

MOKELUMNE RIVER FORUM

MEETING No. 19

DRAFT MEETING SUMMARY

MEETING DATE: June 15, 2006

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

ATTENDEES: Mike Harty
Tom Francis – East Bay Municipal Utility District
Mike Floyd – Department of Water Resources
Hank Willy – Jackson Valley Irrigation District
Bob Granberg – City of Stockton
Gary Goffe – Calaveras Public Utility District
Mel Lytle – San Joaquin County Public Works
Jim Hanson – San Joaquin County Public Works
Tom Gau – San Joaquin County Public Works
Ed Pattison – Calaveras County Water District
Frank Beeler – City of Lodi
Lena Tam – East Bay Municipal Utility District
Rob Alcott – East Bay Municipal Utility District
Gerald Schwartz – East Bay Municipal Utility District
Tom Orvis – San Joaquin Farm Bureau
John Skinner – East Bay Municipal Utility District
Ed Steffani – North San Joaquin Water Conservation Dist.
Fred Weybret – North San Joaquin Water Conservation Dist.
Kevin Kauffman – Stockton East Water District

ACTION ITEMS AND AGREEMENTS

1. Mike Harty is to forward (via email) the final version of the draft assurances document to all members following his facilitated discussion with Amador Water Agency (AWA), North San Joaquin County Water Conservation District (NSJWCD) and Stockton East Water District (SEWD) representatives and legal counsel. The discussion is to be in regard to edits to Paragraph 9 of the document. The goal is to complete language and circulate a final version on or before June 30, 2006.
2. Once the final language of the Assurance Document is provided in late June, Forum members are asked to go forward with the steps as necessary to gain formal approval to sign the assurance document. Members are asked to be

- prepared to sign the document by either the next Forum meeting in July or soon thereafter.
3. Mike Harty will continue his outreach efforts with environmental groups.
 4. Forum participants will develop a list of potential consultants to serve as the Water Availability Study (WAS) project manager (PM). That list will be shared at the July Forum meeting (and a short list will be developed).
 5. Mike Floyd of DWR will consult internally to determine if a PM could be hired by DWR on behalf of the Forum (with the understanding that paying for PM services would likely still be the financial responsibility of Forum participants unless some mutually agreeable arrangement could be made with DWR for cost sharing).
 6. Mike Harty will investigate whether the Center for Collaborative Policy could serve as a PM hiring entity (under the assumption that PM services would be financed by Forum members).
 7. All Forum members will develop individual lists of available information that may be used in the WAS (the four bullet items in Task 2 of Appendix A to the DWR MOU) and share individual lists during the July Forum meeting.
 8. Frank Beeler of the City of Lodi agreed to provide Breakfast at the July Forum meeting.
 9. The next meeting of the Forum will be held at the San Joaquin Farm Bureau's (SJFB) Stockton office from 9:00 am – 12:00 noon on July 20, 2006.

PRELIMINARY MATTERS

May Meeting Summary

Electronic copies of the minutes from the Forum meeting of May 18, 2006 were distributed in early June, 2006. The following corrections were requested:

Jackson Valley Irrigation District (JVID) – Hank Willy asked the minutes be corrected to indicate that Bob Maddow of the Walnut Creek law firm Bold, Poltsner, Maddow, Nelsen and Judson was hired to help with a permitting matter, not Jim Hansen. Hank also noted that on page 4 of the minutes JVID is incorrectly abbreviated as JVIA.

Calveras County Water District (CCWD) – Ed Pattison noted that Gary Goffe was incorrectly attributed as providing a comment regarding a CCWD matter. Instead, Ed should have been shown as making the statement.

No other changes to the minutes were requested.

Agenda

The primary agenda topic was the discussion of the final draft version of the Assurances Document. Other topics included the regular round-the-table member update regarding activities since the last Forum meeting that may be of interest to the group. A brief discussion of the Water Availability Study (WAS) was also planned. No additional changes to the agenda were proposed and/or requested.

AGENDA TOPIC: UPDATES FROM FORUM MEMBERS

Jackson Valley Irrigation District (JVID): Hank Willy noted that JVID had filed what he termed as a friendly protest to an AWA water right application. Hank also noted that a request for water service was recently made by an Indian tribe that hopes to develop a casino within his district.

City of Stockton – Bob Granberg noted that a developer has been in discussions with the City to develop a private groundwater banking project that would serve a portion of the developer's subdivision water needs for the Mariposal Lakes project. The City is reviewing that request and, assuming it is viewed favorably, will also work with the Northeast San Joaquin Groundwater Banking Authority (GBA) to incorporate the banking project into the GBA's IRWMP.

Calveras Public Utility District – Gary Goffe noted that CPUD is working on routine activities as associated with operations and maintenance, such as identifying and fixing minor water distribution system leaks.

San Joaquin County Public Works (SJCO): Mel Lytle reported that the hydrologic model of the Mokelumne and Calaveras River System (MOCA model) is now approximately 1/2 completed, and that he hopes the remaining work will be finished by the end of this summer. This “open model” would be used in support of MORE Water Project feasibility study. Mel also noted that there was positive movement on S.B. 1795, and deferred that discussion to Kevin Kauffman of Stockton East Water District (SEWD).

Dr. Lytle also noted that a study on SJCO’s American River Filings, prepared by WRIME on behalf of SJCO and the GBA, would soon be completed. He hoped to be able to share a final draft of the report with others, including EBMUD, within the next two weeks.

Calaveras County Water District (CCWD) – Ed Pattison reported that they are continuing to work on an IRWMP along with Jim Abercrombie of AWA. Ed also mentioned that they intend to partner with EBMUD as part of a joint WTP effort that is to serve both EBMUD’s Pardee property and CCWD. He has contacted Cliff Threlkeld to further discuss how CCWD will be participating.

City of Lodi – Frank Beeler commented that Lodi hoped to have its proposal for a water treatment plant (WTP) move forward to their board in July of this year. This item may actually be on Lodi’s June 21st agenda

East Bay Municipal Utility District (EBMUD) – Lena Tam reported that a Mr. John Crawford contacted her (on behalf of a client of John’s who owned property adjacent to the Amador Canal) wanting to know the steps necessary to receive water from either EBMUD and/or PG&E. Lena informed John that he should work with AWA and also suggested that the project perhaps could be included in the IRWMP that AWA is developing on behalf of the upcountry region.

EBMUD performed a fish evacuation on the northern shore of Camanche Reservoir. The exercise removed fish trapped within a ponded area having no outlet. The ponded area was created in the upstream reaches of the reservoir as a result of a culvert / road crossing failure earlier this spring.

Rob Alcott advised that Larry Diamond of CCWD had emailed EBMUD in reference to CCWD’s intent to participate in the Pardee WTP as per the comments made by Ed Pattison as noted earlier.

San Joaquin Farm Bureau (SJFB): Tom Orvis commented that the SJFB recently held a dinner in celebration of their 20th anniversary. Gerald Schwartz of EBMUD was one of the dinner speakers. Tom also mentioned that San Joaquin County is hoping to fund a new agricultural center. If that funding is approved and construction moves forward, the SJFB would be housed in the new facility.

North San Joaquin Water Conservation District (NSJWCD) – Ed Steffani commented that NSJWCD has continued to work with the State Water Resources Control Board (SWRCB) in an effort to permit their proposed groundwater recharge projects. Ed indicated that progress had been made. Specifically, the SWRCB no longer was requiring NSJWCD to commit to monitoring water withdrawn from the many individual wells within the potential project area(s). Instead, the SWRCB simply required NSJWCD to prepare a drawing that illustrated the region within which the water recharged would likely be stored and potentially withdrawn. Within that region, NSJWCD was then asked to prepare an estimate of the volume of water withdrawn (vs. having to commit to providing well records).

Ed also reported that NSJWCD had asked Lodi to withhold consideration of the WTP until after the proposed test of groundwater recharge opportunities on the Mickey Grove site could be completed. The City apparently was not willing to postpone the WTP decision.

Stockton East Water District (SEWD) – Kevin Kauffman discussed recent legislation (SB 1795) that was originally crafted to define groundwater recharge as a beneficial use and reduce SWRCB permitting and regulatory oversight currently required of a banking project. Progress had been made on the bill, and Kevin is even more encouraged by the recent actions by the SWRCB regarding permit applications. SEWD has four (4) groundwater recharge project permit applications under review. Consistent with Ed Steffani's report detailed above, SEWD will not be required to monitor flow withdrawn from individual wells. Instead they are to make their best engineer's estimate of the areal extent of the withdrawal zone as well as an estimate of what the total water withdrawn by well owners may be. Assuming this approach to permitting moves forward, S.B. 1795 may be dropped entirely as the need for legislation would somewhat be mitigated.

Kevin expects that SEWD's four permits will soon be noticed by the SWRCB (two on the Stanislaus, one on Little John Creek, and one of the Calaveras River). All are for water that would be used in recharge schemes. The need to meet Waste Discharge Requirements (WDR) remains.

AGENDA TOPIC: DWR's PERSPECTIVE ON THE ASSURANCE DOCUMENT

Mike Floyd of DWR commented about the recent discussions his agency has been having in regard to the assurance document.

- Concern was initially expressed by his management about requiring parties that participate in the Forum to sign an assurance document out of a concern that it may discourage an "open process." That view was mitigated somewhat by the fact that no single one group is precluded from participation, and that all organizations and groups would be asked to sign assurances to participate in full.

- DWR will not be signing the assurance document.
- While DWR understands that an assurance document may be needed to move this process forward, they still want to see that by the end of 2006 (i.e., a 6 month window) some real progress had been made on the Forum tasks as outlined in the MOU between Forum members and DWR.
- DWR has made a significant financial commitment to fund the facilitation services, and would not be willing to commit additional funds toward technical efforts (at least not until following the 6-month window).

Following Mike Floyd's presentation on the DWR perspective, Mike Harty commented that:

- He understood DWR's desire to ensure openness around Forum participation for environmental groups and agreed this is desirable.
- Mike is still contacting representatives from environmental groups to gauge why they had not participated consistently to date. Possible reasons are:
 - Being too busy or conflicts with other priorities;
 - Not knowing about the Forum meetings and/or understanding its purpose, goals, recent activities, etc.;
 - A desire to postpone participation until such time as there was more of a clear focus (e.g., when project proposals had been developed and participation was required to counter or influence project plans and details); or
 - Not a programmatic focus.
- Mike noted that he was committed to developing a representative response from environmental groups so that at a minimum there would be a record and/or documentation as to their interest in participating and/or not to participate. This information may be of use not only to the Forum but also to DWR.
- While some environmental representatives he has spoken with (such as Terry Strange of the Upper Mokelumne River Watershed Council) have pointed out that the meeting time conflicts with other meetings as organized by PG&E, Mike is hesitant to propose that Forum members alter their meeting dates / times / schedules until such time as he has a clear understanding with environmental representatives about their interests in participating.

Following Mike Harty's discussion, Forum participants offered additional contacts for environmental organizations (and reps.) that may be interested in participating.

AGENDA TOPIC: THE ASSURANCES DOCUMENT
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Mike Harty led the group in a discussion of the final-draft version of the Assurances Document. The focus was comments by participants about the prospects within each organization for officially signing the document. If they were not ready, they were asked to refer to the section and/or language that remained as sticking points.

Woodbridge Irrigation District (WID) - Jim Hanson of Hanson Engineering reported that he was present at WID's recent board meeting. It was his understanding that there were a couple of legal sticking points that WID had with the assurances, and that their legal counsel (Dan Gallery) was going to be contacting AWA counsel (Steve Kronick) to go over these differences (primarily they were in regard to paragraph 9).

JVID – Hank Willy indicated that JVID was prepared to sign the document. If changes were made these would have to be brought in front of JVID's board in order to approve any revised language / reauthorize signature.

City of Stockton - Bob Granberg reported that the City was ready to sign the document. If changes were made the City would need to review and approve changes prior to reauthorizing signature.

CPUD - Gary Goffe reported that his board was ready to sign the document. If changes were made CPUD would need to review and approve changes prior to reauthorizing signature.

SJCO – Mel Lytle advised that the document must first be reviewed and approved by the County's Advisory Water Commission (AWC). He planned to present the document at the June 21st AWC meeting (*author's note: that meeting was cancelled; the next AWC meeting is July 19*). Mel was hoping that any final language changes could be received prior to the AWC meeting in order to avoid having to bring a revised document back to the AWC for additional discussion and approval. Following AWC approval it would be forwarded to the San Joaquin County Board of Commissioners for approval to sign. Mel expected that could take place in July.

CCWD – Ed Pattison reported on extensive discussion with CCWD counsel regarding the assurance document. Specific items that received attention included: what constituted "Forum Information," and how the Forum would address the concept that participants would "learn" this information during the Forum process and "unlearning" would be difficult. Counsel wanted clarification regarding the "withdrawal" process / "release of info." Process and wondered whether a timeline might clarify this matter.

CCWD's counsel contacted AWA's counsel Steve Kronick to discuss these items. While there were several points where language might be improved, it was Ed's view that they would not preclude his board from supporting the document in its current form. However, he would need to bring any revisions back to his board and his counsel for their concurrence prior to being able to commit to signing.

Lodi – Frank Beeler noted that he submitted the assurance document to Lodi’s Public Works Director and the City Attorney. He has yet to receive any word back. He has tentatively included this on the City’s July 5th Council calendar for approval.

EBMUD – Lena Tam noted that there is an agenda item on EBMUD’s July 25th, 2006 board calendar whereby the board is asked to allow the agency’s General Manager to sign the assurance document on behalf of EBMUD.

SJFB – Tom Orvis noted that the document had been reviewed by John Hewitt, legal counsel for the California Farm Bureau, who advised that there were no terms in the document that would be viewed as unacceptable to the Bureau. It is scheduled to be a topic at the next water committee meeting (to be held on June 20th). The earliest his board could grant signature approval was July 15th, 2006.

NSJWCD – Ed Steffani noted that his agency’s attorney had reviewed the assurance document and had problems with the language in paragraph 9. The attorney contacted AWA’s counsel to discuss their objections. Proposed language revisions had been drafted and Ed circulated a paper copy of the proposed edits to Forum participants. As of the date of this meeting, Ed had yet to hear whether AWA’s counsel (Steve Kronick) approved the revisions.

SEWD – Kevin Kauffman noted that his agency contracted (for legal services / representation) with the same firm that represents NSJWCD and also had concerns with paragraph 9. Their attorney had a hard time understanding the meaning and intent of the paragraph, and the edits as detailed by NSJWCD were made in order to simplify and/or clarify paragraph 9. It was his hope that AWA and their attorney would find the language acceptable.

Summary of Assurance Document Status

Mel Lytle advised that he spoke with Jim Abercrombie of AWA the week prior. They discussed the language of paragraph 9 and the proposed changes / edits by NSJWCD and SEWD counsel(s). Jim appeared agreeable to streamlining of the language so long as the protections afforded to AWA / the water rights of upcountry agencies were maintained.

Following the round-the-table discussion, Mike Harty summarized the issues and discussion as follows:

1. **Issue:** There may be a need to clarify again what constitutes “Forum Information” - in particular how an agency developing their own document (such as a Water Availability Study) could or could not reference the work of the Forum

Discussion: The assurance document included consistent and sufficient definitions of what constituted “Forum Information” and no further clarification changes were necessary to the document.

2. **Issue:** There may need to be procedures in place for the release of information

Discussion: Forum Info. could only be referenced / released if all members of the Forum unanimously agree to do so. Otherwise that member would be required to develop said documents on their own using publicly available information / not using Forum Info. It was viewed that the existing assurance document sufficiently stated as such and modifications were not needed.

3. **Issue:** Paragraph 9 requires rewording / clarification.

Discussion: Paragraph 9 remains problematic to certain Forum members. It was determined that language changes could best be facilitated by having Mike Harty interact with NSJWCD/SEWD counsel and AWA counsel.

In addition to the above, there was a commitment by Mike Harty to contact WID to determine what in particular their comments and concerns were on the assurance document.

Mike will address the Paragraph 9 issues with those expressing concerns with a goal of completing the revised assurance document on or before June 30, 2006. He asked that all parties move forward to obtain their respective agency’s approval to sign the assurance document once language is finalized.

AGENDA TOPIC: WATER AVAILABILITY STUDY

Mike Harty next led the group in a discussion of the proposed Water Availability Study (WAS). That discussion was a follow-up to the WAS discussion held during the preceding month’s meeting.

John Skinner of EBMUD was asked to address the group regarding his thoughts on how the WAS could best proceed. John passed out copies of an attachment to the MOU between the Forum members and DWR (titled Appendix A, Tasks). He noted that Task 2 describes four subtasks that the Forum intended to perform. His view was that he and Jim Hansen were not the best suited to manage such efforts. Instead, an independent project manager (perhaps an engineer or planner with a consulting firm) could act as the lead to help develop / implement Task 2 / the WAS work effort. John’s best guess was that the cost of hiring a project manager (PM) to perform this work may be approx. \$200k.

Jim Hanson agreed that John's approach (hiring an independent PM) made good sense. Specifically, he understood why a technical leader may be needed to pull all the information together and guide the group forward with the WAS effort. Jim noted that he understood SJCO's interests relative to a WAS but not necessarily those of the other agencies. John Skinner concurred that he understood EBMUD's interests and needs relative to a WAS but could not act on behalf of all parties – hence the need for an impartial study lead.

There was a robust discussion about the costs and benefits of hiring a PM to lead the WAS development. The points made by John and Jim were acknowledged, along with concerns that this detailed approach would at best delay the WAS and at worst be of no value whatsoever. Mel Lytle noted that while a PM could help move the WAS forward, there needed to be a commitment from members to maintain ownership / participation in the process.

The bulk of participants appeared to support hiring a WAS project manager from the "outside," with an agreement that John Skinner and Jim Hansen as well as the other Forum members would work to gather readily available information that would be used in the WAS and present that to the group in an effort to keep this process moving vs. another delay while the group entertains how to be go about hiring and paying for a consultant.

Mike Floyd reminded the group that DWR at this stage could not commit to providing financial support for such PM services. They would, however, be interested in reviewing the effort of the PM as a vested / interested party to the Forum.

Lena Tam asked Mel Lytle to comment about the possibility of using the GBA's IRWMP funding (in combination with perhaps AWA's IRWMP funding) to help offset the cost of the PM. Mel indicated that would be unlikely. Mike Floyd of DWR also commented that the funding the GBA received from DWR could not readily be reapplied to Forum efforts.

The following conclusions / action items were reached at the end of the WAS discussion:

- Forum participants will develop individual lists of consultants that might be suitable to serve as the WAS project manager.
- These lists will be shared at the July meeting, and a short list will be prepared.
- Those on the short list will be invited to attend future Forum meetings as observers with the thought that they might be asked to prepare a proposal in response to an RFP for PM services (that proposal, however, may be several months off and hence the consultants would be invited to attend Forum meetings, but not be paid to attend).
- Following the July meeting, the Forum will discuss to how to pay for PM services, formulate RFP's, hire / contract the PM, etc.

- Mike Floyd will investigate whether there is a mechanism for DWR to hire the PM on behalf of the Forum (perhaps hire a PM / firm already under contract to DWR such as WRIME or CH2M Hill), with the assumption that members would cover all or part of the costs of the PM but not be the actual hiring entity.
- Mike Harty will investigate whether the Center for Collaborative Policy could serve as a hiring entity.
- All Forum members will develop a list of available information that may be used in the WAS (focusing on the four bullet items in Task 2 of the MOU) and will share their individual lists during the July Forum meeting.
- That “sharing of information” process will continue forward in / during future Forum meetings and serve to educate Forum members and the potential PM consultants.

NEXT FORUM MEETING: KEY AGENDA DISCUSSION ITEMS

Three key discussion topics were identified: 1) Discussion of assurance document status; 2) Discussion of potential WAS project managers / consultants / and how to possibly contract for PM services; and 3) Sharing of lists of available information that would be used to help prepare the WAS.

NEXT FORUM MEETING

The next meeting of the Forum is scheduled for Thursday, July 20th at 9:00 a.m. at the SJFB’s meeting facilities in Stockton.

Frank Beeler of the City of Lodi agreed to provide breakfast at the next Forum meeting.

CLOSING

The June 15th Mokelumne River Forum Meeting was adjourned at approximately 12:00 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.