



REGULAR BOARD MEETING

DECEMBER 27, 2016



**STOCKTON  
EAST WATER  
DISTRICT**

PROVIDING SERVICE SINCE 1948  
www.sewd.net

**DIRECTORS**

Richard Atkins  
Division 1

Andrew Watkins  
Division 2

Alvin Cortopassi  
Division 3

Melvin Panizza  
Division 4

Paul Sanguinetti  
President  
Division 5

Loralee McGaughey  
Division 6

Thomas McGurk  
Vice President  
Division 7

**STAFF**

Scot A. Moody  
General Manager

Michael D. Johnson  
Assistant General Manager

**LEGAL COUNSEL**

Jeanne M. Zolezzi  
General Counsel

Phone 209-948-0333  
Fax 209-948-0423

E-mail sewd@sewd.net

6767 East Main Street  
Stockton, CA 95215

Post Office Box 5157  
Stockton, CA 95205

**MEETING NOTICE**

THE REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE STOCKTON EAST WATER DISTRICT WILL BE HELD AT NOON, TUESDAY, DECEMBER 27, 2016 AT THE DISTRICT OFFICE, 6767 EAST MAIN STREET STOCKTON, CALIFORNIA 95215

**Assistance for the Disabled:** If you are disabled in any way and need accommodation to participate in the meeting, please contact Kristin Carido, Administrative Services Manager (209) 948-0333 at least 48-hours in advance for assistance so the necessary arrangements can be made.

Agendas and minutes are located on our website at www.sewd.net.

**AGENDA**

Page No

- A. Pledge of Allegiance (Director Atkins) & Roll Call**
- B. Consent Calendar (None)**
- C. Public Comment (Non-Agenda Items)**
- D. Scheduled Presentations and Agenda Items**
  - 1. Minutes 12/20/16 Regular Meeting 01
  - 2. Warrants – California Public Employees’ Retirement System 07
  - 3. Notice of Acceptance of Completion – Bozzano North & South Wells Repair 09
  - 4. Stockton East Water District – Notice of Intention to Amend the Conflict of Interest Code 11
  - 5. Tri-Dam Project – 2017 Goodwin Dam Budget 15
  - 6. Dr. Joe Waidhofer Water Treatment Plant – Tour of District Facilities 17
- E. Committee Reports**
  - 1. San Joaquin County Flood Control and Water Conservation District Advisory Water Commission Meeting, 12/21/16 19
- F. Report of the General Manager**
  - 1. Water Supply Report as of 12/19/16 21

2. Information Items
  - a. Material Included, but Bound Separately from Agenda Packet:
    1. Sites Reservoir Project ‘One Step Closer’, The Union, 12/20/16
    2. Modesto-Area Farmers, Residents Make Impassioned Plea To Water Board, The Modesto Bee, 12/20/16
    3. Association Of California Water Agencies – Membership Thank You, 12/19/16
    4. Oakdale Irrigation District, South San Joaquin Irrigation District Warn Of Harm From River Flow Plan, The Modesto Bee, 12/16/16
    5. Obama Signs California’s Massive Water Bill, But Trump Will Determine Its Future, The Sacramento Bee, 12/16/16
    6. California Special Districts Association – Membership Thank You, 12/16/16
    7. Greater Stockton Chamber of Commerce Monthly Mixer – Whisky Barrel Tavern, 5:15 p.m., 01/05/17
    8. San Joaquin Supervisors March Toward 2035 With Newly Adopted General Plan, The Stockton Record, 12/14/16
    9. California Water Commission Adopts Regulations For Water Storage Program, ACWA News, 12/14/16
  3. Report on General Manager Activities

**G. Director Reports**

**H. Communications**

1. ACWA State Legislative Committee Alert – Assembly Bill No. 401 (Dodd) – Low-Income Water Rate Assistance Program, 12/21/16 23
2. State Water Resources Control Board Comment Letter to the Bay-Delta Phase II Working Draft Science Report (SED), 12/16/16 25

**I. Agenda Planning/Upcoming Events**

1. San Joaquin Farm Bureau Federation – Water Committee Meeting, 5:30 p.m., 12/27/16
2. District Holiday – New Year’s Day, 01/02/17

**J. Report of the Counsel**

1. Closed Session - Potential Litigation  
Government Code 54956.9 (c) – two cases

**K. Adjournment**

**Certification of Posting**

I hereby certify that on December 22, 2016 I posted a copy of the foregoing agenda in the outside display case at the District Office, 6767 East Main Street, Stockton, California, said time being at least 72 hours in advance of the meeting of the Board of Directors of the Stockton East Water District (Government Code Section 54954.2).  
Executed at Stockton, California on December 22, 2016.



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Kristin Carido, Administrative Services Manager  
Stockton East Water District

Any materials related to items on this agenda distributed to the Board of Directors of Stockton East Water District less than 72 hours before the public meeting are available for public inspection at the District's office located at the following address: 6767 East Main Street, Stockton, CA 95215. Upon request, these materials may be available in an alternative format to persons with disabilities.

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THE REGULAR MEETING OF THE BOARD OF DIRECTORS  
OF STOCKTON EAST WATER DISTRICT WAS HELD AT THE DISTRICT OFFICE  
6767 EAST MAIN STREET, STOCKTON, CA  
ON TUESDAY, DECEMBER 20, 2016 AT 12:00 NOON

**A. PLEDGE OF ALLEGIANCE AND ROLL CALL**

President McGurk called the regular meeting to order at 12:24 p.m., Director Cortopassi led the Pledge of Allegiance.

Present at roll call were Directors Atkins, Cortopassi, McGaughey, McGurk, Panizza, Sanguinetti and Watkins. Also present were Manager Moody, Assistant Manager Johnson, District Engineer Lee, Finance Director Naray, Water Supply Supervisor Riojas, Administrative Services Manager Carido, Administrative Clerk Curtis, Consultant Barkett and Legal Counsel Zolezzi.

**B. CONSENT CALENDAR** (None)

**C. PUBLIC COMMENT** (None)

**D. SCHEDULED PRESENTATIONS AND AGENDA ITEMS**

1. Association of California Water Agencies/Joint Powers Insurance Authority – Professional Development Program Completion & Presentation, 12/08/16  
Manager Moody presented Water Supply Supervisor Riojas with a plaque for completing the Supervisory Basics Certification Professional Development Program (PDP) administered by the Association of California Water Agencies/Joint Powers Insurance Authority (ACWA/JPIA). Manager Moody reported this is a safety weighted Program, but also educates participants on how to become more effective supervisors; and, how to excel in the role of supervisor. Manager Moody reported participation in the PDP came at no cost to the District, as the trainings offered are a benefit of being a member of ACWA/JPIA. Manager Moody reported PDP certification is a 4-year program; and Water Supply Supervisor Riojas completed his certification in 2-years.

Water Supply Supervisor Riojas thanked Manager Moody and Assistant Manager Johnson for this opportunity to complete this course and expand his knowledge that will help make him a more effective leader.

2. Minutes 12/13/16 Regular Meeting

A motion was moved and seconded to approve the December 13, 2016 Regular Meeting Minutes, as presented.

Roll Call:

Ayes: Atkins, Cortopassi, McGaughey, McGurk, Panizza, Sanguinetti, Watkins  
Nayes: None  
Abstain: None  
Absent: None

3. Warrants
  - a. Fund 68 – Municipal & Industrial Groundwater Fund
  - b. Fund 70 – Administration Fund
  - c. Fund 71 – Water Supply Fund
  - d. Fund 91 – Vehicle Fund
  - e. Fund 94 – Municipal & Industrial Fund

Board Meeting – 12/20/16

1

Draft

- f. Summary
- g. Short Names/Acronym List
- h. SEWD Vehicles & Heavy Equipment

Director Cortopassi inquired on page 20, line item 37 for Pacific Metro Electric Inc., for 1<sup>st</sup> billing of the MCC 4M System & ATS Replacement Project thru 11/30/16 in the amount of \$67,255.00. Manager Moody replied this expense is the payment for replacement of the District's Motor Control Center (MCC-4M System); noting the District went out to Bid on this Project and was approved by the Board on September 20, 2016. Finance Director Naray reported the total expense for this Project is in the amount of \$240,000.

Director Atkins inquired on the expense on page 17, line item 9 for Big Valley Ford, for parts and labor to repair Unit #16, in the amount of \$4,565.61. Assistant Manager Johnson replied this expense is for repair of front and rear brakes; rotors; system diagnosis; sensors and injection system replacement.

Director Atkins inquired on the expense on page 19, line item 11 for Crop Productions Services Inc., for 60-gallons herbicide for Treatment Plant grounds in the amount of \$1,036.80. Manager Moody replied the herbicide is used on the Plant grounds and is currently being applied.

A motion was moved and seconded to approve the December 20, 2016 Warrants, as presented.

Roll Call:

Ayes: Atkins, Cortopassi, McGaughey, McGurk, Panizza, Sanguinetti, Watkins  
Nays: None  
Abstain: None  
Absent: None

4. Base Monthly Payment – Fiscal Year 2017/2018

a. Public Hearing

President McGurk opened the Public Hearing at 12:31 p.m., to receive comments on the Base Monthly Payment for Fiscal Year 2017/2018.

Manager Moody provided proof of publication of the public hearing. Manager Moody also provided a handout to the Board of a revised Resolution No. 16-17-12 – Setting a Revised Base Monthly Payment for the Period April 1, 2017 to March 31, 2018. Manager Moody reported the revision was due to a rounding figure error (on the second page of the Resolution) resulting in revision of figure 6A(3) Operations & Maintenance from \$16,639,115 to \$16,639,114. Manager Moody reported in accordance with the District Act, after Board approval of the District Fiscal Year Budget, the Board then holds public hearing for review and approval to adopt the Revised Base Monthly Payment for the Urban Contractors.

Seeing there were no public comments, President McGurk closed the Public Hearing at 12:34 p.m.

b. Resolution No. 16-17-12 – Setting a Revised Base Monthly Payment for the Period April 1, 2017 to March 31, 2018

A motion was moved and seconded to adopt Resolution No. 16-17-12 – Setting a Revised Base Monthly Payment for the Period April 1, 2017 to March 31, 2018, as presented.

Roll Call:

Ayes: Atkins, Cortopassi, McGaughey, McGurk, Panizza, Sanguinetti, Watkins  
Nays: None  
Abstain: None  
Absent: None

5. Notice of Acceptance of Completion

- a. Dr. Joe Waidhofer Water Treatment Plant Operations Building Replacement of East & West Exterior Doors

Manager Moody provided the Board with a draft Notice of Acceptance of Final Completion (NOC) for the Dr. Joe Waidhofer Water Treatment Plant Operations Building Replacement of East & West Exterior Doors. Manager Moody reported the date the NOC is filed with the San Joaquin County Recorder's Office begins the clock on the statues of limitations for submission of prevailing wage dispute(s) as well as contractor and subcontractor payment.

Director Cortopassi inquired if the new doors will keep individuals from entering the building with powered vehicle. Manager Moody replied the doors could not withstand the force of a powered vehicle.

Legal Counsel Zolezzi commented many Water Districts have been adding concrete planters in front of their entrances blocking access as an added security measure. Manager Moody advised staff will look into barricades for additional security measures.

A motion was moved and seconded to approve the Notice of Completion for the Dr. Joe Waidhofer Water Treatment Plant Operations Building Replacement of East & West Exterior Doors, as presented.

Roll Call:

Ayes: Atkins, Cortopassi, McGaughey, McGurk, Panizza, Sanguinetti, Watkins  
Nays: None  
Abstain: None  
Absent: None

- b. Installation of Sample Taps in Low Lift for Water Sample for SA-1 & Future Injection Point for Potassium Permanganate

Manager Moody provided the Board with the Notice of Acceptance of Final Completion (NOC) for the Installation of Sample Taps in Low Lift for Water Sample for SA-1 & Future Injection Point for Potassium Permanganate.

A motion was moved and seconded to approve the Notice of Completion for the Installation of Sample Taps in Low Lift for Water Sample for SA-1 & Future Injection Point for Potassium Permanganate, as presented.

Roll Call:

Ayes: Atkins, Cortopassi, McGaughey, McGurk, Panizza, Sanguinetti, Watkins  
Nays: None  
Abstain: None  
Absent: None

**E. COMMITTEE REPORTS**

1. Eastern San Joaquin County Groundwater Banking Authority Board Meeting, 12/14/16



Director Panizza, Manager Moody and District Engineer Lee attended the December 14, 2016 Eastern San Joaquin County Groundwater Banking Authority (GBA) Board Meeting. Director Panizza reported the Board took action and approved adoption of the GBA's Conflict of Interest Code as presented. The next meeting is scheduled for January 11, 2017.

2. Sustainable Groundwater Management Act Work Group, 12/14/16

Director Panizza, Manager Moody and District Engineer Lee attended the December 14, 2016 Sustainable Groundwater Management Act (SGMA) Work Group Meeting. Manager Moody reported discussion focused on the revised Joint Powers Agreement (JPA) that was presented by San Joaquin County. Part of this revision would include whether or not each Groundwater Sustainability Agency (GSA) gets one vote; or, if it would be a weighted vote based on criteria to be established. Manager Moody reported the draft JPA will be brought back to the SEWD Board at the December 27, 2016 Regular Board Meeting. The hope is to have all agencies present the revised JPA to their respective Board prior to the Work Group's January meeting, in effort to keep the process moving forward. Manager Moody reported City of Manteca and Central San Joaquin Water Conservation District reported to the Work Group of their Boards/Councils have formally decided to become their own GSA respectively. Manager Moody reported discussion regarding the process to move forward, which includes a Resolution to acknowledge that the Basin Boundary lines that have been modified since the County's initial submission to become a GSA; the Resolution is due by March 1, 2017.

Manager Moody reported on discussions to find California Water Service Company a voting seat within the group and Manager Moody also reported on discussions for the need for a Memorandum of Understanding (MOU) between the San Joaquin County and Linden County Water District's GSA as the County will represent Linden.

Brandon Nakagawa reported Linden County Water District did file to be their own GSA, however, that will be a future discussion. The next meeting is scheduled for January 11, 2017.

3. AD HOC Technical Review Committee Meeting for the Sustainable Groundwater Management Act Work Group, 12/14/16

District Engineer Lee attended the December 14, 2016 AD HOC Technical Review Committee Meeting for the Sustainable Groundwater Management Act Work Group. District Engineer Lee reported there was discussion on the Groundwater Model Input & Output Sub-areas. The model is being divided by input and output for the area. District Engineer Lee reported the input is mostly based on the water agencies and their jurisdiction and the output is more general, based on five areas. The model facilitates the Groundwater Sustainability Plans (GSP) development; the data will go in and the model will process the data as a management area or subarea. District Engineer Lee reported there was discussion on the Best Management Practices (BMP) for SGMA. The most concern in this area is that the BMP is a guidance document; however, it sets a requirement of what type of monitoring wells must be used. District Engineer Lee reported the current standard is ~ten (10) monitoring wells per square mile and the County does not currently utilize wells of this caliber. District Engineer Lee reported the hope is this will remain as a guidance document and not begin enforcing hard requirements. District Engineer Lee reported the County will be sending correspondence to different agencies to request groundwater data to input into the GSP.

Director McGurk inquired if the United States Geological Survey (USGS) has a model that could be used. District Engineer Lee reported they have a Central Valley Model, however, it is too grainy and the grid is too large for the purpose of the group.

Brandon Nakagawa reported there is a well near the Bozzano property that was just installed to evaluate recharge dynamics, it is a multi-completion monitoring well, which are the wells preferred for SGMA, however, they are very costly.

Director Cortopassi inquired if they will be using existing wells to monitor groundwater levels. Manager Moody replied it is important to remember the BMP is advisory in nature and also a great expense in order to satisfy the guidelines as provided in the BMP. Legal Counsel Zolezzi added it is the hope that using the existing wells is not yet out of the question.

Manager Moody inquired if the County has an Ordinance for permitting of new wells that require the well owner must share the well data with the County. Brandon Nakagawa replied the Environmental Health Department is requiring that the construction information for new wells is public. The next meeting is scheduled for January 25, 2017.

4. Tri-Dam Project – 2017 Budget Review Meeting, 12/19/16  
Directors Atkins, Panizza and Manager Moody attended the December 19, 2016 Tri-Dam Budget Review Meeting. Director Panizza reported not much has changed in the budget from the prior year, with exception to Payroll and Overhead. Director Panizza reported labor and overhead costs are expected to increase by \$17,963.00 for the 2017 Budget. Director Panizza reported Tri-Dam is in the process of re-negotiating with the Union that represents their workers, which includes a retroactivity clause for any raises that are granted through negotiations back to the start of negotiations.

Director Atkins reported they are changing their security system from analog to digital. Director Panizza reported there was discussion to facilitate future Tri-Dam Project meetings by video conference to minimize the amount of travel time for those who attend. Director McGurk inquired on the Budget's revenue. Legal Counsel Zolezzi replied the revenue comes from sources like the District. The only reason Tri-Dam conducts Budget review meetings with SEWD is to justify our portion. Director Panizza reported it was the consensus of the District representatives that the Budget was fair and ready for approval. Director Cortopassi inquired if Tri-Dam anticipates any upgrades to Goodwin Dam. Manager Moody replied they did not have any major capital expenditures planned. Manager Moody reported this will be brought back before the Board at the Regular Board Meeting scheduled next week for consideration to approve.

## **F. REPORT OF GENERAL MANAGER**

1. Water Supply Report as of 12/19/16  
Manager Moody provided a handout of the Water Supply Report that included storage, release, and production data collected from various sources as of midnight last night.

Manager Moody reported there is 92,948 AF in storage at New Hogan Reservoir. Current releases are set at 27 cfs. There is 597,698 AF in storage at New Melones Reservoir. Current release at Goodwin Dam to Stanislaus River are set at 205 cfs and release to all water users are set at 205 cfs. The water treatment plant is currently processing 13 mgd. The City of Stockton's water treatment plant is currently processing 13 mgd.

2. Information Items:  
Manager Moody noted items: F2a-1, F2a-2, F2a-3, F2a-4, F2a-5, F2a-6, F2a-7 and F2a-8.
3. Report on General Manager Activities

- a. State Water Resources Control Board Public Hearing – 2016 Bay Delta Plan Amendments & Substitute Environmental Document (SED), 12/16/16  
Manager Moody attended the December 16, 2016 State Water Resources Control Board (SWRCB) Public Hearing – 2016 Bay Delta Plan Amendments & Substitute Environmental Document (SED). Manager Moody reported that he and Legal Counsel Zolezzi gave a scheduled presentation at the hearing. Manager Moody reported he spoke about the timeliness of what is occurring as agencies have only had 4-months to respond to a ~4,000 page document. Manager Moody reported there seemed to be as many people there in support of Unimpaired Flows as there was against it. Manager Moody reported Oakdale Irrigation District and South San Joaquin Irrigation District provided good presentations. Manager Moody reported during his presentation he made a point to discuss that when looking at Phases 1 & 2 of the Plan everyone is not equal; there is not a 14% loss for everyone. The District would lose 100% if what is proposed took place on the Stanislaus and Calaveras Rivers. This item was for information only.

## **G. DIRECTOR REPORTS**

1. San Joaquin County Board of Supervisors – Holiday Open House, 12/14/16  
Director McGurk and Sanguinetti attended the December 14, 2016 San Joaquin County Board of Supervisors – Holiday Open House. Director Sanguinetti reported there was a good size crowd; and spoke with Supervisor Elect Patti & Supervisor Elect (Miguel) Villapudua and outgoing Supervisors Zapien and (Carlos) Villapudua. Director Sanguinetti reported he thanked Supervisor Miller for her comments on the unimpaired flows. This item was for information only.

## **H. COMMUNICATIONS (None)**

## **I. AGENDA PLANNING/UPCOMING EVENTS**

1. San Joaquin County Flood Control and Water Conservation District Advisory Water Commission Meeting, 1:00 p.m., 12/21/16
2. District Holiday – Christmas Day, 12/26/16

## **J. REPORT OF THE COUNSEL**

1. Closed Session - Potential Litigation  
Government Code 54956.9 (c) – two cases

President McGurk adjourned the meeting to closed session at 1:14 p.m. to discuss closed session agenda items. The regular meeting reconvened at 1:48 p.m., with no reportable action.

## **J. ADJOURNMENT**

President McGurk adjourned the meeting at 1:49 p.m.

Respectfully submitted,

Scot A. Moody  
Secretary of the Board

tbc

**STOCKTON EAST WATER DISTRICT  
INVOICES FOR BOARD PACKAGE  
CALPERS SPECIAL CHECK REQUEST  
DECEMBER 27, 2016**

Vendor name	District/Account # Fund#	Description	Amount	Invoice No.
1 CA Public Employees Retirement System (Calpers)	70 10-5049-0	Retirement Contributions Payroll 12/16/16-Admin	4,932.31	12/16/16 1245106351
		<b>Total Fund 70 Admin</b>	<b>\$ 4,932.31</b>	
1 CA Public Employees Retirement System (Calpers)	71 10-5049-0	Retirement Contributions Payroll 12/16/16-WS-NM	2,751.81	12/16/16 1245106351
2 CA Public Employees Retirement System (Calpers)	71 10-5058-0	Retirement Contributions Payroll 12/16/16-WS-NH	913.03	12/16/16 1245106351
		<b>Total Fund 71 Water Supply</b>	<b>\$ 3,664.84</b>	
1 CA Public Employees Retirement System (Calpers)	94 10-5049-0	Retirement Contributions Payroll 12/16/16-M&I	12,213.81	12/16/16 1245106351
		<b>Total Fund 94 Municipal &amp; Industrial</b>	<b>\$ 12,213.81</b>	
		<b>Grand Total for Special Check Request on RBM 122716</b>	<b>\$ 20,810.96</b>	

*C. N. [Signature]*

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Recording Requested By:  
STOCKTON EAST WATER DISTRICT  
When recorded mail to:  
STOCKTON EAST WATER DISTRICT  
P O Box 5157  
Stockton, California 95205

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**NOTICE OF ACCEPTANCE OF COMPLETION  
STOCKTON EAST WATER DISTRICT**

**NOTICE IS HEREBY GIVEN:**

1. That the name and address of Stockton East Water District for whom the work was done, as owner thereof, is:  
  
Stockton East Water District  
6767 East Main Street  
Stockton CA 95215
2. That on December 27, 2016 the hereinafter-described project was accepted as completed pursuant to motion of the Board of Stockton East Water District, the awarding authority.
3. That the project, the subject of this notice, is generally described and identified as follows: Bozzano North and South Wells Repair.
4. Project Location: (APN) 101-170-35 – 6767 East Main Street Stockton, CA 95215.
5. That the name of the contractor for such project was: Purviance Drillers, Inc.

Dated: December 27, 2016

Stockton East Water District

By: **DRAFT**  
\_\_\_\_\_  
General Manager

**VERIFICATION**

I, undersigned, say: I am the General Manager, the declarant of the foregoing Notice of Acceptance of Completion; I have read said Notice of Acceptance of Completion and know the contents thereof; the same is true of my own knowledge. I declare that under penalty of perjury that the foregoing is true and correct. Executed on December 27, 2016 at Stockton, California.

By: **DRAFT**  
\_\_\_\_\_  
General Manager

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NOTICE OF INTENTION TO AMEND THE CONFLICT OF INTEREST CODE  
OF THE STOCKTON EAST WATER DISTRICT

NOTICE IS HEREBY GIVEN that the Stockton East Water District, pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendment to its conflict of interest code. A comment period has been established commencing on December 27, 2016 and closing on February 9, 2017. All inquiries should be directed to the contact listed below.

The Stockton East Water District proposes to amend its conflict of interest code to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code. The amendment carries out the purposes of the law and no other alternative would do so and be less burdensome to affected persons.

Changes to the conflict of interest code include the below:

1. Removal of Water Supply Manager Position. This designated position was eliminated as it is not occupied and Management is currently in review of restructuring which could potentially eliminate this position completely;
2. Removal of Assistant General Manager/Administration & Finance Position. The designated position was eliminated as it is no longer occupied;
3. Addition of Administrative Services Manager Position. This Position job responsibilities do include recommending to the Board/Management and limited disclosure reporting; and, makes other technical changes.

The proposed amendment and explanation of the reasons can be obtained from the agency's contact. Kristin Carido, Administrative Services Manager, (209) 948-0333, kcarido@sewd.net.

Any interested person may submit written comments relating to the proposed amendment by submitting them no later than February 9, 2017, or at the conclusion of the public hearing, if requested, whichever comes later. At this time, no public hearing is scheduled. A person may request a hearing no later than January 25, 2017.

The Stockton East Water District has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.
2. Impose no costs or savings on any state agency.
3. Impose no costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential cost impact on private persons, businesses or small businesses.

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to: Kristin Carido, Administrative Services Manager, (209) 948-0333, kcarido@sewd.net.



## **Conflict-of-Interest Code for the Stockton East Water District**

The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict-of-interest codes. The Fair Political Practices Commission has adopted a regulation (2 California Code of Regulations Section 18730) that contains the terms of a standard conflict-of-interest code, which can be incorporated by reference in an agency's code. After public notice and hearing, the standard code may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendices, designating positions and establishing disclosure categories, shall constitute the conflict-of-interest code of the **Stockton East Water District (District)**.

Individuals holding designated positions shall file their statements of economic interests with the **District**, which will make the statements available for public inspection and reproduction. (Gov. Code Sec. 81008.) All statements will be retained by the **District**.

**APPENDIX A  
DESIGNATED POSITIONS**

The following designated positions shall be subject to disclosure requirements pursuant to the Stockton East Water District conflict-of-interest code:

<u>Designated Positions</u>	<u>Assigned Disclosure Categories</u>
Board of Directors	1, 2, 3
General Manager	1, 2, 3
Finance Director	1, 2, 3
<del>Water Supply Manager</del>	<del>2, 3</del>
District Engineer	2, 3
Legal Counsel	1, 2, 3
Assistant General Manager/ Ag and Municipal & Industrial	1, 2, 3
<del>Assistant General Manager/ Administration and Finance</del>	<del>1, 2, 3</del>
Consultants/New Positions	*
<u>Administrative Services Manager</u>	<u>2, 3</u>

\*Consultants/New Positions shall be included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitations:

The General Manager may determine in writing that a particular consultant or new position, although a “designated position,” is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant’s or new position’s duties, and based upon that description, a statement of the extent of disclosure requirements. The General Manager’s determination is a public record and shall be retained for public inspection in the same manner and location as this conflict-of-interest code. (Gov. Code Sec. 81008.)

**APPENDIX B**  
**DISCLOSURE CATEGORIES**

1. All interests in real property located in whole or in part, within, or not more than two (2) miles outside, the jurisdiction.
2. Investments, and business positions in business entities or income (including receipt of gifts, loans, and travel payments) from private water companies or entities or persons of the type engaged in farming or real estate development and related services, and income (including receipt of gifts, loans, and travel payments) from nonprofit associations engaged in water and riparian issues.
3. Investments and business positions in any business entity and income (including receipt of gifts, loans, and travel payments) from sources of the type that provide services, supplies, flood control, water monitoring, machinery, and field and office equipment to the District. Such sources also include, but are not limited to, contractors that provide environmental, engineering, water supply and flood studies, as well as water conservation and education programs.

**Tri-Dam Project  
2017 Budget  
Goodwin Dam**

Acct No.	Category	2016 Budget	Jan - Oct 2016 Actual	Nov - Dec Estimated	2016 Estimated Expense	2017 Budget	2017 Budget vs. 2016 Estimated
1	<b>MISC. HYDRAULIC EXPENSE</b>						
2	53940 Dam Supplies	500	24	0	24	300	276
3	53970 Site utilities	2,900	1,879	418	2,297	2,300	3
4	<b>Total Misc. Hydraulic Expense</b>	<b>3,400</b>	<b>1,903</b>	<b>418</b>	<b>2,321</b>	<b>2,600</b>	<b>279</b>
5							
6	<b>MAINTENANCE OF DAMS</b>						
7	Miscellaneous repairs to facilities	2,500	428	0	428	2,500	2,072
8	<b>Total Maintenance of Dams</b>	<b>2,500</b>	<b>428</b>	<b>0</b>	<b>428</b>	<b>2,500</b>	<b>2,072</b>
9							
10	<b>MAINTENANCE OF MISC. HYDRO</b>						
11	Microwave / Computer repair & replacement	2,000	0	0	0	2,000	2,000
12	<b>Total Misc. Hydro Expense</b>	<b>2,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2,000</b>	<b>2,000</b>
13							
14	<b>MAINTENANCE OF SYSTEMS</b>						
15	Communications & Security	2,000	3,729	746	4,475	2,000	-2,475
16	<b>Total Misc. Hydro Expense</b>	<b>2,000</b>	<b>3,729</b>	<b>746</b>	<b>4,475</b>	<b>2,000</b>	<b>-2,475</b>
17							
18	<b>ADMINISTRATIVE &amp; OUTSIDE SERVICES</b>						
19	Legal Fees - general matters	7,500	304	0	304	7,500	7,197
20	Audit services	2,400	1,938	0	1,938	2,300	362
21	Insurance premiums	6,900	5,018	956	5,973	6,959	986
22	<b>Total Administrative</b>	<b>16,800</b>	<b>7,259</b>	<b>956</b>	<b>8,215</b>	<b>16,759</b>	<b>8,544</b>
23							
24	<b>FEES &amp; PERMITS</b>						
25	Dam safety fees	13,800	14,048	0	14,048	14,800	752
26	Streamgaging	43,695	36,345	7,350	43,695	44,235	540
27	Streamgaging Certification	13,007	10,558	2,087	12,645	15,521	2,876
28	<b>Total</b>	<b>70,502</b>	<b>60,951</b>	<b>9,437</b>	<b>70,388</b>	<b>74,556</b>	<b>4,168</b>
29	<b>MOBILE EQUIPMENT</b>						
30	Equipment rent from project	2,400	2,000	400	2,400	2,400	0
31	<b>Total Mobile Equipment</b>	<b>2,400</b>	<b>2,000</b>	<b>400</b>	<b>2,400</b>	<b>2,400</b>	<b>0</b>
32							
33	<b>TOTAL GOODWIN OPERATING EXPENSE</b>	<b>99,602</b>	<b>76,270</b>	<b>11,957</b>	<b>88,227</b>	<b>102,815</b>	<b>14,588</b>
34							
35	<b>CAPITAL EXPENDITURES</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
36							
37	<b>TOTAL GOODWIN OPERATING &amp; CAPITAL EXPENSE</b>	<b>99,602</b>	<b>76,270</b>	<b>11,957</b>	<b>88,227</b>	<b>102,815</b>	<b>14,588</b>
38							
39	<b>PAYROLL AND OVERHEAD</b>						
40	Payroll Labor - Operations & Administration	91,623	79,477	17,248	96,725	98,175	1,451
41	Payroll Labor - Maintenance	19,453	30,828	-2,412	28,417	28,843	426
42	Payroll Overhead - Operations & Administration	63,910	47,731	25,479	73,210	74,309	1,098
43	Payroll Overhead - Maintenance	13,906	21,515	5,125	26,641	27,040	400
44	<b>Total Labor &amp; Overhead</b>	<b>188,892</b>	<b>179,551</b>	<b>45,441</b>	<b>224,992</b>	<b>228,367</b>	<b>3,375</b>
45							
	<b>TOTAL</b>	<b>288,494</b>	<b>255,821</b>	<b>57,398</b>	<b>313,219</b>	<b>331,182</b>	<b>17,963</b>

UPPER FIVE MATTERS  
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12/15/16**

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## Elected Officials Congratulations Correspondence List

*November 2016 General Election*

United States Senate	Senate	Kamala D.	Harris	U.S. Senator	California	Elect
		777 S Figueroa Street, Suite 4050		Los Angeles, CA 90017		Mailed 12/7/16
California State Assembly	State Assembly	Heath	Flora	State Assembly Member	District 12	Elect
		152 S Highland Ave		Ripon, CA 95366		Mailed 12/7/16
San Joaquin County	Board of Supervisors	Miguel	Villapudua	Supervisor	District 1	Elect
		44 N. El Dorado Street, 6th Floor, Suite 627		Stockton, CA 95202		Mailed 12/7/16
City of Stockton	City Council	Susan	Lenz	Council Member	District 4	Elect
		425 N. El Dorado Street, 2nd Floor		Stockton, CA 95202		Mailed 12/7/16
City of Stockton	City Council	Jesus	Andrade	Council Member	District 6	Elect
		425 N. El Dorado Street, 2nd Floor		Stockton, CA 95202		Mailed 12/7/16
San Joaquin County	Board of Supervisors	Tom	Patti	Supervisor	District 3	Elect
		44 N. El Dorado Street, 6th Floor, Suite 627		Stockton, CA 95202		Mailed 12/7/16
City of Stockton	City of Stockton	Michael	Tubbs	Mayor	Mayor	Elect
		425 N. El Dorado Street, 2nd Floor		Stockton, CA 95202		Mailed 12/7/16

California State Assembly	State Assembly	Jim	Cooper	State Assembly Member	District 9	Re-Elect
		9250 Laguna Springs Drive, Suite 220		Elk Grove, CA 95758		Mailed 12/7/16

California State Assembly	State Assembly	Susan	Talamantes-Eggman	State Assembly Member	District 13	Re-Elect
		31 East Channel Street, Suite 306		Stockton, CA 95202		Mailed 12/7/16

United States House of Representatives	U.S. House of Representatives	Jerry	McNerney	Congress Member	District 9	Re-Elect
		2222 Grand Canal Blvd. #7		Stockton, CA 95207		Mailed 12/7/16

United States House of Representatives	U.S. House of Representatives	Jeff	Denham	Congress Member	District 10	Re-Elect
		4701 Sisk Road, Suite 202		Modesto, CA 95356		Mailed 12/7/16

City of Stockton	City Council	Dan	Wright	Council Member	District 2	Re-Elect
		425 N. El Dorado Street, 2nd Floor		Stockton, CA 95202		Mailed 12/7/16

California State Senate	State Senate	Cathleen	Galgiani	State of California Senator	District 5	Re-Elect
		1010 10th Street, Suite 5800		Modesto, CA 95354		Mailed 12/7/16

San Joaquin County	Board of Supervisors	Bob	Elliott	Supervisor	District 5	Re-Elect
		44 N. El Dorado Street, 6th Floor, Suite 627		Stockton, CA 95202		Mailed 12/7/16



**SAN JOAQUIN COUNTY  
FLOOD CONTROL & WATER  
CONSERVATION DISTRICT**

P. O. BOX 1810  
STOCKTON, CALIFORNIA, 95201  
TELEPHONE (209) 468-3000  
FAX NO. (209) 468-2999

**KRIS BALAJI**  
DIRECTOR OF PUBLIC WORKS

**ADVISORY WATER COMMISSION**

**December 21, 2016, 1:00 p.m.**

**Public Health Conference Room, 1601 E. Hazelton Avenue, Stockton, California**

**AGENDA**

**Roll Call**

**Approve Minutes for the Meeting of October 19, 2016**

**SCHEDULED ITEMS**

**I. Discussion Items:**

- A. Update and Discussion on the Proposed Changes to the Water Quality Control Plan for the Bay Delta Estuary: San Joaquin River Flows and Southern Delta Salinity Objectives (See Attached) – Brandon Nakagawa
- B. Update on SGMA Activities (See Attached) – Brandon Nakagawa

**II. Communications (See Attached):**

- A. December 2016, Stanford Water in the West, “To Consolidate or Coordinate? Forming California Groundwater Sustainability Agencies”
- B. December 14, 2016, Recordnet.com, “Guest View: Tell Water Resources Board No on Increased River Flow Proposal”
- C. December 15, 2016, Latimes.com, “Capital Journal-Everyone is at Odds Over Gov. Brown’s Delta Tunnels Plan – Here’s a Compromise that Could Stop the Fighting”

**Public Comment:**

**Next Regular Meeting:**

**January 18, 2017, 1:00 p.m.**  
Public Health Conference Room

**Commission may make recommendations to the Board of Supervisors on any listed item.**

If you need disability-related modification or accommodation in order to participate in this meeting, please contact the Water Resource Staff at (209) 468-3089 at least 48 hours prior to the start of the meeting. Any materials related to items on this agenda distributed to the Commissioners less than 72 hours before the public meeting are available for public inspection at Public Works Dept. Offices located at the following address: 1810 East Hazelton Ave., Stockton, CA 95205. These materials are also available at <http://www.sjwater.org>. Upon request these materials may be made available in an alternative format to persons with disabilities.



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<b>Weekly Water Report</b>	As of: Dec. 19, 2016	As of: Dec. 26, 2016
<b>New Hogan (NHG) TOC</b>	<b>152,100</b>	<b>AF</b>
Storage:	92,777	AF
Net Storage Change:	+11,761	AF
Inflow:	256	CFS
Release:	27	CFS
<b>New Melones (NML) Allocation</b>	<b>0</b>	<b>AF</b>
Storage:	597,698	AF
Net Storage change:	+42,173	AF
Inflow:	1,679	CFS
Release:	99	CFS
<b>Source: CDEC Daily Reports</b>		

<b>Goodwin Diversion (GDW)</b>		
Inflow (Tulloch Dam):	147	CFS
Release to Stanislaus River (S-98):	205	CFS
Release to OID (JT Main):	0	CFS
Release to SSJID (SO Main):	0	CFS
Release to SEWD:	<u>0</u>	CFS
Total Release	205	CFS
<b>Source: Tri-Dam Operations Daily Report</b>		
<b>Farmington Dam (FRM)</b>		
Diverted to SEWD:	0	CFS
Diverted to CSJWCD:	0	CFS
<b>Source: USACE WCDS Hourly Report</b>		

<b>Surface Water Used</b>		
Irrigators on New Hogan:	0	
Irrigators on New Melones:	0	
DJWTP Production:	13	MGD
City of Stockton DWSP Production:	13	MGD

<b>District Ground Water Extraction</b>		
74-01	0	GPM
74-02	0	GPM
North	0	GPM
South	0	GPM
Extraction Well # 1	<u>0</u>	GPM
Total Well Water Extraction	<b>0</b>	<b>GPM</b>

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**Scot A. Moody**

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**From:** Cindy Tuck <CindyT@acwa.com>  
**Sent:** Wednesday, December 21, 2016 4:35 PM  
**To:** Cindy Tuck  
**Cc:** Tim Quinn; Wendy Ridderbusch; Kelly McBee; Dave Bolland; Katie Almand  
**Subject:** Alert - Brown Administration Focus on Drinking Water - Low Income Rates

**Importance:** High

Dear State Legislative Committee,

You may recall that Governor Brown signed AB 401 (Dodd) into law in 2015. This new law requires the State Water Board to submit a plan to the Legislature regarding the feasibility of a statewide low-income water rate assistance program by January 2018. In a meeting last week in the Governor's Office, it became clear that this issue will be a high priority for the Brown Administration in 2017 and could have significant implications for rate structures. In particular, we learned that:

- 1) State Water Board staff is talking about expediting the preparation of the plan so that it would be completed mid-year in 2017 so that there would be time for implementing legislation to be passed in 2017;
- 2) The State Water Board has contracted with UCLA to help them with the economic analysis on the project. The State Water Board staff person at the meeting, Max Gomberg, noted that staff is thinking that a subsidy of **\$0.5 billion to \$1.00 billion** would be needed to fund discounted rates for low income customers;
- 3) State Water Board staff is thinking that there should be a discount as high as 35% for customers who would qualify;
- 4) The Brown Administration is already asking various groups, including ACWA, how such a subsidy could be funded.

ACWA had already created a working group to work on AB 401 implementation. State Legislative Analyst Kelly McBee is managing this project. After attending the meeting in the Governor's Office last week, I wanted to make sure that the State Legislative Committee has this information. If you have not yet signed up to participate on this working group and want to participate, please let Kelly know. Also, if your district or city is interested in this issue, we encourage you to provide us with input on any or all of the questions listed in Kelly's e-mail below. **Please provide your input to Kelly by COB on Thursday, January 12 at [kellym@acwa.com](mailto:kellym@acwa.com).** We will use member input to develop an ACWA letter to the State Water Board regarding the development of the plan.

Thank you and Happy Holidays to All! Cindy

**Cindy Tuck, P.E.**

Deputy Executive Director for Government Relations  
Association of California Water Agencies  
916.441.4545 | [cindy@acwa.com](mailto:cindy@acwa.com) | [www.acwa.com](http://www.acwa.com)



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Karna E. Harrigfeld  
kharrigfeld@herumcrabtree.com

December 16, 2016

VIA ELECTRONIC MAIL

Jeanine Townsend, Clerk of the Board  
State Water Resources Control Board  
1001 I Street, 24<sup>th</sup> Floor  
Sacramento, CA 95814  
[commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)

Re: Comment Letter – Bay-Delta Phase II Working Draft Science Report

Dear Ms. Townsend:

On behalf of Stockton East Water District, we appreciate the opportunity to comment on the State Water Resources Control Board's (State Water Board) Bay-Delta Phase II Working Draft Scientific Basis Report (Draft Report). By way of background, Stockton East Water District holds rights to water held in New Hogan Reservoir located on the Calaveras River. New Hogan Reservoir is the Stockton East's primary source of agricultural and municipal water for the District which serves 155,000 acres and over 300,000 residents. Stockton East serves as Watermaster for New Hogan Dam at all times except flood control operations when the Army Corps of Engineer's operates New Hogan Dam.

The Calaveras River is unlike most eastside tributaries to the Delta. It is a very small "flashy" rain driven stream that flows high during short durations in the winter, with little to no flow during the late spring, summer and fall. It is because of Stockton East's operations that the river does not run dry every year. Because of the flashy nature of the flows, it is only rarely connected to the San Joaquin River, which interestingly, has kept predators out of the river. Stockton East operations has created a vibrant *O. mykiss* population that would otherwise not exist under natural unimpaired conditions. Water is stored during the winter and Stockton releases it during the summer time which creates suitable temperatures for the over-summering *O. mykiss*.

We requested our fishery consultant, FishBio, review the Draft Report as they have been the exclusive entity conducting research and monitoring on the fisheries in the Calaveras River for the past 16 years. As you will see from FishBio's comments, they have some grave concerns with the Draft Report and its treatment of the Calaveras River. We hope the State Water Board will give serious consideration to the issues contained in the FishBio Technical Memorandum.

December 16, 2016  
Page 2 of 2

Once again, we appreciate the opportunity to comment on the Draft Report, and invite the State Water Board to reach out to the District to obtain a more thorough understanding of the Calaveras River. Please do not hesitate to contact me if you have any questions.

Very truly yours,

A handwritten signature in black ink, appearing to read "K. Harrigfeld", written over a horizontal line.

KARNA E. HARRIGFELD  
Attorney-at-Law

Enclosure

cc: Scot A. Moody  
FishBio



**TO:** Karna Harrigfeld  
**FROM:** FISHBIO  
**DATE:** December 16, 2016  
**SUBJECT:** Comments on State Water Resources Control Board's Working Draft Scientific Basis Report on the Phase II Update of the 2006 Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary

### TECHNICAL MEMORANDUM

The State Water Resource Control Board (State Water Board) is conducting a comprehensive review of the Bay-Delta Water Quality Control Plan ("Plan"). The Plan establishes measures for protection of beneficial uses of water in Bay-Delta watersheds. There are four phases to the review process, of which Phase II, "...involves other comprehensive changes to the Bay-Delta Plan to protect beneficial uses not addressed in Phase I," (State Water Board 2016). The State Water Board identifies eight areas that Phase II addresses that include, "(1) Delta outflow objectives, (2) export/inflow objectives, (3) Delta Cross Channel Gate closure objectives, (4) Suisun Marsh objectives; (5) potential new reverse flow objectives for Old and Middle Rivers; (6) potential new floodplain habitat flow objectives; (7) potential changes to the monitoring and special studies program, and (8) other potential changes to the program of implementation," (State Water Board 2016).

Phase II of the review is currently underway, and over the past few months several documents were made available and meetings were held. Specifically, the "Working Draft Scientific Basis Report for New and Revised Flow Requirements on the Sacramento River and Tributaries, Eastside Tributaries to the Delta, Delta Outflow, and Interior Delta Operations" ("Draft Report") was released October 19, 2016. A preliminary draft of the report was released to solicit early input from stakeholders. Additionally, a workshop was conducted as a follow-up to the report on December 7, 2016 to allow for a general presentation and public comment.

The stated purpose of the Draft Report is to research, support, and scientifically address four categories of requirements. These four categories include: "...(1) new inflow requirements for the Sacramento River, its tributaries, and eastside tributaries to the Delta; (2) changes to Delta outflow requirements; (3) new and modified interior Delta flow requirements; and (4) new requirements for cold water habitat." The Draft Report is intended to provide the scientific basis to determine these requirements. This report purports to describe the State Water Board's scientific basis for developing flow requirements for the Calaveras River. However, from a thorough review of the Draft Report there is absolutely no science to support the inflow requirements suggested in the Draft Report for the Calaveras River.

The State Water Board continually references the 2012 Bay-Delta Plan Workshops as a basis of information collection and review. A thorough search for a reference to the "Calaveras River" was missing in all the State Water Board documents regarding Phase II and all documents submitted as part of the 2012 workshops. The document titled, "Comprehensive (Phase II) Review and Update to the Bay-Delta Plan Final Bay-Delta Plan Workshops Summary Report," also offered no mention of the Calaveras River. Upon reviewing the Draft Report and attending

fishbio.com

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Chico, CA 95928  
PH: (530) 892-9686

**Santa Cruz Office**  
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Santa Cruz, CA 95062  
PH: (831) 600-8762

**Laos Office**  
Ban Phonesavanh Nuea  
Unit 18, Dongpaina Road  
Vientiane Capital, Lao PDR  
PH: +(856) 20-2999-3276



the workshop, it is clear that the State Water Board lacks a fundamental understanding of the Calaveras River and the suggestion of mimicking the natural hydrograph based on a set unimpaired flow is an inappropriate, harmful approach that would have a devastating impact on the Calaveras River biological resources. This memorandum raises a number of issues with incorrect statements and/or justification provided in the Draft Report, and presents clarifying information.

### Issue 1

#### **The Calaveras River is a Seasonal River and Cannot Be Managed on an Unimpaired Flow Basis**

When considering flow requirements, it is important to understand that the Calaveras River is different from most all tributaries to the Bay Delta. The Calaveras River watershed is low-elevation with no snowpack, making it a completely rain-fed system. Elevations in the basin range from near sea level at the confluence with the San Joaquin River to 130 feet at Bellota, and 500 feet at New Hogan Dam. Only about 5% of the basin is above 4,000 feet in elevation.

The Calaveras River Basin climate is characterized by cool, relatively wet winters, and hot, dry summers. Winters are characterized as short and mild with relatively frequent rains, with snow only occurring in negligible amounts within the upper reaches of the watershed. Due to the low elevation of the upper watershed, snow pack does exist in any measurable amount. Summers are long and hot with little to no rainfall. Seasonal rainfall is variable, ranging from less than 16 inches to over 45 inches (USAED 1981). In normal years, more than 90% of the precipitation occurs between November and April and normal annual precipitation for above New Hogan Dam is 33.3 inches, ranging from 24 inches at New Hogan reservoir to 50 inches in the upper basin.

The Calaveras River should not be considered in the Phase II process as a river that should be a managed source of inflow for the Delta due to the small size of the watershed and the fact that in many months there is simply no inflow into New Hogan Reservoir. Average annual runoff in the basin is 157,000 acre feet (years 1907 to 1980). This represents *only 0.5%* of the overall outflow to the Delta (pg. 2-64). Due to its relatively small drainage area and limited snow pack, the hydrology of the Calaveras River is indicative of many North Coast California streams and rain-driven systems in California. These systems characteristically have unimpaired or natural flows that range from low to non-existent during the dry season (late spring, summer, and early fall) to moderately high with sporadic peaks during the wet season (late fall through spring). Prior to Stockton East Water District's operations, the lower river would frequently dry up during the late spring and summer. Now, water stored in New Hogan Reservoir during the wet season is released year-round to the Calaveras River, which results in approximately 18 miles of sustained year-round flows and quality aquatic habitat.

This river was not historically perennial and became disconnected from the San Joaquin River for much of the year. The upper river, above New Hogan Dam, lacks habitat to historically support salmonids. These relatively unique characteristics result in the Draft Report making inaccurate or concerning assumptions. To manage the Calaveras River based on its natural pre-dam hydrograph (i.e. mimicking the natural hydrograph) would allow for the river to dry to pools

and eliminate the 18 miles of quality aquatic habitat between New Hogan Reservoir and the Bellota Diversion that currently exists during the late spring, summer, and early fall. In addition, it would significantly impact the most reliable source of surface water in the surrounding area for agricultural and municipal use.

## Issue 2

### Stanislaus River Water is Not Imported Into the Calaveras River

On page 2-37 of the Draft Report the State Water Board makes two separate statements suggesting that New Melones Reservoir water from the Stanislaus River is imported into the Calaveras River. The statements are as follows:

*"Imports of up to 105 TAF may occur annually from New Melones Reservoir and is used for irrigation, groundwater recharge, and drinking water from March to November (DWR 2007)."*

*"The primary controls on channel flows are the Calaveras Headworks which prevents New Melones flood control releases from entering the Old Calaveras River, the Bellota Weir near the head of Mormon Slough which controls irrigation releases during the April through October irrigation season, and the Stockton Diversion Channel which shunts local runoff from the Old Calaveras River to Mormon Slough (DWR 2007)."*

Water from the Stanislaus River is not imported and does not enter the Calaveras River. This type of statement is concerning, given it is both a significant error and has notable implications if it were not called out for revision. The lower Calaveras River between New Hogan Dam (RM 42) and the San Joaquin River confluence consists of seven visually distinct reaches. Provided below is a description of each reach to improve the State Water Board's knowledge of the Calaveras river:

- **Reach 1-** New Hogan Dam to Canyon (RM 41.0 to 42.0) is characterized by a relatively low gradient with a broad floodplain. Riparian vegetation is characterized by trees and shrubs, with an obvious absence of large woody debris within the wetted channel.
- **Reach 2-** Canyon to Jenny Lind (RM 34.6 to 41.0) is the highest gradient section of the river, dropping approximately 300 feet in elevation over the course of a few miles. The reach is characterized by high gradient riffles and plunge-pools.
- **Reach 3-** Jenny Lind to Shelton Road (RM 29.3 to 34.6) consists of a moderate gradient that meanders through a relatively unused and inaccessible area. The floodplain throughout the reach is relatively undisturbed, with agricultural interests somewhat separated from the immediate riparian area. An abundance of large trees provides shade cover. This reach has been subject to historical gravel mining and the floodplain continues to be mined near Jenny Lind. The gravel is surprisingly free of silt, possibly due to the abundance of gravel recruitment from tailing piles. Instream woody debris, undercut banks, and overhanging vegetation are typical.
- **Reach 4-** Shelton Road to Bellota (RM 23.8 to 34.6) is characterized by low gradient, which meanders through the valley, consisting mostly of glides with only an occasional

riffle. Bank vegetation is brush with agriculture frequently abutting the stream. The Bellota Diversion is at the base of this reach and is operated year-round.

- **Reach 5-** Old Calaveras River Channel (secondary channel) is one of two reaches below the Bellota Diversion. The Old Calaveras River is used for water conveyance. At the headworks, fish are diverted away from the Old River channel into the primary channel (Mormon Slough). The Old Calaveras River Channel is characterized by a narrow channel with ample vegetative cover and large instream woody debris. Much of the vegetative cover consists of agricultural and non-native invasive plant species, such as Himalayan Blackberry. The Old Calaveras River becomes more channelized with less cover as it reaches the valley floor.
- **Reach 6-** Mormon Slough/Stockton Diverting Canal (primary channel - RM 5.6 to RM 23.8) is the second channel below the Bellota Diversion. The 12,500 cfs flow-control channel protects the City of Stockton from flooding. The channel is a migratory corridor (when wetted) for fish. This reach comprises a wide channel with steep contoured banks and little to no usable cover or structure.
- **Reach 7-** Junction of Old Calaveras River/Stockton Diverting Canal to Confluence (RM 0 to RM 5.6) begins where the narrow, low capacity Old Calaveras River Channel joins with the much wider, higher capacity channel of the Stockton Diverting Canal. The channel continues to exhibit the same characteristics of steep levee banks confining a wide low gradient streambed with little natural riparian cover as the maintenance practices of the San Joaquin County Flood Control and Water Conservation District prevent the growth of shrubs and trees larger than one inch in diameter. The river shows signs of tidal influence within about four miles of the confluence with the San Joaquin River Stockton Deep Water Channel.

### Issue 3

#### **Spring-Run Chinook Do Not Historically or Currently Occur in the Calaveras River**

The Draft Report incorrectly states on page 3-21 that "Spawning habitat for Central Valley spring-run Chinook salmon also includes the main stem of the Sacramento (between Keswick Dam and RBDD), Feather, Yuba, and Calaveras Rivers and Cottonwood, Antelope, Thomes, Big Chico, Battle, Butte, Deer and Mill Creeks (NMFS 2014)". At the December 7, 2016 workshop the State Water Board acknowledged and corrected the mistake. While we appreciate the State Water Board acknowledgment that the error will be corrected, we provide the following information in support of correction.

This statement was an error acknowledged at the Workshop and existing research and agency documents overwhelmingly support correction. First, this sentence from the Draft Report cites the National Marine Fisheries Service Recovery Plan (NMFS 2014), but in the recovery plan the Calaveras is explicitly not listed as a river with historical spring-run habitat (Figure 2-4, NMFS 2014). Clark (1929, as cited in Yoshiyama et al. 2001) reported that the Calaveras was mostly dry in the summer and fall. Furthermore, the river lacks holding habitat at high elevations where it is cool enough to support the spring-run populations during the summer. According to Yoshiyama et al. (2001), "This river [i.e., Calaveras River] was probably always marginal for salmon, and it lacks suitable habitat for spring-run fish (E.R. Gerstung, personal observation)." Most government agency documents cite the main source of historical spring-run data as

Yoshiyama et al. (2001). NMFS Historical salmonid distribution dataset relies on Yoshiyama et al. (2001), and thus does not include Calaveras in the spring-run historical habitat (Schick et al. 2005, Plates 2 and 6). Lindley et al. (2004) also lists historical populations of spring-run Chinook salmon in the Central Valley (Table 2), and does not include Calaveras River.

Regulatory documentation further confirms that spring-run Chinook were not considered for recovery in the Calaveras River. The Recovery Plan (NMFS 2014) does not include the Calaveras River on the map of spring-run Designated Critical Habitat and Distribution (Figure 2-8 in NMFS 2014), and it points to the Final Rule "Endangered and Threatened Species; Designation of Critical Habitat for Seven Evolutionarily Significant Units of Pacific Salmon and Steelhead in California" on September 2, 2005 (70 FR 52488) as the source for the spring-run critical habitat map. A review of the 2005 Final Rule on designation of critical habitat indicates that Calaveras River is NOT listed as critical habitat for Spring-run. Furthermore, a 2000 Federal Register Final Rule notice on critical habitat designation for spring-run (65 FR 7764) states that NMFS had: "removed Nimbus, San Pablo, Shasta, and Calaveras Dams from Table 11 since they do not delimit the upstream extent of river reaches inhabited by this ESU". Table 11 in the 2000 Final Rule ("Hydrologic Units and Counties Containing Critical Habitat for Central Valley California Spring-run Chinook Salmon, and Dams/Reservoirs Representing the Upstream Extent of Critical Habitat") does not include any reference to Calaveras River.

#### Issue 4

#### The Calaveras River Does Not Follow Stated 'Principles' that the Draft Report Cites

On page 3-2 the Draft Report cites the principles upon which it is basing environmental flow management for natural resources. The report states, "Bunn and Arthington (2002) present four key principles underlying the links between hydrology and aquatic biodiversity and the impacts of altered flow regimes: 1) flow is a major determinant of physical habitat; 2) aquatic species have evolved life history strategies based on natural flow regimes; 3) upstream-downstream and lateral connectivity are essential to organism viability; and 4) invasion and success of nonnative species is facilitated by flow alterations." These concepts are based on mechanisms that occur in unmodified, relatively pristine, large river-floodplain systems that are very different from the Calaveras River watershed. The physical habitat of the Calaveras River has been significantly modified. Mormon Slough was created as a wide flood control channel, which is now the principal fish migration route instead of the historic Old Calaveras River channel.

Prior to New Hogan Dam, the river would run dry and only residual pools would remain in the Canyon Reach, where deep pools and shading may have sustained native fish assemblage like minnows and sucker species. The Canyon, which is found below New Hogan Dam, maintains its deep pools even at very low base flows. This is because the channel is small in dimension and overall capacity. Upstream of New Hogan Dam, there is minimal suitable salmonid habitat. As anecdotal evidence, historical stocking of fish in the upper watershed ceased because the habitat could not support them. After the New Hogan Dam was built, the persistent available cold water between the dam and Bellota has allowed for a significant *O. mykiss* population to establish that would have not been present based on the historical hydrograph and absence of snowpack that otherwise would have provided cool spring runoff. Furthermore, the continued intermittent

connection of the lower Calaveras River with the San Joaquin River during only the winter months has reduced the non-native warm water predator population.

#### Issue 5

### **Variable Flows from New Hogan Reservoir Releases Do Not Result in Turbidity in the Calaveras River**

On page 3-4 the Draft Report states that, "Increasing turbidity events from more variable flows and the associated geomorphic processes also decreases predation and provides environmental cues needed to stimulate migration (Gregory and Levings 1998; Baxter et al. 2008; NMFS 2009)." Turbidity has been identified as one of several potential contributing factors to stimulating downstream movement. However, it is important to examine the relationship between flow source and turbidity. Research on the Calaveras River has indicated that elevated water releases from New Hogan Reservoir are negatively correlated to turbidity. Natural precipitation events that register even small amounts of flow from nearby Cosgrove Creek quickly elevate turbidity reflecting a positive relationship (Figure 1). A positive correlation with downstream movement from *O. mykiss* was seen at the rotary screw trap from natural events ranging from 5 to 10 NTU. Increased turbidity and correlated movement were not seen from releases only coming from New Hogan Dam with no associated rain event.

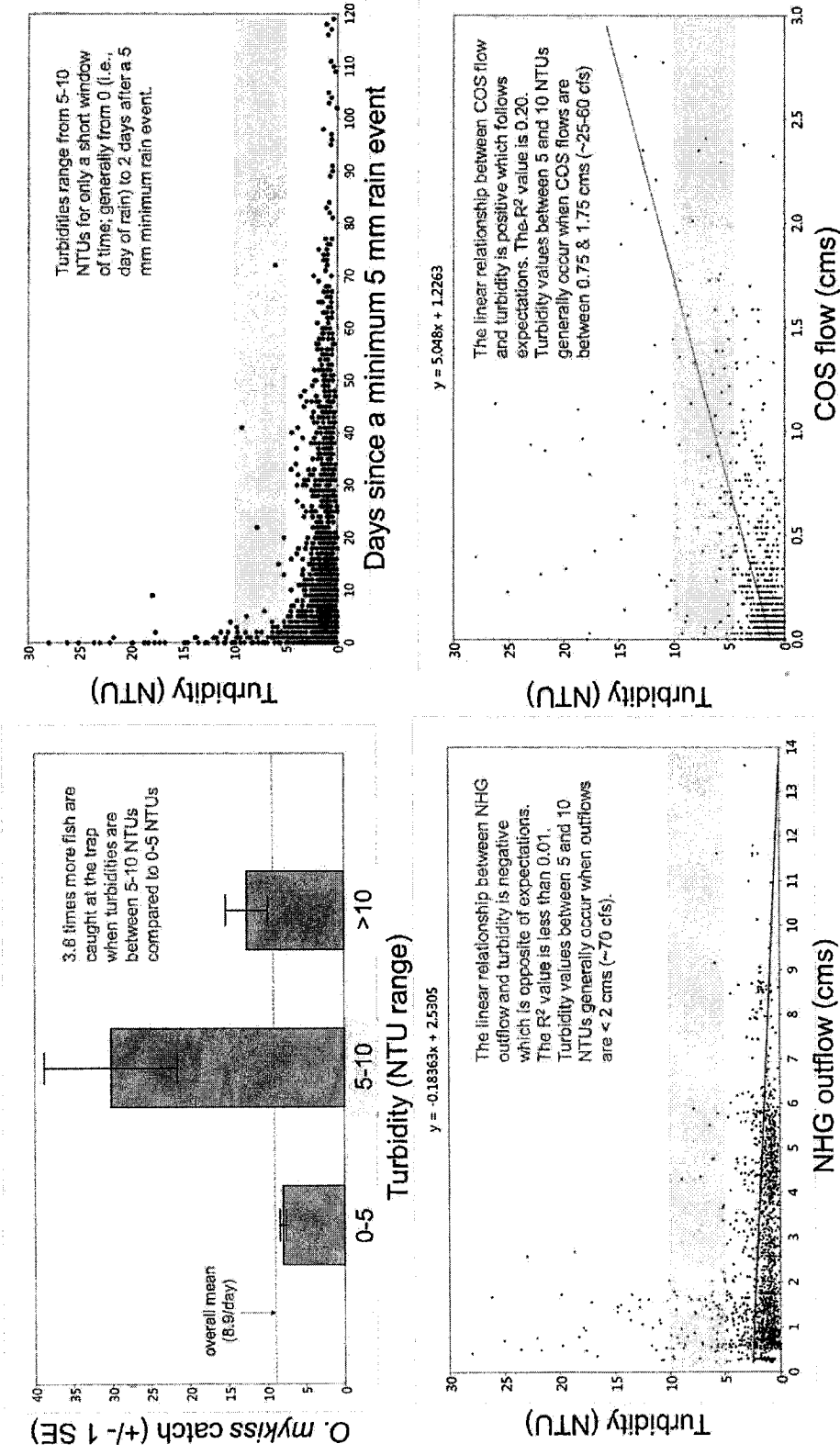


Figure 1. Top left figure reflects the positive correlation of turbidity with *O. mykiss* downstream movement. Top right figure displays the occurrence of turbidity events based on precipitation in the Calaveras River. The bottom two inset figures show the positive relationship of turbidity with Cosgrove Creek outflow with New Hogan Reservoir outflow (left) and negative relationship with New Hogan Reservoir outflow (right).

**Issue 6****There is No Evidence that Mimicking the Natural Hydrograph Would Benefit the Calaveras River Fishery**

From the issues identified above, it is clear that the State Water Board's understanding of and proposed approach for managing the Calaveras River presented in the Draft Report is misguided. In addition to those issues and errors, the State Water Board provides no statistically-backed justification for how the suggested flow management approach would benefit the local fishery or any specific species. Any future revision or suggestion to revise resource management should be followed with an explicit and well-supported analyses as to why and how much the revision will benefit the local fishery (or relevant species). Had the State Water Board conducted rigorous analyses, provided statistical support, and scientifically justified their approach specifically to the Calaveras River, it would have been clear that the recommended approach was both invalid and harmful. The State Water Board would have understood that this would lead to a dry river-channel during the summer months and inevitably the collapse of the current *O. mykiss* population. Regardless of any corrections based on the comments above, future versions of the Draft Report should provide well-supported analyses.