

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, FEBRUARY 14, 2023 AT 12:30 P.M.

A. PLEDGE OF ALLEGIANCE AND ROLL CALL

President Atkins called the regular meeting to order at 12:30 p.m., and Director Atkins led the Pledge of Allegiance.

Present at roll call at the District were Directors Atkins, Cortopassi, McGaughey, McGurk, Panizza, Sanguinetti and Watkins. Also present were Manager Hopkins, Assistant Manager Vega, District Engineer Evensen, Finance Director Ram, Administrative Assistant McKinney, Legal Counsel Zolezzi and Consultant Barkett.

B. CONSENT CALENDAR (None)

C. PUBLIC COMMENT (None)

D. SCHEDULED PRESENTATIONS AND AGENDA ITEMS

1. Minutes 02/07/23 Regular Meeting

A motion was moved and seconded to approve the February 7, 2023 Regular Board Meeting Minutes, as presented.

Roll Call:

Ayes: Atkins, Cortopassi, McGaughey, McGurk, Panizza, Sanguinetti, Watkins

Nays: None

Abstain: None

Absent: None

2. Warrants

- a. Fund 70 – Administration Fund
- b. Fund 71 – Water Supply Fund
- c. Fund 89 – Fish Passage Improvements Fund
- d. Fund 91 – Vehicle Fund
- e. Fund 94 – Municipal & Industrial Fund
- f. Payroll
- g. Summary
- h. Short Names/Acronym List
- i. SEWD Vehicles & Heavy Equipment

Director McGurk inquired on the expense on page 12, line item 76 for CMAT Mobile Crushing, and asked what material is crushed. Manager Hopkins replied the District used the vendor to purchase sand and are unfamiliar with any crushing services. Assistant Manager Vega added it is possible referring to rocks being crushed, but sand is what is hauled in.

A motion was moved and seconded to approve the February 14, 2023 Warrants, as presented.

Roll Call:

Ayes: Atkins, Cortopassi, McGaughey, McGurk, Panizza, Sanguinetti, Watkins

Nays: None

Abstain: None

Absent: None

3. US Department of Agriculture – New Hogan Phytophthora Study
Manager Hopkins introduced Mohamed Nouri from UCCE San Joaquin County, Jaime Ott and Greg Browne both from USDA-ARS. Manager Hopkins stated they have been performing a Phytophthora Study over the last two irrigation seasons and their study has finally come to a conclusion. They are here today to present the results. Jaime Ott stated she performed this work as a PhD student for UC Davis. Ms. Ott stated the reason for this study is Manager Hopkins reached out to them as the District was interested in surveying the surface water for Phytophthora. The District has been encouraging growers to use surface water for irrigation, but there was pushback from growers as they were worried about introducing Phytophthora to their orchards from the surface water.

Ms. Ott discussed Phytophthora as an organism that causes disease on a lot of different species of plants, however, they were primarily focused on cherry and walnut orchards. Both of these orchards are susceptible to Phytophthora which causes bleeding on the bark, cankers, dead tissue and can kill the trees. Its biology is tied up with water and can produce different spore types. Some spores can have thick cell walls which allow it to survive in soil under adverse conditions (dry and hot summer conditions). Phytophthora can also produce swimming spores rapidly spreading to plants which causes infection. Ms. Ott added there are over 200 species, of which, most will have a thick wall and can survive drought temperatures until conditions are right, then they can explode into swimming spores which produce rapidly at this point. There are some species that thrive in cold weather conditions, and some that thrive in warmer conditions.

President Atkins asked if there are different spores in different regions in the US. Ms. Ott replied there are different species in different areas and in different states.

Ms. Ott reported that water triggers the spore production after 12-48 hours after water exposure. The time frame depends on the species. The water is also the medium for spreading and infecting. Many Phytophthora studies have been performed over the years in rivers, canals and drainage ditches, and is commonly found in all.

Ms. Ott reported the six sites studied for the District were upstream on the Calaveras River, Mormon Slough, Mosher Creek, North Potter Creek, and South Potter Creek. These sites were chosen to include different water systems. Monthly samplings of water were studied to sequence DNA and species type were listed by river location. The charts presented percentages of phytophthora types (low, medium, high and unknown) for each site. Across the board, there were species of high concern most of the time. Site 5 (Mormon Slough) was the exception with no species detected, but this does not mean the species is not there. Director McGurk stated the water that supplies Mormon Slough is the Calaveras River. Ms. Ott replied this is correct, but the gradient was sporadic for each site and samples. Ms. Ott added all samples were not taken at the dam sites. Soil samples were also taken from orchards irrigated with groundwater and surface water, both sources contained Phytophthora. Discussion followed.

The study performed for the District had three questions for study: 1) Is there Phytophthora in SEWD waterways? 2) Can Phytophthora survive through an irrigation system? And, 3) Does this affect what we find in orchard soil? The final results of the study indicated that there is Phytophthora in the SEWD's waterways, it can survive through an irrigation system, and it does not affect what is found in orchard soil. Ms. Ott ended with stating water management is key in dealing with Phytophthora. Growers should manage all orchards as if Phytophthora is present by not over irrigating, don't let sprinklers hit the trees, move drip systems away from tree trunks, and don't let roots be surrounded by standing water. Manager Hopkins stated a final report will be distributed to the Board members.

4. Stockton East Water District – Agreement Amendment for Rock Creek 2023 Flood Damage Technical Report

Manager Hopkins reported this agreement is in response to some of the flood damage the District received over the past few months. Manager Hopkins noted that Assistant Manager Vega has been spearheading all of the coordination on the flood damage, and with the County’s Office of Emergency Services (OES). Assistant Manager Vega reported the flood damage was caused from the atmospheric rivers. The District engaged KSN to survey the Lower Farmington Canal along Rock Creek. There is quite a bit of erosion in this area as well as possible damage along the concrete structure. This area avoided larger catastrophic damage. KSN will provide a technical report for emergency repairs, and to compare possible alternatives for long-term solutions including possibly adjusting or improving the concrete structure. Assistant Manager Vega reported the total requested amended amount is \$29,565 for design and \$18,850 for possible assistance with FEMA filings, if necessary. District Staff is not 100% sure they will engage KSN for the latter portion, but this route would be a good option to have available as KSN is very involved with the county and entire application process. Assistant Manager Vega reported the financial impact would net a total not to exceed cost of \$50,570.50. This amount would be funded by Fund 71, the Lower Farmington Canal budget which has funds for this year and next year, and should be reimbursed through FEMA funding.

Director Cortopassi asked if the design will be improved. Assistant Manager Vega replied yes, it will be improved.

Director Watkins asked if OES is the agency to submit storm damage by growers and districts, and Manager Hopkins replied this is correct. The due date to submit is Friday (Feb. 17th). OES is assisting applicants with the correct portals for use. Discussion followed.

A motion was moved and seconded to authorize the General Manager to approve an amendment to the Professional Services Agreement with KSN, Inc. for a revised total contract amount not to exceed \$50,570.50

Roll Call:

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

5. Cancellation of March 14, 2023 Stockton East Water District Regular Board Meeting

Manager Hopkins proposed to cancel the regular board meeting on March 14th to schedule the special board meeting for the Strategic Plan Retreat (Workshop). Manager Hopkins stated once Board approval is obtained, the confirmation can be made with Raftelis.

A motion was moved and seconded to approve the Cancellation of March 14, 2023 Stockton East Water District Regular Board Meeting, and authorize the Special Board meeting with Raftelis on the same date March 14, 2023, 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 Groundwater Authority Steering Committee Meeting, 02/08/23

Manager Hopkins attended and reported that Woodard-Curran is slightly under budget with all work on the Sustainable Groundwater Management Round 2 funding opportunity grant application. Overall, the 2022 budget still has a surplus, there was discussion regarding the development of the 2023 budget, what some of the funding priorities should be, and how the budget will be divided amongst the GSA agencies. Jennifer Spaletta from North San Joaquin Water Conservation District mentioned that San Joaquin County GSA #1 still is not paying anything for SGMA. They're receiving Zone 2 funding, and there needs to be a discussion regarding a mechanism for this area to start paying a share.

Manager Hopkins stated some of funding the priorities for the 2023-24 budget were discussed, and ultimately the decision was to request the Technical Advisory Committee review and discuss, and recommendations to be brought back to the Steering Committee for the next year's budget.

The Facilitation Support Services and Community Outreach and Engagement work has commenced. There is a consultant (Stantec) who is working for DWR to support the GWA efforts. Craig Moyle provided a presentation on the upcoming update to the Community Outreach and Engagement Plan. Surveys were provided for stakeholders and GSA members for review and comments were due February 9th.

The SGM Round 2 grant opportunity with DWR received 82 applications for \$750 million with \$200 million available. The District is still waiting to hear the outcome of its application. Lastly, Director Tom Flinn from North San Joaquin Water Conservation District has moved to Rocklin, and is no longer on the Board, so this vacancy is expected to be filled by the end of this month.

2. ACWA State Legislative Committee Meeting, 02/10/23

Manager Hopkins reported that ACWA reported out that their DC trip is at capacity. They are not taking any more participants at this time. There were four bills that were discussed. One of interest is AB460 (State Water Resource Control Board Interim Relief Bill) which would expedite the process for the Water Board to implement new environmental rules wherever and whenever they would like. There was significant discussion regarding ACWA sponsoring a competitor bill to propose perfecting and protecting the states existing water rights system, and have it implemented properly. ACWA will be reaching out to the author of this bill to state their concern, and to provide some detailed points of their concerns. At the March 3rd State Legislative Committee meeting, the committee will decide how ACWA will move forward either with an oppose on the proposed bill or work with another legislator to write their own bill for water rights. Also, the ACWA sponsored SB23 provides a program through the State Water Resources Control Board similar to the USACE 214 Program for agencies who want to have permits processed in an expeditious fashion, can fund a position to review the permits and not have to wait. ACWA is creating a coalition letter, and is seeking support from agencies. Manager Hopkins stated there should not be a downside to supporting this because the funding that agencies would provide to the Water Board should fund a new position to review their work and should not detract other existing staff from reviewing other work. The District historically has not had a problem with the Water Board processing our applications. Manager Hopkins will inquire if ACWA has a sponsorship template letter to be brought back to the Board.

Director Cortopassi asked if this bill is related to the District's fees paid each year. Manager Hopkins replied this is specific to the 401 Clean Water Act water quality certification letters, not Water Right applications. The Water Board manages section 401 of the Clean Water Act, USACE manages 404 and 408, Fish and Wildlife manages section 1602. Legal Counsel Zolezzi stated the

State Board has to give a 401 certification to any 404 issued which causes delay. Manager Hopkins stated the proposed legislation will also establish a time frame for 401 certifications similar to the time frames established for the California Department of Fish and Wildlife on their lake and stream alteration agreement (180 days being proposed).

Lastly, assembly member Garcia is working on a \$15 billion bond proposal. The ACWA Infrastructure work group is working with him to make sure the money is available for specific types of infrastructure projects. Discussions are taking place with environmental groups to get them onboard with the projects ahead of time. Also, Senator Susan Eggman is working on a flood bond. There could possibly be an opportunity for SEWD in the flood bond.

3. San Joaquin County & Delta Water Quality Coalition Meeting, 02/13/23

President Atkins attended this meeting and reported there were no minutes or financial reports. The agency will train members on how to use the member portal. The program's manager report noted in November there was toxicity on the South MacDonald Island pump, one site at Old River (algae), and algae at Robert's Island and Whiskey Slough. In December, the same toxicity (algae) was found at Ridge Track, Robert's Island, Empire Track, and Bacon Island at Old River. In January, toxicity (algae) was found at Robert's Island, Whiskey Slough, South MacDonald, Duck Creek, French Camp Slough, and Lonetree Creek. These samples were taken on January 11th, after the storm event. Discussion followed regarding pythonids in water regarding how it got there, and how long it stays in the soil.

F. REPORT OF GENERAL MANAGER

1. Water Supply Report as of 02/06/23

Manager Hopkins provided a handout of the Water Supply Report for information only that included storage, release, and production data collected from various sources as of midnight last night.

There is 172,799 AF in storage at New Hogan Reservoir. Current releases are set at 106 cfs. There is 1,042,166 AF in storage at New Melones Reservoir. Current releases are set at 237 cfs. Current release at Goodwin Dam to Stanislaus River are set at 203 cfs and release to all water users are set at 0 cfs. There are 0 irrigators on New Hogan, 0 irrigators on New Melones, and 0 irrigators out of District. The water treatment plant is currently processing 22 mgd. The City of Stockton is currently processing 14 mgd. Manager Hopkins reported the District wells total water extraction is 0 gpm (~0 mgd).

2. Information Items:

a. Manager Hopkins noted item: F2a-1 and F2a-2

3. Report on General Manager Activities

a. Stockton East Water District Activities Update

Manager Hopkins reported he met with MBK, DWR's engineers are assisting the District staff with obtaining a temporary floodwater diversion permit. Manager Hopkins is hoping there is not a fish screen requirement for diverting from Littlejohns Creek, since Littlejohns Creek is seasonally dry and does not support fish habit or passage. Manager Hopkins is glad the district is participating in this pilot study, which began in August, so we can provide feedback on the process. Legal Counsel Zolezzi added a diversion list goes on and on. Manager Hopkins added the permit costs \$10,000 and is good for 180 days. SEWD will not have to pay as the District is part of the pilot program. Manager Hopkins announced Congressman Josh Harder is hosting a Disaster Assistance Workshop for Small Businesses and Farmers on February 17th from 9:00-11:00 at the Robert Cabral Agricultural Center. Director Watkins added this would be the meeting for growers to attend with all pictures of damage.

G. DIRECTOR REPORTS

H. COMMUNICATIONS (None)

1. United States Bureau of Reclamation (USBR) – Funding Opportunity No. R22AS00195 – WaterSMART Small-Scale Water Efficiency Projects for Fiscal Year 2022 – Application Review Status, Your Application Titled, “Eight Mile Dam Automation Project” (SWEP-072), 01/06/23
Manager Hopkins reported the District received a letter of award for \$100,000 for the Eight Mile Dam project, and thanked the engineering division for their work on the application packet.

I. AGENDA PLANNING/UPCOMING EVENTS

1. A San Joaquin County Office of Emergency Services – Agricultural Drought Task Force Meeting, 02/15/23
2. ACWA Groundwater Committee Meeting (Virtual), 02/15/23
3. ACWA Agriculture Committee Meeting (Virtual), 02/15/23
4. ACWA Energy Committee Meeting (Virtual), 02/15/23
5. San Joaquin County Flood Control and Water Conservation District Advisory Water Commission Meeting, 02/15/23 *Meeting Cancellation Notice*
6. North San Joaquin Water Conservation District – Town Hall Meeting, 02/15/23
7. Stockton East Water District Special Board Meeting, 02/16/23
8. CVP Water Association – Executive and Financial Affairs Committees Meeting Schedule, 02/17/23

REPORT OF THE COUNSEL

1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED
LITIGATION Section 54956.9 (2 Cases)

President Atkins adjourned the meeting to closed session at 2:38 p.m. to discuss closed session agenda items. The regular meeting reconvened at 3:06 p.m., with the no reportable action.

K. ADJOURNMENT

President Atkins adjourned the meeting at 3:07 p.m.

Respectfully submitted,



Justin M. Hopkins
Secretary of the Board
cm

