

MOKELUMNE RIVER FORUM
MEETING No. 34
DRAFT MEETING SUMMARY

MEETING DATE: December 6, 2007

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

ATTENDEES: Mike Harty
Tom Francis – East Bay Municipal Utility District
Ali Taghavi – WRIME, Inc.
Rod Schuler – Amador / Retired
Charlie Swimley – City of Lodi
Hank Willy – Jackson Valley Irrigation District
Andy Christensen – Woodbridge Irrigation District
Jim Hanson – San Joaquin County Public Works / Hanson Eng.
Mel Lytle – San Joaquin County Public Works Dept.
Tom Gau – San Joaquin County Public Works Dept.
Ed Pattison – Calaveras County Water District
Lena Tam – East Bay Municipal Utility District
Jim Abercrombie – Amador Water Agency
Gene Mancebo – Amador Water Agency
Rob Alcott – East Bay Municipal Utility District
Pete Bell – Foothill Conservancy
Joe Mehrten – North San Joaquin Water Conservation District
Gerald Schwartz – East Bay Municipal Utility District
Tom McGurk – Stockton East Water District
Kevin Kauffman – Stockton East Water District
Ed Steffani – North San Joaquin Water Conservation District
Mike Floyd – California Department of Water Resources

ACTION ITEMS AND AGREEMENTS

1. Forum subcommittee members will have until Friday Dec. 14th to provide WRIME with comments to a draft version of a Scope of Work (SOW) document prepared to outline upcoming / near-term IRCUP work efforts.
2. WRIME, Inc. will send (via email) both Word and PDF versions of the draft SOW document to Forum members to help facilitate review and comment.
3. For the January 3rd meeting, each Forum member will prepare an “interest / needs” statement regarding what they would want an IRCUP project to address. Those agency interests / needs would be summarized into a “GBA interests / needs statement” (by Mel Lytle) and a “UMRWA interests / needs statement” (by Rob Alcott) prior to the January Forum meeting. GBA and UMRWA statements will be shared at the January Forum meeting. This will be the primary agenda

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item on January 3rd. It is anticipated that during the month of December, Rob Alcott will be contacting UMRWA members and that Mel Lytle will be contacting GBA members in an effort to compile "interest / needs" statements.

~~3. COMMENTS ARE DUE TO MIKE HARTY NOT LATER THAN [DATE?]. HE WILL PROVIDE THESE TO EITHER ROB [UMRWA] OR MEL [GBA].~~

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4.4. The Forum members agreed on a March 6, 2008 elected officials meeting at the Farm Bureau Federation location.

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~~5.5. AWA agreed to pay for the cost of lunch for the March 6, 2008 elected officials meeting.~~

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6.6. Gerald Schwartz of EBMUD will organize elected officials meeting logistic details / secure lunch catering services.

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7.7. Topics for the Elected Officials meeting agenda will be discussed at the January 3rd, 2008 Forum meeting.

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8.8. WID agreed to pay for breakfast at the next Forum meeting (SEWD will procure / deliver the breakfast and bill WID for the cost).

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PRELIMINARY MATTERS

November Meeting Summary

An electronic copy of the November meeting summary was provided to Forum members via email several days prior to today's meeting. A printed copy of the November meeting summary was available to attendees. No corrections were requested.

Purpose and Agenda

The primary purpose of the December Forum meeting was to have WRIME, Inc. provide a report regarding the status of their two task orders, including a detailed outline for a draft IRCUP feasibility study scope of work. A second purpose was to confirm and plan for a proposed March 6, 2008 elected officials meeting.

AGENDA TOPIC: UPDATES FROM FORUM MEMBERS

Calaveras County Water District (CCWD): Charles Hebrard advised that today would be his last Forum meeting, as his term on the CCWD board would be ending. Forum members thanked Charles for his interest and support of the Forum.

Jackson Valley Irrigation District (JVID): Hank Willy noted that Bob Maddow, the water rights attorney hired by JVID, is expected to begin work on a water rights matter shortly, without going into details.

City of Lodi (Lodi): Charlie Swimley commented that Lodi and Woodbridge Irrigation District (WID) had met to discuss an extension of a water contract purchase agreement (related to WID's contract to supply Lodi 6,000 acre-ft/yr of surface water).

Woodbridge Irrigation District (WID): Andy Christiansen advised that the construction of a fish screen sized for a river flow of 414 cfs would be complete by April 2008.

San Joaquin Co. Dept of Public Works (SJC): Mel Lytle noted the following:

- SJC plans to finalize a consulting agreement with GEI in December 07. GEI will perform a study to assess whether and how SJC could utilize the Freeport Regional Water Project to bring water from the American / Sacramento River system to their service area. Mel anticipates an 18-month work effort followed by a CEQA phase.
- The Northeastern San Joaquin County Groundwater Banking Authority (GBA) plans to submit an AB 303 grant application. Applications are due to DWR on or before Dec. 11th. The GBA hopes to utilize grant dollars to develop monitoring wells (a cluster well) and investigate a potential groundwater recharge site.

Calaveras County Water District (CCWD): Ed Pattison commented that his agency also is moving forward with an AB 303 grant application. The application will be submitted to DWR on or prior to Dec. 11th. Grant dollars would be used to create an enhanced groundwater monitoring program to better understand the eastern portion of the San Joaquin Groundwater Basin (the portion that lies within Calaveras County). Wells would be installed to provide information about the horizontal and vertical dynamics of that portion of the basin. The project, if awarded grant monies, would run for approximately about two years, and project information would be shared with San Joaquin County and other interested Forum members.

East Bay Municipal Utility District (EBMUD): Lena Tam provided these updates:

- EBMUD received a request from Bob Maddow, on behalf of his client (JVID), to provide documents regarding past agreements between EBMUD, CCWD, and Calaveras Public Utility District (CPUD).
- EBMUD prepared a letter of support toward CCWD's AB 303 grant application
- EBMUD has been working with various San Joaquin County entities toward the editing and further refinement of draft Principles of Agreement (POA) language. POA development efforts are associated with efforts to resolve protests filed in connection with water right applications and extension requests at the State Board.
- EBMUD staff is recommending that its Board of Directors take a "watch" position regarding federal Wild and Scenic River legislation (and language that would designate a stretch of the Mokelumne River as Wild and Scenic). The Board will take a position during its Dec. 11, 2007 Board meeting.

- EBMUD met with State Board staff to discuss an accounting methodology proposed by EBMUD for how water is stored and utilized within EBMUD's Camanche and Pardee Reservoirs.
- EBMUD has requested a copy of the MOCASIM hydrologic model from SJC.
- The construction of the Freeport Regional Water Project (FRWP) continues to progress.

Foothill Conservancy (Conservancy) - Pete Bell provided some clarification regarding proposed federal Wild and Scenic River legislation as noted by Ms. Tam. Per Pete, the Conservancy had requested that a 15-mile stretch of the upper Mokelumne River receive the designation and worked with Sen. Boxer to include that particular component in the bill. Additional miles were seen as worthy of designation by the Bureau of Land Management and were added to the bill. Pete advised that the bill language provides protection to Forum members who wish to develop particular projects for water supply (such as Raise Lower Bear) – primarily projects that are associated with an existing river facility. Protection is provided by identifying gaps around existing river facilities, so that revised projects would be possible. Pete recognizes that water agencies have some key concerns with the legislation and would be satisfied if parties take a neutral position (vs. an oppose position) to the legislation. Pete plans on attending the EBMUD Board meeting of Dec. 11th and will likely provide a statement during the public comment session.

In addition, The Foothill Conservancy is working the representatives of Amador Water Agency to discuss their concerns with the legislation more specifically in hopes of developing acceptable language that could be used in next year's legislation (it is anticipated that a revised piece of legislation will be crafted in 2008 that takes up this matter, and that the 2007 legislation will not pass).

Stockton East Water District (SEWD) – Kevin Kauffman addressed the POA discussions further, noting that he and other San Joaquin County agency representatives had met with EBMUD staff in November on this topic. Language revising certain POA provisions is under development by SJC, and this will be provided to EBMUD for review and consideration. Kevin acknowledged a commitment to consider the concerns of the Foothill agencies, including AWA and CCWD, as part of the POA development and noted that the POA when completed in draft form would be shared with those agencies.

Jim Abercrombie of AWA expressed his concern that while the POA may resolve EBMUD protests regarding SJC water rights filings, it will not necessarily resolve his agency's protests and/or those of other Foothill agencies. Jim suggested that separate, specific discussions would need to be conducted with Foothill agencies to reach this goal.

California Dept. of Water Resources (DWR) – Mike Floyd provided the following comments:

- Regarding AB 303 grant program:
 - Mike expects there will be numerous AB 303 submissions, including perhaps 5-6 from the San Joaquin / Foothill region

- A total of \$6.4 M is available via this round of AB 303; max. grant award = \$250k; likely there will be 24 to 30 grants awarded (+/-)
- For those parties to the Forum applying for Grant \$, Mike suggested that the applicants pay attention to the scoring criteria, making sure that their particular applications address the scored areas if and where possible
- Deadline for submittals is 5 pm Dec. 11th.

Rob Alcott of EBMUD asked Mike Floyd and Mel Lytle if they could provide details regarding the GBA's recent IRWMP Implementation Grant Application (outcome, feedback from DWR grant staff, etc.). Mel provided the following:

- The recent GBA IRWMP Implementation Grant Application missed the award cut-off (by one point)
- Positive take-away is that the application scored well, but that competition was stiff and the funding \$ available low
- GBA members are planning to meet with DWR grant staff to receive face-to-face feedback in mid-December
- Key areas where point score was low: Environmental Justice and Disadvantaged Communities

Mike Floyd reminded Forum attendees that the Prop. 84 grant process remains stalled until funding legislation can be crafted. Tentatively, there has been some discussion at the staff level regarding a proposal to avoid a two-step process and go with a single-step application process as part of Prop. 84 (although there would be an up-front effort between staff and applicants to address key information needs prior to being allowed to move into the actual application). Mike noted, however, that program details are far from being finalized.

AGENDA TOPIC: WRIME IRCUP Work Effort
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Ali Taghavi of WRIME provided a detailed update to the Forum regarding work on the two task orders. The following is a summary of the presentation and discussion.

Water Rights Report:

WRIME received comments from Forum agencies including AWA, EBMUD and CCWD. They are working to incorporate comments and produce a draft version of the Water Rights Report that would be given to the Forum at the completion of the work task (expected in two weeks +/-). Ali reminded participants that the Report would not be considered a "final" version, but instead would remain in draft form, i.e., as a "living" document. Ali views the document as an "engineer's perspective" on water rights rather than a lawyer's perspective; the information presented and language used would likely differ were the document crafted by and/or for legal counsel.

Scope of Work / Work Plan for Future Efforts (Feasibility Study, etc.)

Ali shared a draft work plan for an IRCUP feasibility study. Ali noted that he received feedback on an early draft version from Tom Francis and Mike Floyd, and these comments were used to help WRIME tailor the version provided to the Forum for today's discussion / for follow-up review and comment.

The draft work plan proposed that the work be organized via the following sequential stages / phases:

- Phase 1 - Concept Basis Refinement / IRCUP MOU development
- Phase 2 - Reconnaissance Study
- Phase 3 - Feasibility Study
- Phase 4 - Env. CEQA/NEPA Compliance Effort
- Phase 5 - Implementation Plan

Phase 1 – Concept Basis & IRCUP MOU (6 mos)

- Key Subtasks =
 - Preparation of a surface water supply availability study
 - Associated efforts to address what WRIME views as fundamental challenges, issues and requirements that unless addressed could block the progress of an IRCUP effort / stall it from going forward
 - MOU could be the “deliverable” for the group at the end of Phase 1

Phase 2 – Reconnaissance Study (6-9 mos)

- Focus on engineering and operational aspects of the IRCUP effort – there may be several elements / components of a project that need to be reviewed / considered
- Development of Preliminary Alternatives (perhaps 3 steps)
 - Pilot Project “alternative” development
 - Phase 2 Project alternative development (capacity expansion / diversion and conveyance enhancements)
 - Phase 3 Project alternative development (capacity expansion / storage, diversion and conveyance enhancements)
 - Phase 4, etc.
- Reconnaissance level Alternative. screening
- Potential Feasibility Study Alternatives (for review in study)
- Reconnaissance. Report

Phase 3 – Feasibility Study (1 yr to 18 mos)

- Detailed Feasibility Study effort
- Institutional Framework / Governance / Legal & Regulatory matters

Phase 4 – CEQA / NEPA

- CEQA will be needed – NEPA may or may not depending on project configuration

Phase 5 – Implementation Plan

Rob Alcott of EBMUD suggested that the document be re-organized around two key stages (the first “stage” being Phase 1 work, the second “stage” being Phase 2 through 5 work). Rob’s view is that Phase 1 is a critical piece that needs to be resolved prior to the remaining Phases and should be separated out and elevated in its importance. Rob noted that the skills / qualifications of a consultant hired to perform Phase 1 work may differ substantially from the skills / qualifications for the consultant hired to perform Phases 2 – 5 work. He asked WRIME to discuss qualifications of staff in the text of the finalized document.

Group discussion by Forum members supported Rob’s observations and recommendations. Ali will edit the document accordingly to address Rob’s suggestion.

Mike Floyd encouraged the group to take into consideration the following:

- Identify (if possible) whether any “low hanging fruit” projects are out there that would allow the IRCUP to move forward and/or the group to progress forward – success may breed future and greater success
- The ability of the State to assist via grant funding may be limited depending on the scope and scale of particular phases and/or stages of the project – be cautious regarding how much assistance could be assumed

There was a concern expressed by Forum attendees that recent POA negotiations, while being conducted outside of the Forum, may need to involve all Forum parties (i.e., include Foothill entities) or at least be resolved prior to moving forward any further into an IRCUP feasibility study.

Mel Lytle indicated the initial view by some Forum members that “the IRCUP would help define the POA” may be wrong. Instead, perhaps “the POA, once negotiated, may help define the IRCUP”.

Discussions suggest the following key question: “If the IRCUP project is to move forward, does a resolution of protests need to occur, and if so, should the POA discussions be more closely integrated with the Forum?” [Note: To this point the POA process has been treated as proceeding outside the Forum, with its topics and outcomes being of interest to Forum members as they may affect an IRCUP].

WRIME summarized their remaining needs from Forum members as follows:

- Provide comments to the draft Scope of Work by Dec. 14th, 2007 (Ali will send out both a PDF and Word version of the document to facilitate review and comment). Possible comments could include:
 - Whether the commenter supports the suggestion by Alcott to organize future activities around a Stage 1-Stage 2 effort (as per Rob Alcott’s suggestion)
 - Whether the commenter agrees with the suggestion by Alcott that qualifications needed to perform SOW phases / stages should be included

- Whether “low hanging fruit” (projects) are available in light of Mike Floyd’s comment
- The merits of resolving POA issues as a next step

Ali was asked his thoughts on the cost of the work associated with a revised two stage approach as detailed previously. Per Ali, the ball-park cost of Stage 1 = \$500k and of Stage 2 = \$3 Million +/-.

Forum members noted that to pay for the cost of Stage 1, and in absence of a grant for that type of work, agencies (UMRWA agencies and GBA agencies) would need to cover the cost. Raising those funds may prove challenging. Some Forum members suggested that it would be particularly difficult to ask for monies from their respective elected officials for IRCUP activities without being able to also identify specific benefits from participating in the IRCUP project. Benefits may not necessarily be identified until Stage 1 is completed and Stage 2 work is underway.

Members agreed that prior to the January Forum meeting each Forum member would develop an “interest / needs” statement regarding what they would want an IRCUP project to consider and or provide. Those interests / needs would be summarized into a “GBA interests / needs statement” (by Mel Lytle) and a “UMRWA interests / needs statement” (by Rob Alcott) prior to the January Forum meeting. [In order to compile interest / needs statements prior to the January Forum meeting, Rob Alcott will be contacting UMRWA members and Mel Lytle will be contacting GBA members during the month of December in an effort to collect agency statements. GBA and UMRWA statements will be shared at the January Forum meeting.](#) The discussion [and sharing of statements](#) will serve as a primary agenda item at January’s Forum meeting.

WRIME’s work effort concludes in December. Ali offered to remain available to the Forum in early January, to wrap up what remains if any of the work effort and assure a transition back to the Forum.

AGENDA TOPIC: UMRWA-GBA IRCUP Governance Agreement Option

There was no new information regarding this topic to discuss. UMRWA will meet in January 2008 and address the Governance Option matter. Rob Alcott will provide an UMRWA update at the February 2008 Forum meeting.

DISCUSSION TOPIC: ELECTED OFFICIALS MEETING

The following agencies indicated that they would be able to have one or more elected representatives attend a March 6, 2007 elected officials meeting:

- CCWD
- AWA
- NSJWCD
- SEWD
- JVID

- SJC
- EBMUD.

WID, the City of Stockton and the City of Lodi could not commit / will need to check with their elected officials. Based on the fact that it appeared that a majority of agencies / their elected reps. could attend a March 6, 2008 meeting, that date was selected.

AWA agreed to pay for the cost of lunch that would be served at the March 6, 2008 elected officials meeting. They asked that Gerald Schwartz of EBMUD organize the meeting details / secure lunch catering services.

Agenda planning will be a topic of discussion at the January and February Forum meetings

AGENDA TOPIC: NEXT FORUM MEETING

The next meeting of the Mokelumne River Forum is scheduled to take place on Thursday, January 3, 2007. It will be held from 9:00 am thru 12 noon at the offices of the San Joaquin Farm Bureau in Stockton, California.

CLOSING

The December 6, 2007 meeting of the Mokelumne River Forum was adjourned at approximately 12 noon.

NEXT FORUM MEETING BREAKFAST PROVIDER
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WID agreed to pay for breakfast at the next Forum meeting (SEWD will procure / deliver the breakfast and bill WID for the cost).

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.