

# **MOKELUMNE RIVER FORUM**

## **MEETING No. 29**

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

MEETING DATE: June 7, 2007

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

ATTENDEES: Tom Francis – East Bay Municipal Utility District  
Rod Schuler  
Hank Willy – Jackson Valley Irrigation District  
Gary Goffe – Calaveras Public Utility District  
Mel Lytle – San Joaquin County Public Works Department  
Jim Hansen – Hansen Eng. / Consultant for San Joaquin Co.  
Tom Gau – San Joaquin County Public Works Department  
Andy Christensen – Woodbridge Irrigation District  
Ed Pattison - Calaveras County Water District  
Rob Alcott – East Bay Municipal Utility District  
Jim Abercrombie – Amador Water Agency  
Lena Tam – East Bay Municipal Utility District  
Charlie Swimley – City of Lodi  
Pete Bell – Foothill Conservancy  
Tom Orvis – San Joaquin Farm Bureau Federation  
John Skinner – East Bay Municipal Utility District  
Dante Nomilini – Central Delta Water Agency  
Ed Steffani – North San Joaquin Water Conservation District  
Joe Mehrten – North San Joaquin Water Conservation District  
Mike Floyd - California Department of Water Resources  
Kevin Kauffman – Stockton East Water District  
Gerald Schwartz – East Bay Municipal Utility District

### **ACTION ITEMS AND AGREEMENTS**

1. The Forum subcommittee consisting of Jim Abercrombie, Edwin Pattison, Kevin Kauffman, Mel Lytle, Lena Tam and John Skinner will meet prior to the next regularly scheduled Forum meeting to continue to discuss the I-RCUP project (the WRIME scope of work and possible alternatives for an I-RCUP Memorandum of Agreement (MOA) that would address governance of the Facility Study effort(s)).
2. In preparation for future meeting(s) with WRIME representatives, each Forum agency will perform some “soul searching” and be prepared to quantify and/or qualify what they’d like to receive (benefit wise) from a proposed I-RCUP project. That information is needed in order for WRIME to then determine the

size, cost and/or likely scope of the project and also for WRIME to identify, as based on the likely project configuration, governance structure options.

3. Mike Floyd shall contact Ed Winkler of the Regional Water Authority, a Joint Powers Authority (JPA) formed by various Sacramento area agencies to address water resource matters, in order to request that he speak to the Forum's subcommittee regarding how his agency's governance was orchestrated. Based on the information Ed shares, the subcommittee could then decide whether to invite him to the Forum for a similar discussion. This information will help the Subcommittee (and WRIME) develop governance options.
4. Charlie Swimley of the City of Lodi offered to provide breakfast for the next meeting of the Forum, which will be held on August 2, 2007 at the San Joaquin Farm Bureau's Stockton offices beginning at 9 am.

## PRELIMINARY MATTERS

### **Facilitator Substitution**

Car troubles prevented Mike Harty, the Forum's facilitator, from attending the Forum meeting. In his absence, Gerald Schwartz of EBMUD served as the meeting's facilitator.

### **Introductions**

Mr. Schwartz noted that there were two attendees present at today's meeting who were new to the Forum. He asked everyone present to introduce themselves such that the new members felt welcome. First time Forum attendees were Bill Van Fields of Morada Irrigation District and Pete Bell of the Foothill Conservancy.

### **May Meeting Summary**

An electronic version of the May, 2007 draft meeting summary was distributed via email prior to the June Forum meeting. No edits were requested at this time.

### **Purpose and Agenda**

The primary purpose of today's Forum meeting was to review (and approve) a draft scope of work as prepared for WRIME, Inc. for foundational work efforts as needed prior to the performance of an I-RCUP feasibility study. A second purpose was to receive an update on MOA progress and agree on next steps. Participants adopted the agenda with no requested edits.

**AGENDA TOPIC: UPDATES FROM FORUM MEMBERS**

*Jackson Valley Irrigation District (JVID):* Hank Willy of JVID noted that the agency was continuing to move forward on a water right matter with the help of Bob Maddox, their legal consultant.

*San Joaquin County Department of Public Works (SJC):* Mel Lytle of SJC noted that his agency recently received word from the State Water Resources Control Board (SWRCB) that their water right application, which was canceled by the SWRCB in March of this year, had recently been reinstated. SJC is working to comply with various requests as made by the SWRCB in their reinstatement letter. The SWRCB continues to press SJC to illustrate that progress is being made regarding the application. Dr. Lytle is of the opinion that there are synergies between the work SJC is required to do and similar efforts that it appears Amador Water Agency as well as the Forum will soon start (specifically, the fact that there are to be three feasibility studies conducted for water resource projects on the River, and that projects may have much in common and hence some feasibility work “tasks” could be combined). Mel will work with interested parties to determine where synergies lie such that a more coordinate effort could ensue if desired.

*Calaveras Co. Water District (CCWD):* Edwin Pattison of CCWD noted that there was a good turnout at the recent meeting held on behalf of the Upper Mokelumne River Watershed Authority (UMRWA) to roll out their hydrologic / water quality model of the upper portion of the Mokelumne River watershed. He viewed that this model may be of use to the Forum, since it was unique as compared with other existing models that were more associated with reservoir routing (such as EBMUDSIM and MOCASIM).

*Amador Water Agency (AWA):* Jim Abercrombie of AWA noted that plans are in place to hold a pipeline dedication ceremony on June 13<sup>th</sup> (as the last piece of pipeline is laid as part of a conveyance system construction effort underway at AWA). AWA is also nearing the completion of plans to contract with URS, Inc. as associated with the preparation of a study to assess the feasibility of raising Lower Bear Reservoir.

*East Bay Municipal Utility District (EBMUD):* Lena Tam of EBMUD commented that her agency was working on repairs to the Rabbit Creek Causeway (over the upper portion of Camanche Reservoir). There is a need to install a siphon to allow water to move freely between the upper pool of water created by the crossing to the downstream pool. Regarding EBMUD’s Camanche Water Right Permit’s extension of time request (as made to the SWRCB), EBMUD has not heard whether the SWRCB has accepted any of the protests filed. Ms. Tam views that perhaps the SWRCB is aware of the Principles of Agreement (POA) work that is ongoing between EBMUD and various San Joaquin County entities. The purpose of the POA is to reach a resolution / strategy to remove water rights protests.

Rob Alcott of EBMUD noted that the Freeport Regional Water Project (FRWP) has two phases currently under construction. There are additional phases to the project as well, some of which have been bid, others awaiting the bid phase. While the first project bid came in over the projected engineer's estimate, to date, the remaining projects that have been bid have come in under the engineer's estimate.

*City of Lodi (Lodi):* Charlie Swimley of Lodi commented that they are moving forward regarding work associated with the preliminary design of a water treatment plant (an effort undertaken via their consultant, HDR, Inc.). Work includes a watershed survey as well as environmental reviews and financial studies. The City is also making progress regarding a pending upgrade to their wastewater treatment plant. They expect to complete that upgrade in approx. 18 months. Charlie noted that Lodi is one of the San Joaquin County agencies that is working with EBMUD on a POA document. Finally, Charlie noted that the City is accelerating their water meter installation plans, hoping to have all meters installed by 2011.

*Foothill Conservancy:* Pete Bell of the Foothill Conservancy noted that at today's meeting his preference was to be an observer to the Forum process.

*San Joaquin Farm Bureau (SJFB):* Tom Orvis of the SJFB commented that today was the 4<sup>th</sup> day of a program hosted by the SJFB entitled "ag in the classroom". He thanked Kent Reeves of EBMUD for providing a tour of the Mokelumne Fisheries operation. He also thanked Mel Lytle of SJC for speaking to the group of teachers earlier in the week. Finally, Tom commented on AB 844, the Bill in the State Assembly prepared to address the issue of metal theft. It had passed the assembly and now moved into the State Senate. He continues to be optimistic regarding the Bill's chances, although he again asked for agency support of the bill.

*Central Delta Water Agency (CDWA):* Dante Nomilini of CDWA indicated that his agency was among those in San Joaquin County participating in the POA development effort. He was optimistic that some solution could be reached to resolve long standing disputes and protests regarding water rights on the River.

*North San Joaquin Water Conservation District (NSJWCD):* Ed Steffani of NSJWCD noted that his agency was preparing for a hearing with the SWRCB on June 21, 2007 in an attempt to reinstate their water right extension request (which had been denied in late 2006 by the SWRCB). He also indicated that there has been positive progress on the issue of a groundwater user fee that NSJWCD hopes to be able to levy as a means to generate operating revenue.

*California Department of Water Resources (DWR):* Mike Floyd of DWR gave a few updates regarding matters he viewed would be of interest to the Forum. As most were aware of, the Tracy pumps had been shut down and this action has been front page news. Round 2 of the application for Prop. 50 Ch. 8 IRWMP implantation grants will begin shortly. He understands that up to \$20M may be available for Northern California (although there was the chance that no money would be given to the northern section of the State, as dependent on how the grant application program shakes out in the months ahead). It was Mike's understanding that the GBA may submit an application (for funding to support the City of Stockton's Delta Water Supply Program). Jim Abercrombie noted he was unsure as to whether AWA would submit an application on behalf of the Mokelumne, Amador and Calaveras (MAC) IRWMP group of participants.

Also, Mr. Floyd is working with his management regarding a possible letter that would be issued to support NSJWCD as they move to get their water right extension request reinstated. He was aware that Ed Steffani wanted to receive the letter prior to the June 21, 2007 SWRCB hearing date.

*Stockton East Water District (SEWD):* Kevin Kauffman of SEWD noted that he met with representatives from CCWD to discuss the mechanics of moving water from the Mokelumne River through old conveyances and into New Hogan Dam / the Calaveras River. Such an option could be integrated into the San Joaquin County's proposed MORE Water Project, with the caveat that instead of constructing Duck Creek Reservoir as the holding reservoir, the proposed South Gulch Reservoir would be construction.

Following that discussion, Kevin noted that there continues to be meetings with various San Joaquin County parties to finalized their Principles of Agreement (POA) with EBMUD. The POAs, when completed by the various San Joaquin County parties, will be forwarded to EBMUD for their review and consideration. Mr. Kauffman noted that the discussion is taking a long time due to the number of parties at the table. A follow-up meeting has been scheduled for June 22<sup>nd</sup> at which time Kevin hopes to be able to finalize their POA proposal. Mr. Kauffman noted that he has tried to consider the concerns of the Foothill agencies in this latest version. He also indicated that he would make the POA proposal publicly available when it is completed.

Jim Abercrombie of AWA cautioned Kevin to make sure that any agreement terms (in regards to making water available) did not conflict with existing agreements that EBMUD and AWA have in place. Beyond that, Jim also expressed his continued concern that this POA discussion was done without their involvement, instead of making it a Forum-level discussion, which by nature is more inclusive.

Following that discussion, Mr. Kauffman noted that a representative with the Pacific Institute had called him to discuss the impact of the shut down of the Tracy Pumps on SEWD's Bureau contract for flow/water from New Melones. Specifically, the rep. wondered whether the Bureau would be reducing its deliveries to SEWD due to the issues going on in the Delta / the pump shut-down. Kevin was curious if other agency reps. present had similar contact with the institute and/or if they had any information regarding the Bureau's operational plans. Forum members present had not been contacted by the Institute regarding this topic and further had no information to share regarding pending Bureau operational plans.

<p style="text-align: center;"><b>AGENDA TOPIC: REPORT ON PROPOSED SCOPE OF WORK FOR WRIME INC.</b></p>
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Gerald Schwartz next directed the Forum members to review a draft document that was provided that morning as a hand-out. It consisted of a written scope of work that would be used by WRIME, Inc. for Forum-related services in association with the I-RCUP project (specifically, for WRIME to prepare foundational work products needed prior to the performance of a Feasibility Study).

The draft WRIME scope was developed by a subcommittee of the Forum. Tom Francis of EBMUD drafted the scope using notes he kept during the subcommittee meeting. Tom had just recently provided the document to WRIME representatives. They are in agreement with the scope, although they were reviewing the proposed work schedule and cost to make sure that they could complete the tasks assignments on time and within budget. This work effort (\$100k) would be paid for by monies made available from DWR's support of the Forum.

Dante Nomilini of CDWA asked if the integration of the I-RCUP with other current efforts by individual agencies and/or subgroups (such as San Joaquin County's proposed MORE Water Project) would be addressed by WRIME. Kevin Kauffman of SEWD viewed that WRIME will have an opportunity to take this into consideration as they work to craft a proposed project concept for feasibility study purposes.

Mike Floyd of DWR noted that in order to make the best use of WRIME's resources, it was up to Forum members to determine how they too could be of assistance. For example, the Forum may want to convene a technical subcommittee. Individual member agencies may want to contribute some of their time and/or time of their consultants. Members also may be able to perform GIS work for example.

Mel Lytle of SJC indicated his agency would work to identify ways to provide suggested assistance. Rob Alcott of EBMUD voiced a similar commitment.

The draft WRIME scope was approved by the Forum via an informal process. It was suggested that a Forum subcommittee consisting of interested Forum representatives meet with WRIME and DWR in July to develop the logistics and get the work started.

**DISCUSSION TOPIC: PREPARATION OF A MEMORANDUM OF AGREEMENT (MOA) AND ASSOCIATED GOVERNANCE OPTIONS**

Following the discussion of the WRIME scope of work, Gerald Schwartz asked the group to consider whether the Forum and/or the subgroup also should be working on a proposed governance structure that would be implemented if and when WRIME's work concludes and a Feasibility Study is proposed. Specifically, Gerald noted that a draft MOA had been developed and distributed to the Forum members earlier this year. That MOA included a proposed governance structure that would be enacted to guide the development and financing of the I-RCUP effort through to the completion of the Feasibility stage of the project. It was noted that the MOA was seen as not meeting the Forum's needs, however, as some agencies were unhappy with the governance structure proposed.

Kevin Kauffman of CCWD commented that he preferred the entire Forum revisit the MOA issue in the months ahead (vs. letting the subcommittee alone tackle this issue). He viewed that governance options were of interest to all parties and further that each party could review various options and bring those forward for discussion. One examples he gave was to group those that "have existing water rights" together in one caucus and have another caucus group for those that "do not have existing water rights" (a have and a have-not approach).

Ed Steffani of NSJWCD commented that before he could enter into a MOU that included cost-share components and/or sections, he'll need to have a good idea as to the costs associated with the I-RCUP and his likely share of said costs.

Rob Alcott of EBMUD commented that any MOU developed (and governance option proposed) should include the following:

- A means illustrating how money is to be received from members (and/or from caucuses) for the purpose of funding I-RCUP studies
- A governance structure such that a party and/or entity created has the legal ability to act as the receiver of funds
- A governance structure such that the Forum (or some agency on behalf of the Forum) can legally enter into contracts with consultants who will likely be hired to perform the studies as will be associated with the I-RCUP's feasibility review stage.
- A governance structure such that the Forum (or some agency on behalf of the Forum) can legally enter into agreements with state agencies for acceptance of grant funds

Following the above comments and general discussion, it was decided that the Forum Subcommittee should revisit the MOA issue and prepare various options for the entire Forum to consider.

It was decided that as preparation for meeting(s) with WRIME representatives, each agency should perform some "soul searching" and be prepared to quantify and/or qualify

what they'd like to receive (benefit wise) from a proposed I-RCUP project. That information would be used by WRIME to then determine the size, cost and/or likely scope of the project and also for WRIME to identify, as based on the likely project configuration, the preferred governance structure (or a couple of preferred options to consider).

Also, it was suggested that Mike Floyd contact Ed Winkler of the Regional Water Authority, a JPA formed by Sacramento agencies to address water resource matters, and request that he speak to the Forum's Subcommittee regarding how his agency's governance was orchestrated. This discussion may prove of use to the Subcommittee as they develop governance options for the I-RCUP effort. Based on the information Ed shares, the Subcommittee could then decide whether to invite him to the Forum for a similar discussion.

<b>AGENDA TOPIC: NEXT FORUM MEETING DATE</b>
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Due to the Fourth of July holiday falling within the same week as the Forum's proposed July meeting date (and the possibility that many attendees would be taking vacation that week), it was decided to not hold a July Forum meeting. The next meeting of the Mokelumne River Forum is scheduled for August 2, 2007 at 9:00 a.m. at the SJFB's meeting facilities in Stockton

<b>CLOSING</b>
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The June 7, 2007 Mokelumne River Forum Meeting was adjourned at approximately 12:00 noon.

<b>NEXT FORUM MEETING BREAKFAST PROVIDER</b>
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CDWA agreed to provide breakfast at the next Forum meeting.

**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.**