

## **MOKELUMNE FORUM**

### **MEETING No. 13**

#### ***DRAFT MEETING SUMMARY***

MEETING DATE: September 15, 2005

LOCATION: San Joaquin County Farm Bureau  
3290 North Ad Art Road  
Stockton, CA 95215

ATTENDEES: Tom Francis – East Bay Municipal Utility District  
Mike Harty – Center for Collaborate Policy  
Bob Granberg – City of Stockton  
Hank Willy – Jackson Valley Irrigation District  
Mel Lytle – San Joaquin Co. Public Works Dept.  
Jim Hanson – Hanson Engineering / San Joaquin Co. Public Works  
Tom Gau – San Joaquin Co. Public Works Dept.  
Kevin Kauffman – Stockton East Water District  
Tom McGurk – Stockton East Water District  
Edwin Pattison – Calaveras Co. Water District  
Jim Abercrombie – Amador Water Agency  
Rob Alcott – East Bay Municipal Utility District  
Gerald Schwartz – East Bay Municipal Utility District  
Lena Tam – East Bay Municipal Utility District  
John Skinner – East Bay Municipal Utility District  
Fred Weybret – North San Joaquin Water Conservation District  
Tom Orvis – San Joaquin Farm Bureau  
Eric Hong – Department of Water Resources

<b>ACTION ITEMS</b>
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1. Mike Harty will continue discussions with groups (such as the Foothill Conservancy) interested in active Forum participation who have requested a change in the meeting schedule. All participants will evaluate the possibility of shifting meetings (starting in Jan. 06) to the first Thursday of each month and report back at the October Forum meeting.
2. Mel Lytle agreed to update the Forum on the Northeast San Joaquin County Groundwater Banking Authority's (GBA's) Integrated Regional Water Management Plan (IRWMP) at the October meeting.
3. Mel and Rob Alcott will discuss opportunities to work jointly on information related to the Freeport Project that might support the GBA's IRWMP.

4. Mike Harty will review the current draft outline for the WAS with the Foothills Conservancy and other environmental interest groups to identify their interests and promote consideration of these interests in Forum decision making. [**Note: the Forum goal is to ensure active participation by all stakeholders at Forum meetings. This is a temporary measure intended to support communication while efforts are underway to address schedule conflicts that prevent participation.**]
5. Form participants will consult with their decision makers about the proposed WAS (based on the draft outline) and need for assurances regarding the use of such a Study. Each participant will be prepared to report back at the October meeting in order to support discussion and decision making about next steps.
6. Tom Francis will collect examples of “trust documents” that might inform development of written assurances regarding the proposed WAS and provide a summary to the group at the next Forum meeting. Jim Abercrombie will circulate the Upper Mokelumne Watershed JPA to all Forum participants as a potential resource.
7. Mel Lytle will update Woodbridge Irrigation District (WID) and City of Lodi representatives about today’s meeting. Jim Abercrombie is tasked with informing Alpine County. Edwin Pattison of Calaveras County Water District is tasked with informing Gary Goffe of Calaveras Public Utility District.
8. Mike Harty will contact Bruce Blodgett about continued use of the meeting room by the Mokelumne Forum. *Mike has since advised Forum members via e-mail that the Farm Bureau has established a standard charge of \$75 per meeting for the use of their facilities. All Forum members are asked to respond about this potential arrangement.*
9. All participants are asked to review the draft meeting summary from July and provide any edits to Mike Harty by October 8.
10. The next meeting of the Forum is scheduled for October 20<sup>th</sup>, 2005 at the San Joaquin County Farm Bureau’s offices located at 3290 North Ad Art Road, Stockton, CA. The meeting will commence at 9:00 AM and adjourn at or before 12:00 noon. Breakfast will be provided by Jackson Valley Irrigation District (JVID).

<b>SUMMARY OF AGREEMENTS</b>
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*Participants agreed to review the option of relocating the meeting’s standing date to the morning of the first Thursday of the month beginning in January 2006.*

*There was general agreement that the sequence for the Forum is: (1) brief each set of decision makers about the proposed WAS and obtain buy-in, including funding commitment; (2) identify possible models for assurances; (3) negotiate assurances document and obtain appropriate commitments, e.g., signatures; and (4) prepare WAS.*

*There is agreement on a general principle for updates and disclosure within the Forum, namely that it is reasonable to expect disclosure of information or activities having the potential to cause conflict, or otherwise likely to be of interest.*

## PRELIMINARY MATTERS

### July Meeting Summary

Mike Harty apologized for the late distribution of the July meeting summary and asked participants to forward any changes by September 29. A final version will be distributed promptly.

### Agenda

The proposed agenda for the morning's Forum meeting was discussed with no changes requested.

## AGENDA TOPIC: UPDATES FROM FORUM MEMBERS

*Agreement on Principle for Updates and Disclosure:* Participants discussed expectations about information disclosure to other Forum participants in light of the MOU commitment to open communication [Article 3], coordination with other planning efforts [Article 2], and cooperation to accomplish MOU objectives [Article 5]. Forum participants agreed it was reasonable to expect disclosure of information or activities having the potential to cause conflict<sup>1</sup>, or otherwise likely to be of interest. Examples include legislative initiatives or bills pertaining to water-related projects, water rights applications, permit applications and/or modification requests, legal actions, and public speeches or presentations on Mokelumne-related topics.

*IRWMP (Eric Hong):* DWR and the State Water Resources Control Board (SWRCB) will shortly announce preliminary rankings of the group of Prop. 50 Integrated Regional Water Management Planning grant applications submitted by various entities for funding under Chapter 8. (*This information was released to the public on Friday, Sept. 16*). Final rankings and scores, as well as funding plans, are expected to be finalized in early October, 2005.

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<sup>1</sup> Less diplomatically, a "piss someone off" test.

Review of Prop. 50, Ch. 8 implementation grant applications is ongoing, with results anticipated for late December 2005.

*Micke Grove Park Project (Kevin Kauffman):* Stockton East, the City of Lodi and San Joaquin County representatives are discussing a possible groundwater recharge project sited at Micke Grove Park. The preliminary estimate is 25-30 TAF. Plans are for SEWD's Farmington program group to perform a site investigation later this year to better understand the site's recharge potential. Assuming that findings are encouraging the project would move through pilot, demonstration, and finally permanent project phases. This process would take several years and water rights and water quality would need to be considered during the project development and permitting process.

Decisions about lead or participating agencies have not yet been finalized and will depend in part on the source of recharge water. Entities such as the Eastern Water Alliance and Woodbridge Irrigation District are possible project partners.

*HR 4045 (Mel Lytle):* The Mokelumne River Water and Power Authority (MRWPA) / San Joaquin County had reached an agreement with East Bay Municipal Utility District (EBMUD) about language in HR 4045. MRWPA expects the legislation will be re-introduced in the House during September. The bill calls for \$3.3 million in federal funding for preparation of a study to assess the feasibility of the MRWPA's More Water Project. The agreement on legislative language does not resolve underlying differences between MRWPA and EBMUD about the MORE Water Project (see below).

During the course of this discussion there was acknowledgment that improving direct communications on similarly challenging issues and utilizing channels and forums in this area rather than Washington, DC. could be one benefit of the Forum process.

The Bureau of Reclamation is seeking a consultant to complete an appraisal study for the federal interest in the More Water Project. (*CDM has since been awarded the contract*). The appraisal study must be completed with favorable results for the Bureau to move ahead with a feasibility study.

*MORE Water Phase 2 (Mel Lytle):* San Joaquin County has completed reconnaissance and is moving to Phase 2 of the MORE Water Study in the next month, namely a feasibility study. Mel indicated a consultant will be tasked with developing a hydraulic model, referred to as MOCA, to better understand the Mokelumne River and the Calaveras River. The model will be coded in Fortran and be completely open / made available to other users once it is prepared. HDR engineering has been hired as the consultant lead. Dave Pederson (formerly of West Yost) and other subconsultants form the rest of the project team. Whether the model will utilize a monthly time step and/or a daily/more frequent time step is uncertain, although a monthly time step may prove adequate for the needs of this study.

*WRIME, Inc. and Freeport (Mel Lytle):* The North Eastern San Joaquin County Groundwater Banking Authority (GBA) has tasked WRIME, Inc. (Water Resources and Information Management Engineering) to collect information about EBMUD/Sacramento County Water Agency's Freeport Project in order to evaluate its potential in regards to utilizing conveyance capacity. Mel plans to speak with Rob Alcott separately regarding particulars of a request relayed from WRIME for additional information regarding the Freeport Project.

*SRWCB Request to EBMUD (Rob Alcott):* The State Water Resources Control Board (SRWCB) has contacted EBMUD to request copies of any annual water requests by NSJWCD and/or releases made per a request of NSJWCD. EBMUD has accommodated the SRWCB request. This data was requested by the SRWCB to support review of an application from NSJWCD requesting a change of diversion point along the Mokelumne River. Ed Steffani has been advised of the NSJWCD of the request and EBMUD's follow-up actions.

*ESA (Tom Orvis):* There were plans to introduce legislative amendments to the federal Endangered Species Act. The proposed legislation will be introduced in the House of Representatives by Rep. Pombo. (*On Sept. 19, 2005, Pombo introduced H.R. 3824 – The Threatened and Endangered Species Recovery Act.*)

*Stakeholder Outreach (Mike Harty):* Mike Harty is continuing one-on-one conversations with existing and potential Forum participants. He'll continue his attempts to speak with those he has yet to contact through September and into October.

*Meeting Date Change:* Mike returned to the possibility of changing the monthly Forum meeting date to expand participation in the Forum. PG&E is holding a FERC relicensing meeting every third Thursday of the month, and Mike suggested the group consider moving the standing date of the Form meeting to avoid this conflict. *Participants agreed to review the option of relocating the meeting's standing date to the morning of the first Thursday of the month.*

*Meeting Location:* Mike will review the possibility of holding future meetings of the Forum in the San Joaquin Farm Bureau's meeting room, and discuss any associated room rental costs with the Bureau's director, Bruce Blodgett. (*Bruce subsequently advised Mike that the Farm Bureau has established a standard fee of \$75/meeting. Forum participants have been asked for their input.*).

<b>AGENDA TOPIC: DRAFT OUTLINE FOR WATER AVAILABILITY STUDY</b>
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Participants discussed a series of issues associated with the proposed Water Availability Study. These included questions about EBMUD's commitment to a WAS in light of other dynamics, the need for assurances about how such a WAS would be used, the importance

of multi-agency benefits, and the need for buy-in from decision makers before moving ahead.

#### *Commitment to WAS*

There was a wide-ranging and useful discussion about EBMUD's commitment to a WAS in light of reports (including the GBA minutes from July 2005) about its discussions with representatives of San Joaquin County at the ACWA meetings in May 2005. In particular, EBMUD was asked to explain its interest in a WAS if, as reported, its decision makers do not envision a supportable project on the Mokelumne.

EBMUD's representatives made the following points during the ensuing discussion:

- From a water-rights perspective the River is fully appropriated.
- There are unused entitlements on the River that potentially could be used for mutually beneficial projects.
- Assurances are a pre-requisite for a constructive conversation about opportunities for using these entitlements.
- Single-agency projects are unlikely to be supported; proposals that benefit multiple agencies are more likely to receive support.
- EBMUD requires a clear benefit, a "business case," as part of any project that involves aspects of its operations.
- The MORE Water Project (*see below*) offers no benefit to EBMUD and could negatively impact its operations.

#### *Potential for Multi-agency Benefits*

From San Joaquin County's perspective the Phase 1 MORE Water Project was a starting point toward a much more detailed effort. EBMUD's opposition to Phase 1 was not surprising given its narrow scope. As the Phase 2 feasibility study proceeds and more work is performed, projects and/or project details could be developed that would have benefits for other agencies. The MRWPA has dropped plans for the intake at Middle Bar. The GBA is developing an Integrated Regional Water Management Plan (IRWMP) for a large portion of San Joaquin County. There is a significant effort to develop criteria that would allow groundwater banking to be implemented. *Mel Lytle will present a discussion on the GBA's IRWMP at the next Forum meeting.*

#### *Assurances*

As noted, there is a clear need for written assurances about how a WAS would be used. In addition, some participants seek assurances that water will be available to support a project. Other assurances likely will be required to reassure decision makers and residents in San Joaquin County about the consequences of granting access to the groundwater basin.

*Interim Water*

One other concern raised during the discussions is risks associated with making water available on supplying “interim” basis for new housing, either in San Joaquin County or elsewhere in the Basin. This concern will be addressed in future discussions.

*There was general agreement that the sequence for the Forum is: (1) brief each set of decision makers about the proposed WAS and obtain buy-in, including funding commitment; (2) identify possible models for assurances; (3) negotiate assurances document and obtain appropriate commitments, e.g., signatures; and (4) prepare WAS.*

*Draft Study Outline Content and Next Steps*

John Skinner presented a summary of the key points and open questions in the draft outline with additional perspective from other members of the sub-committee. Open issues at this point include:

**Groundwater.** There is no agreement on this time on whether and how to include groundwater data in the study. One perspective is that this information is needed for a comprehensive, useful document. There are concerns about efficiency and not duplicating efforts underway elsewhere, particularly if modeling results are desired. *Participants tentatively agreed that additional groundwater modeling was not intended as part of the study, and that some characterization of the groundwater basis in the study would have value.*

**Budget.** While participants generally appreciate the need to develop a work plan and budget for the study, the timing of this effort requires further discussion, after participants report back in October following internal consultations. *There is general agreement that a meaningful commitment to the Study will entail funding.*

**Purpose and Objectives.** There is agreement on the need for a clear statement of purposes and objectives for the study, and further refinement of these is needed. The White Paper and MOU may provide useful references. Possible purposes include: (1) to jointly educate all stakeholders; (2) to support agreement on assumptions for modeling water availability; and (3) to identify one or more mutually beneficial projects.

**Study Document Structure and Approach.** The draft outline proposes a topic-by-topic (section- by- section) structure, with draft chapters circulated for review and approval in sequence. The details of this process remain to be proposed. Further discussion is required.

**Ownership of Study.** It is important that a Water Availability Study be a joint Mokelumne Forum effort, valued by all Forum members. The Study will not have value if it is perceived as being controlled by one or a few organizations. Further discussion is required about structuring the Study to achieve this goal.

Mutual Assurances / Trust Document

Participants agreed to collect documents that might serve as a resource in developing a set of written assurances. Jim Abercrombie will circulate the Upper Mokelumne Watershed JPA for review. Eric Hong will research whether DWR has examples of documents that might be useful. Agencies will ask their legal counsel to identify other resources. Tom Francis of EBMUD is tasked with collecting this information and presenting it at the next meeting.

In consideration of the fact that some key Forum members missed today's discussion, Mel Lytle of San Joaquin County will inform Woodbridge Irrigation District (WID) and City of Lodi representatives of the results of today's meeting, particularly the agreement to inform their respective decision makers about the proposed WAS. Jim Abercrombie will update Alpine County.

**Future Meeting Schedule and Location**

The meeting location for October is the Farm Bureau's office in Stockton. Mike will contact Bruce Blodgett to discuss reserving the room for the 20<sup>th</sup>. Until January of 2006, meetings will continue to be set for the third Thursday of the month. The group will consider moving meetings to the first Thursday as of January 2006.

**NEXT FORUM MEETING**

The next meeting of the Forum was scheduled for Thursday October 20<sup>th</sup> at 9:00am at the SJ Farm Bureau's meeting facilities in Stockton.

Hank Willy of JVID offered to provide breakfast at the October Forum meeting.

**FUTURE AGENDA ITEMS**

- Reports on internal consultations regarding proposed Water Availability Study and draft outline [All Forum participants]
- Presentation on San Joaquin IRWMP and characterization of groundwater [Mel Lytle]
- Reports on possible change of meeting date to first Thursday [All Forum participants]
- Discussion of future meeting location

The September 15<sup>th</sup> Forum Meeting was adjourned at approximately 12 noon.

**NOTE: The initial draft of these meeting minutes was prepared by Tom Francis of EBMUD. Mike Harty reviewed and edited the draft. Please send comments or questions to Mike.**

DRAFT