

MOKELUMNE RIVER FORUM

MEETING No. 14

DRAFT MEETING SUMMARY

MEETING DATE: October 20, 2005

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

ATTENDEES: Tom Francis – East Bay Municipal Utility District
Ed Steffani – North San Joaquin Water Conservation District
Fred Weybret – North San Joaquin Water Conservation District
Kevin Kauffman – Stockton East Water District
Rob Alcott – East Bay Municipal Utility District
Terry Strange – Upper Mokelumne River Watershed Council
John Skinner – East Bay Municipal Utility District
Lena Tam – East Bay Municipal Utility District
Frank Beeler – City of Lodi
Tom Orvis – San Joaquin Farm Bureau
Jim Abercrombie – Amador Water Agency
Edwin Pattison – Calaveras County Water District
Gary Goffee – Calaveras Public Utility District
Eric Hong – State of California Dept. of Water Resources
Hank Willy – Jackson Valley Irrigation District
Bob Granberg – City of Stockton
Mel Lytle – San Joaquin Co. Public Works Dept.
Gerald Schwartz – East Bay Municipal Utility District

ACTION ITEMS

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.
2. Tom Orvis will discuss the possibility of allowing the Forum to continue to utilize the Farm Bureau's meeting space with the Bureau's Executive Director (Bruce Blodgett), and of having the Bureau provide use of this space as their contribution to the Forum.
3. An outline for a proposed assurances document / approach will be developed for discussion at the November meeting. The outline will be prepared by a Forum

- subgroup (Mel Lytle, Jim Abercrombie, John Skinner). Mike Harty will also participate in this effort.
4. The next meeting of the Forum is scheduled for November 17th, 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 San Joaquin County Public Works Dept. (SJCO).

SUMMARY OF AGREEMENTS

While not a concern of all parties to the Forum, there is agreement that an assurances document is necessary before several parties can move forward with the preparation of a Water Availability Study.

PRELIMINARY MATTERS

September Meeting Summary

Kevin Kauffman provided a requested edit to the meeting summary for September. The edit was noted and a corrected summary will be distributed via email to Forum participants as a follow-up.

Agenda

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

AGENDA TOPIC: UPDATES FROM FORUM MEMBERS

SJ Farm Bureau; Endangered Species Act: Tom Orvis of the San Joaquin Farm Bureau (SJ Farm Bureau) noted that the ESA has passed the US House of Representatives and is moving on to the Senate. There are plans for a Farm Bureau delegation to visit Congress in November in support of the House legislation. Tom encouraged others to contact their elected officials to promote Senate action.

Consumnes River News Story: Tom Orvis of the SJ Farm Bureau provided the group with photocopies of a newspaper article that appeared in the Thursday, Oct. 20, 2005 edition of the *Sacramento Bee* regarding a pilot project to restore flow in the Cosumnes River. In future years, the project, will release groundwater pumped from the Aeroject

rocket testing facility and treated to remove contaminants. The groundwater treatment program may last for many years (50 or more), and this project could be a source of stream flow well into the mid-century.

Amador Water Agency Activities: Jim Abercrombie of Amador Water Agency (AWA) discussed activities of his agency that may be of general interest to Forum participants. First, AWA appears to be on track to be awarded a planning grant under the State of California's Prop. 50, Chapter 8 IRWMP program, as based on their application's high ranking/scoring. IRWMP partners include EBMUD and Calaveras County.

AWA is reconsidering a project proposed in the 1990's that would raise Lower Bear River Reservoir. This option might include a partnership with PG&E, whose potential interest is tied to the additional power generation revenue that could result were the dam to be raised / modified. Jim offered to provide additional information to anyone who contacts him.

City of Stockton: Bob Granberg of the City of Stockton (Stockton) provided an update regarding the status of Stockton's Delta Water Supply Project. Stockton has recently resolved the third and final protest to the Project. They anticipate certifying the EIR on November 8, 2005 and having their water rights permit in hand by Thanksgiving 2005.

Department of Water Resources: Eric Hong of the State of the Department of Water Resources (DWR) provided a summary of the latest Prop. 50, Ch. 8 grant program developments. Agencies that submitted successful Step 1 grant applications should expect to receive call-backs in December 2005. DWR will be sending letters shortly (within the next month) to Step 1 applicants suggesting (in the letter) that in overlapping cases the respective groups meet to review the possibility of combining their approach / preparing a joint application. Eric noted that both AWA as well as SJCO (through their participation as a member of the Northeast San Joaquin County Groundwater Banking Authority (GBA)) are likely to be awarded planning grants in this first round.

DWR / SWRCB decided to increase the planning grant funding from \$10 million to \$13 million to fund additional grant applicants (beyond the list originally prepared). In addition, DWR / SWRCB intend to fund a second round of IRWMP planning grants.

Jim Abercrombie mentioned that El Dorado Irrigation District's IRWMP planning grant application [designated Cosumnes, American, Bear, and Yuba (CABY)] appears to cover a region that extends beyond their service district into those of up-country Forum members. He intends to look into this matter in the months ahead.

EBMUD: Rob Alcott summarized recent discussions between EBMUD and SJCO. Plans are for EBMUD to hold several meetings with SJCO staff. One meeting is scheduled for the morning of Nov. 3, 2005, and will cover GBA's potential interest in EBMUD's unassigned capacity in the Freeport Regional Water Project. A second meeting will

cover the FRWP's alignment in San Joaquin County. There will be either followup meetings or briefings for other agencies, including North San Joaquin Water Conservation District (NSJWCD).

SJCO: Mel Lytle of SJCO noted that the federal legislation drafted to obtain feasibility study funding for their MORE Water Project had been re-introduced in the U.S. House by Rep. Pombo. This year's bill is designated H.R. 3812 and is similar to last year's H.R. 4045. The language of H.R. 3812 enables EBMUD to take a neutral position toward the proposed legislation. Given the similarity, there are hopes that the bill will move through the House without a hearing and be passed along to the Senate. He encouraged project proponents to send letters of support to their House and Senate representatives.

Mel also suggested there may be potential assistance for the Forum through a CALFED watershed grant program. Proposals are due on December 14, 2005, with a funding workshop in Sacramento on October 21, 2005. Edwin Pattison of Calaveras County Water District (CCWD) indicated that someone from his staff was planning to attend the workshop, and offered to brief the group on opportunities during our November Forum meeting.

Discussion between Mike Harty and Additional Stakeholders: Mike Harty detailed his interactions with the Foothill Conservancy and other environmental interest groups. He noted a potential interest in having alternative days / times when these parties could attend Forum group meetings (perhaps a rotating time allowing their occasional attendance). He will continue his outreach and provide report updates to the group.

<p style="text-align: center;">AGENDA TOPIC: NORTHEASTERN SJ COUNTY GBA – SUMMARY OF IRWMP PREPARATION EFFORTS</p>

Mel Lytle gave a PowerPoint presentation on behalf of the Northeastern San Joaquin County Groundwater Banking Authority (GBA) regarding the status of an Integrated Regional Water Management Plan (IRWMP) being prepared for a portion of San Joaquin County. The presentation provided an introduction to key GBA IRWMP elements and included a discussion on how the document could integrate the needs of the broader region surrounding the GBA.

The GBA proposes a geographical approach to regional water resource management through steps such as:

- Development of an overall Basin Management Area (BMA) that is defined as the regional boundary of the GBA member agencies.
- Development of Basin Operations Criteria (BOC) that protect and manage water resources within the BMA (the criteria would be used to improve and enhance regional groundwater elevations / supply);

- The BMA would be divided up into manageable segments and/or areas (e.g., Basin Operation Areas (BOAs)) – and these areas likely would mirror existing member agency service boundaries. Each agency would then develop its own operations criteria that would link to the BOC developed for the region.
- Within each BOA, there would likely be project-specific zones established (i.e., Basin Operational Zones).
- Each operational zone and/or project would include operation criteria that link to those of the BOA and the overall BMA. Such criteria could include (for example) parameters and/or triggers that govern the timing and quantity of water that could be withdrawn from a groundwater banking project.

The presentation included an example of how a groundwater banking project could be operated under a range of conditions, from wet to severe drought. The option of groundwater export, and participation in a project by parties outside the GBA (or outside San Joaquin County) were included in this example.

Mel's presentation also included a brief discussion of groundwater modeling results, including a summary table noting how (under various recharge scenarios) the basin overdraft conditions could be reversed. Mel noted that in-lieu exchange was an option aside from constructing a surface recharge and/or an ASR injection well project.

The presentation also touched on plans to prepare a programmatic environmental impact report as well as the GBA's stakeholder outreach efforts. Mel indicated they plan to begin analyzing water supply alternatives (for the GBA) including those on the Mokelumne River.

Mel invited Forum input during the IRWMP preparation effort, noting that input by interested parties (such as Mokelumne Forum members) was welcome and encouraged. GBA holds regular meetings on the mornings of the first and the third Wednesdays of each month and the primary topic is the IRWMP preparation. Attendance is open to interested stakeholders. Mel offered to periodically update the Mokelumne Forum about IRWMP preparation efforts, and to explore the option of placing the PowerPoint presentation on SJCO's website at some future date.

AGENDA TOPIC: INTERNAL DISCUSSIONS REGARDING AN ASSURANCES DOCUMENT AND THE PROPOSED WATER AVAILABILITY STUDY

Forum members summarized their respective discussions with board members, agency leads, and other key decision makers regarding the proposal to prepare a water availability study (WAS) and particularly the need for an assurances document as a preliminary measure.. The following is a summary of key interests that emerged from the discussion:

1. *Interests generally shared by Forum members:*

- There is broad interest in the concept of a WAS that would serve as a shared reference for exploration of potential projects.
- A significant amount of potentially relevant information for a WAS is in the public domain, e.g., filings with the State Board. However, a WAS limited only to such “public” information may have correspondingly limited value, and may not provide the type of foundation for future decision making that is desired. To the extent that non-public information would increase the quality of a WAS, there is some interest in negotiating the terms under which information will be disclosed and used.
- There is also a question about the “quality” of future conversations about technical feasibility and policy interests. Openness will promote good decision making; such openness likely will require procedural safeguards that address content (like an assurances document) as an initial step.
- There are shared questions about how to include water quality, fish and wildlife, conservation, and related interests in a WAS process that is based on written assurances.

2. *Interests that may not be widely shared at this time among Forum members but require attention:*

- Formal approval of an assurances document is essential to some Forum members;
- For some parties having entitlements on the River, a WAS and related exploration of joint projects must not create or increase the risk of a successful challenge to those entitlements. An assurances document is one option for managing risk, by creating a framework for sharing non-public information and discussing options.
- The willingness of some organizations to endorse an assurances document is linked to the potential for a joint use project. These organizations seek some indication that one or more such projects are realistic
- Some members wish to preserve other options, including litigation or State Board proceedings, if the Forum approach fails, and the wording of an assurances document should not unreasonably restrict this option;
- Parties that currently see limited benefits to them from an assurances document seek more information about its likely contents before making a decision;
- It will be important that any assurances document respect interests of agricultural water users;

- Cost for a WAS and related assurances document has variable significance among Forum members at this time, with some seeking an estimate of their likely share in order to make a decision whether to support this effort, and others suggesting this is premature;
- The interests in assurances on the one hand, and potential desire to share information on the other, raise questions about whether the Forum may need to have multiple settings, with some limited to those who are signatory to an assurances document and others open to all. This approach was not discussed in any detail, and will need to be balanced against the benefits of having a unified, cohesive Forum.

Mike Harty suggested that the sub-group that developed the outline for the WAS should re-convene to develop a proposed outline for an assurances document. Mike will work with sub-group members to prepare a proposal for discussion at the November Forum meeting.

Future Meeting Location

The City of Lodi has offered free meeting space to the Forum if desired. At this time the meeting location for November is the Farm Bureau's office in Stockton. According to Tom Orvis, the Forum also has the room reserved for December as well. Tom will consult with Bruce about having the SJ Farm Bureau treat the standard \$75 cost of renting the meeting room as its contribution to the Forum. Other Forum members appreciate Lodi's offer but see significant value in continuing to meet at the Farm Bureau, particularly because the active involvement of Tom and Bruce is important.

NEXT FORUM MEETING

The next meeting of the Forum is scheduled for Thursday, November 17th at 9:00 a.m. at the SJ Farm Bureau's meeting facilities in Stockton.

Mel Lytle of SJCO offered to provide breakfast at the next Forum meeting.

FUTURE AGENDA ITEMS

- Draft outline of an Assurances Document / Approach
- Decide on future meeting location
- Decide on potential change in meeting date based on input from Foothill Conservancy and others seeking to participate actively

The October 20th 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.

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