of a major earthquake in the range of 6.5 to 6.8 in the next 15 to 20 years. The state has done a lot of work to understand what does that mean in terms of Delta levee failures, flooding, and sea water intrusion, he said.

The reduction of wetlands and tidal habitat that occurred with the channelization of the Delta as it was reclaimed and put to use for agriculture has created risks for the health of the fisheries. There are also changing water quality regulations to increase public health protection, and the lower salinity State Water Project supplies are important to managing Metropolitan's supplies, given the Colorado River supplies which are higher in salt content.



(https://cawaterlibrary.net/event/grasac-valley-branch-the-disconnect-between-ground-water-legal-systems-and-ground-water-hydrology/?instance_id=5624)

APR
18
Thu

7:30 am
27th Water Symposium: Moving Beyond @ Courtyard by Marriott Oxnard (<https://cawaterlibrary.net/event/27th-water-symposium->

The chart shows different regulatory decisions over time have decreased the capability of water exports from the Delta. *"It started in the late 1980s with the real impacts of the Endangered Species Act in reducing export capability with the listings of winter run salmon and Delta smelt; others have been listed over time,"* Mr. Arakawa said. *"There have been other decisions as well, including the biological opinions in 2008 and 2009 for smelt and salmon. That has in effect reduced the flexibility of the system to manage for water supply and it's hard to make it up in a different part of the year because there are essentially restrictions almost through the whole year, so that has really reduced the flexibility of the system with the export pump locations being in the south end of the Delta."*

In June of 2007, the Metropolitan Board of Directors approved the Delta Action Plan Framework, which included short, mid, and long-term actions. At the time the Framework was adopted, the Bay Delta Conservation Plan process was just getting underway, as well as a California court decision in 2007 that cut back the export pumps for a time. Hurricane Katrina had raised awareness of just what kind of catastrophic failure could occur and how the state would need to be prepared.



In September of 2007, the Board adopted policy objectives to support Metropolitan's involvement in

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APR 19

9:00 am

the Bay Delta Conservation Plan process as it related to the water conveyance or water delivery system. Mr. Arakawa noted that the staff looks to the criteria the Board has adopted to determine whether the proposed alternatives are meeting the adopted objectives.

A LOOK AT ONE-TUNNEL ALTERNATIVES ANALYZED TO DATE

Mr. Arakawa then discussed the one-tunnel alternatives that have been proposed and how they compare to the California Water Fix.

Alternatives Analyzed

- Administrative Drafts and Public Draft
 - 16 BDCP alternatives
 - Capacity 3,000 to 15,000 cfs
 - No Action
 - Fully Isolated Conveyance
 - Through-Delta
 - Dual Conveyance
- Recirculated Public Draft EIR/S
 - 3 additional alternatives
- California WaterFix
 - Preferred alternative

The slide also includes a map of the Delta region with labels for 'East Delta', 'Through Delta', and 'West Delta'.

When the Bay Delta Conservation Plan process began, they started with a whole range of alternatives and used a screening process to narrow them down to sixteen; those alternatives were of various sizes from 3000 cfs up to 15,000 cfs of capacity. The reason 15,000 cfs was considered was because that is about the capacity of both the State Water Project and the Central Valley Project combined. They also considered 6,000 cfs and 9,000 cfs capacities as well as a No Action

Fri

STATE WATER BOARD WORKSHOP: Access... @ Cal EPA Headquarters (https://cawaterlibrary.net/event/state-water-board-workshop-access-to-sanitation-for-people-experiencing-homelessness/?instance_id=5594)

APR 22 Mon

all-day CA Water & Environmental Modelin... @ Lake Natoma Inn (https://

Alternative considered as part of the environmental review. Some options were fully isolated, meaning all of the export water went through the new conveyance, versus a dual conveyance where part of the water goes through the tunnel project and part of it would go through the Delta channels, he explained. Cal Water Fix is a dual conveyance project where water would be diverted at both spots depending upon the situation with the fisheries and the regulatory requirements.

In 2015, rather than pursuing the Bay Delta Conservation Plan as a habitat conservation plan, the state reformulated the project, pursuing the infrastructure portion as California Water Fix using a traditional permitting approach and pursuing the habitat restoration under the Eco Restore program. The state prepared a recirculated environmental document with three additional alternatives with varying operational requirements. The Cal Water Fix was the preferred alternative and that was the project that was approved in 2017 in the final environmental impact report.

Of the one tunnel alternatives that have been considered, there is a 3000 cfs one-tunnel option, and the staged approach, which would have been 6000 cfs facility. These one-tunnel alternatives will be compared to the Cal Water Fix project as well. The cost estimates have been adjusted to 2019 dollars, using a 3% annual increase. The analysis also assume both state and federal participation; more analysis would be necessary to determine the benefits if only the state were the only participants.

WATER DELIVERY CAPABILITY

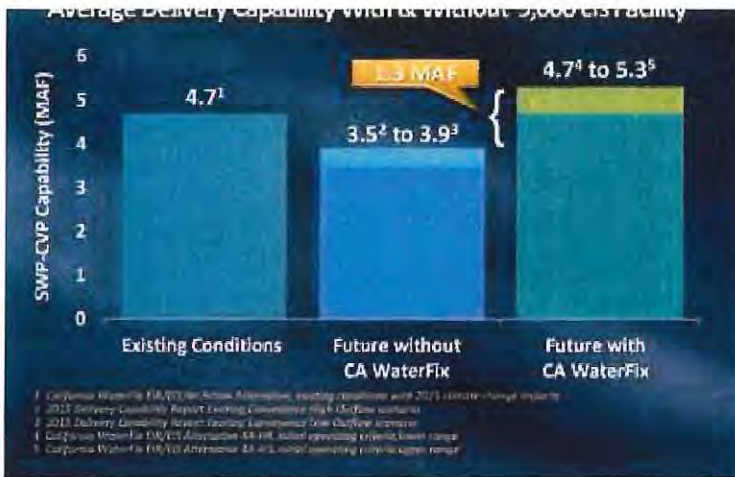


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[all-day Legislature reconvenes from spring... \(https://cawaterlibrary.net/event/legislature-reconvenes-from-spring-recess/?instance_id=5460\)](https://cawaterlibrary.net/event/legislature-reconvenes-from-spring-recess/?instance_id=5460)



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Mr. Arakawa then presented a slide showing the delivery capability of the California Water Fix project and comparing it to existing conditions, noting that it's relevant to the comparison of alternatives. With the existing conditions, the system currently has about 4.7 MAF average delivery capability. The California Water Fix has a delivery capability of 4.7 MAF to 5.3 MAF, the range being whether or not there would be additional spring outflow requirements. Staff also considered what future deliveries would be available without building California Water Fix and estimated that due to the likely ever-tightening regulations, the water supply capability could be reduced to 3.5 to 3.9 MAF.

"We showed those two ranges for both with and without the project," he said. "We said that the incremental benefit or the supply capability that we're trying to protect is 1.3 MAF for both projects, so that's a key thing that we used to try to characterize the benefit of delivery capability."





The northern diversion allows for water diversions from the northern intakes when fish are near the southern diversion and vice-versa. The southern diversion as it is today would be maintained, but the new diversion point with three intakes on the Sacramento River would allow for more flexibility to manage around fish critical situations, he said.

"In looking at delivery capability, we looked at the Cal Water Fix at 9000 cfs, and then we looked at the one-tunnel option at 6000 cfs and 3000 cfs," said Mr. Arakawa. "Part of what we consider when looking at flexibility is what percentage of the flow of the export that would rely on the south end of the Delta versus the north end because we know that the regulations over the last number of years have been oriented towards reducing exports in the south in order to reduce the reverse flows that are going towards the export pumps. Those reverse flows could be harmful to fish, so we see that as the increasing trend out into the future."

For Cal Water Fix at 9000 cfs, about half of the water would be diverted on average from the north end of the Delta and about half from the south. At 6000 cfs, the percentage that water would be diverted from the southern diversion would increase to 56% and at 3000 cfs, the water would be diverted from the south 73% of the time.

Project Alternatives Comparison

Delivery Capability Benefit



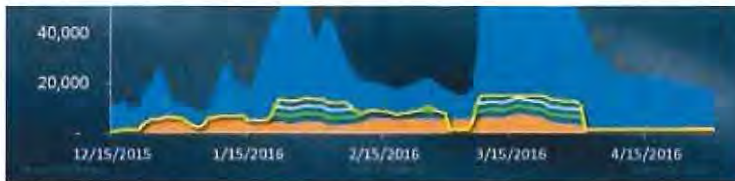
With Cal Water Fix, the increment was 1.3 MAF; with the 6000 cfs alternative, it would be 900,000 AF and for the 3000 cfs alternative, it would be 500,000 AF.

"This is a way of looking at what kind of water are we trying to protect or what kind of delivery capability benefit is there for these different options," he said.

STORMWATER DIVERSION CAPABILITY

They also looked at the ability of the alternatives to divert water when the intense storms are occurring and to store that water, because water storage is really key to living through droughts, Mr. Arakawa said. They looked at water year 2016 which had storms that occurred in January, February, and March. The blue line on the chart shows the inflow coming into the Delta; any flow above 50-60,000 cfs is a relatively large storm, but event 30-40,000 cfs is also a good sized storm.





"What we did was looked at what type of capability could these options provide and we started with showing what the exports actually were for the State Water Project and the Central Valley Project which is shown in orange," he said.

"Then we looked at the different options for new intakes in the Delta, what kind of increased capability would that provide. The green line is showing the 3000 cfs capacity alternative and so it shows for much of that runoff period, you would have an increased capability to divert flow because of that high runoff and inflow into the Delta. There's a period of time during that March period where you would have to cut back to meet certain requirements but for the most part, there would be increases. For the 6000 cfs which is the light blue line, it would provide some added capability shown there between the green and the blue, and then the last is Cal Water Fix which is shown in yellow. The analysis shows that about 300,000 AF could have been captured with 3000 cfs intake, about 570,000 AF with 6000 cfs, and 790,000 AF with the 9000 cfs."

WATER QUALITY

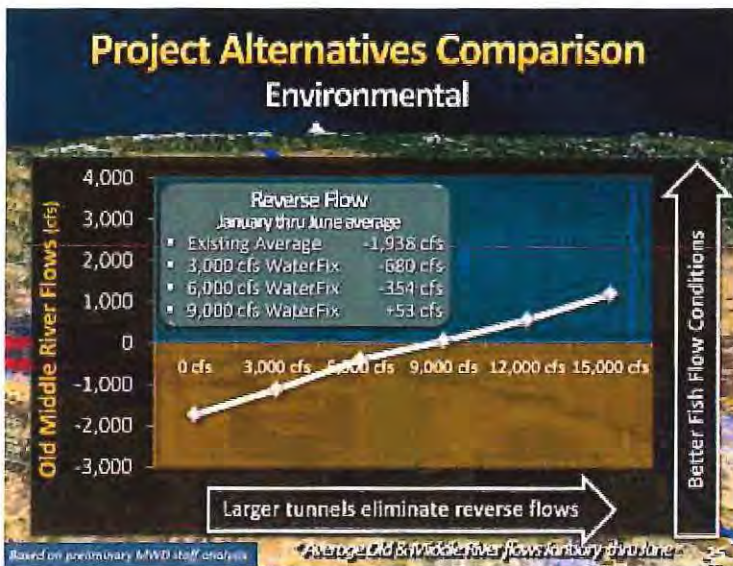




With respect to water quality, with California Water Fix, Mr. Arakawa said there would be a 19% improvement in total dissolved solids and 31% improvement in bromide. For the 6000 cfs, the improvement would be 15% in dissolved solid and 24% improvement in bromide. More modeling needs to be done to look at the numbers for 3000 cfs.

REVERSE FLOWS

Reverse flows are an important regulating factor as fishery agencies try to minimize the reverse flows as they draw fish towards the pumps, particularly Delta smelt.



"If adult Delta smelt get into the south end of the Delta during spawning periods like in February and March, then they spawn in that area and then those young Delta smelt are in that area and are very susceptible to export pumps," said Mr. Arakawa.

"That's the reason for why they have a regulation that limits the magnitude of reverse flows in the

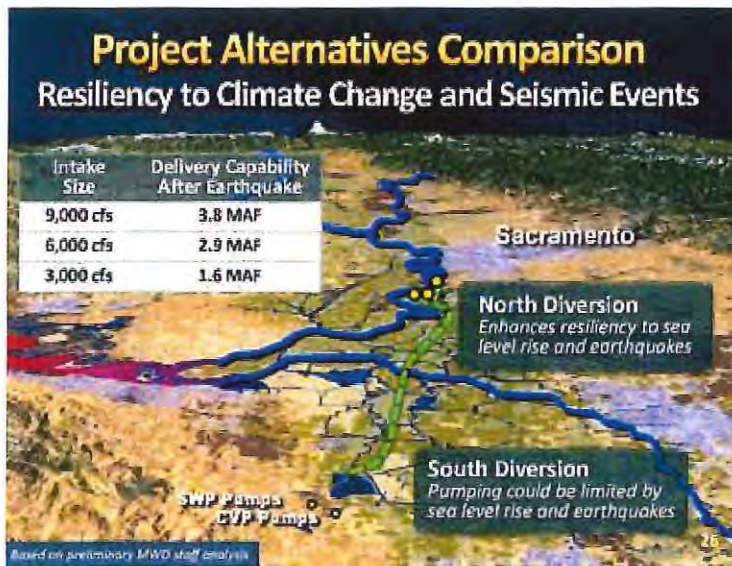
Delta, and there's been an increasing trend towards limiting exports during this fish critical period."

The graph was prepared looking at what type of reverse flow would occur on average during the January through June period, which is considered the fish sensitive period because of a lot of spawning activity and key migration is occurring in the Delta.

"There's the reverse flows that we have today which is shown towards the left and is close to 2000 cfs, but as you increase the capacity of the north Delta intake, that has the effect of reducing reverse flow, In some cases, if the capacity is large enough, it can make that a net average positive flow, which is flow going towards the Suisun Bay area rather than up towards the export pumps. The reason this is important is because the size of the facility is related to the ability to correct for the reverse flow because if you divert from the north end of the Delta, that water doesn't have to be drawn towards the export pumps. It's actually water that would go through the tunnel and down to the aqueduct and not have to be transversing through the south Delta channels."

Mr. Arakawa said that there is updated information on what the regulatory requirements would look like for the various alternatives. *"The existing average is around -1900 or -2000 cfs,"* he said. *"The Cal Water Fix option would have made it slightly positive at +53 on average; that's net positive towards the Bay, rather than towards the export pumps. The 6000 cfs would have -345 and the 3000 cfs would have a higher negative flow at -680 cfs. That gives you an idea of where we are today at close to 2000 and that what these two options would provide for this fish sensitive time of January through June."*

SEISMIC EVENTS



The state has done a detailed analysis of what could potentially occur during a seismic event. They compared the capacity of the 9000 cfs of Water Fix and the capacity to 6000 and 3000 as those three projects would still be operated to some criteria.

"Without the south Delta pumps being able to operate, you wouldn't have any ability to divert from the south end of the Delta because of the levee failures, the flooded islands, and the salt water intrusion," Mr. Arakawa said. "Comparing this, the Cal Water Fix would have the capability through this modeling deliver 3.8 MAF in a given year; 6000 cfs would have 2.9 MAF, and 3000 would have 1.6 MAF. The two projects, CVP and SWP are about 4.9 MAF together. 4.7 to 4.9 MAF. So you would have some reduced capacity from not having those south Delta pumps but you would still have some capacity because of the north diversions."

PROJECT COSTS



Capital Cost	MWD Approved		
	9,000 cfs	6,000 cfs	3,000 cfs
2017 Dollars	\$16.7 B	\$11.1 B	\$9.2 B
2019 Dollars	\$17.7 B	\$11.8 B	\$9.7 B

Initially based on 2014 cost estimates; MWD updated estimates using 3% annual increase

Last July, the Metropolitan Board approved the California Water Fix project at \$16.7 billion in 2017 dollars. For comparison purposes, the slide shows the cost for the 6000 cfs at \$11.1 billion and the 3000 cfs at \$9.2 billion in 2017 dollars. To adjust the 2017 dollars to 2019 dollars, they applied a 3% annual increase. The California Water Fix would be \$17.7 billion, the 6000 cfs would be \$11.8 billion, and the 3000 cfs would be \$9.7 billion.

"I think the key thing to keep in mind with the cost estimate is that one is that we're still utilizing a lot of the detailed work that was done over a period of time to really get a sound cost estimate," Mr. Arakawa said. "It also considered that if only one tunnel is built, that would reduce a good amount of cost. But then when you go to a reduced capacity with one tunnel, that would save you some money but it's not proportional. When you go from two tunnels to one tunnel, you have a lot of cost savings but then when you reduce the one tunnel in capacity, you're still spending money for different types of facilities like intakes and alignment right of way, and tunnel construction."

IN SUMMATION ...



	Approved 9,000 cfs	6,000 cfs	3,000 cfs
Delivery Capability Improvement	1.3 MAF	900,000 AF	500,000 AF
Delivery Capability After Earthquake	3.8 MAF	2.9 MAF	1.6 MAF
Reverse Flow Improvement (Jan-Jun)	+53	-354	-680
Water Quality Improvements			
▪ Total Dissolved Solids	19%	15%	TBD
▪ Bromide	31%	24%	TBD
Transfer Capacity (@50% exceedance)	1.1 MAF	0.8 MAF	TBD

Based on preliminary MWD staff analysis

The chart above shows how each of the alternatives stack up in terms of delivery capability, earthquakes, reverse flows, water quality improvements, and staff even added transfer capacity because being able to divert on the north end would provide added capacity for water transfers, Mr. Arakawa said.

Observations

- Reduction in cost and capacity are not proportional

	Reduced Capacity	Reduced Cost
From 9,000 cfs to 6,000 cfs	33%	33%
From 6,000 cfs to 3,000 cfs	50%	18%

- Resiliency to respond to regulations, earthquakes, or other South Delta outages

Facility	Amount of Water from South Delta	Reverse Flow Improvement	Delivery Capability After Earthquake
9,000 cfs	49%	+53 cfs	3.8 MAF
6,000 cfs	56%	-354 cfs	2.9 MAF
3,000 cfs	73%	-680 cfs	1.6 MAF

Based on preliminary MWD staff analysis

"When looking at all of this information, there's a couple key things that we kind of saw pop out," he said. "One is when looking at the comparison of capacity and cost, going from 9000 to 6000, the reduced capacity is 33%. You're reducing the capacity by one-third and you're reducing the cost by about a third as well, and so it's proportional. A large reason for that is you're saving the cost of another tunnel being put in, but when you go from

6000 to 3000, you're reducing the capacity by 50% but the cost savings are not proportional to that because you're still having to construct, you're still having a certain right of way alignment, those kinds of things, so it's not as proportional from 6000 to 3000."

The other thing to consider is the resiliency to respond to challenges and changes in regulations. The lower chart shows the resiliency capability for 9000, 6000, and 3000 cfs. *"I showed you the earlier slide of the amount of water diverted from the south end of the Delta for the 9000, 49% for the 6000, 56%, and for the 3000, 73%,"* he said. *"Going less in capacity means you just divert more from the south end of the Delta. Also that has a change in reverse flows going from the 9000 to the 3000, and then the delivery capability after earthquakes, the capability of 9000 cfs was 3.8 MAF and then down to 1.6 for the 3000 cfs."*

CONSIDERATIONS AND KEY ISSUES

Moving forward, Mr. Arakawa said that they will need to understand whether the one tunnel conveyance option would include any capacity either up front or eventually for Central Valley Project participation. *"When Metropolitan took its action to support the Cal Water Fix, it was committing to funding the remaining cfs to provide for the investment of the CVP at some point possibly in the future, so we'll need to understand whether there will be federal participation with the one tunnel approach."*

Some work is common to any tunnel alternative, so certain types of geotechnical work or other types of studies or plans that would help move the project analysis further along would be prudent to pursue

regardless of the exact capacity of the tunnel, he said.

They also need to determine what level of contractor participation level is achievable and what kind of capability and commitment is there from the State Water Project contractors to fund the project. Metropolitan will need to have discussions at the board level for how the cost of any investment would be integrated in with their rates.

There are a number of key issues to be addressed, including the size of the facility, whether there will be federal participation or not, how it will be funded, and what kind of environmental documents will be necessary. There is also the Endangered Species Act permits and what process would be used to work a new alternative through the process. The state has asked for a stay of 60 days in the California Water Fix at the State Water Board; they will have to make a decision on whether to withdraw that petition and initiate a new process by May 5. There is also the Delta Stewardship consistency determination for any reformulated project.

Due to technical difficulties with the recording, the directors questions and answer period could not be covered.

FOR MORE INFORMATION ...

- [Agenda, meeting materials, and webcast available by clicking here.](#)

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