

ACTION OF
SOLANO COUNTY WATER AGENCY

DATE: August 8, 2013

SUBJECT: Mitigated Negative Declaration for the Lower Putah Creek 2 NAWCA Project

RECOMMENDATION:

Adopt Mitigated Negative Declaration for Lower Putah Creek Coordinating Committee’s (LPCCC) Lower Putah Creek 2 North American Wetlands Conservation Act project.


FINANCIAL IMPACT:

None. Project is funded by the LPCCC and a Federal grant.

BACKGROUND:

This project is a joint effort between the LPCCC and California Waterfowl. California Waterfowl obtained a Federal grant through the North American Wetlands Conservation Act. The LPCCC will be performing some of site work and assisting with project permitting. A California Department of Fish and Wildlife Permit is necessary for the project. SCWA is the agent for the LPCCC for permitting, thus the need for SCWA to approve the Negative Declaration.

The purpose of the project is improve fish and wildlife habitat by restoring a functional flood plain to approximately 6,500 linear feet of bank along Putah Creek and 1,500 linear feet of bank along McCune Creek. Much of the existing banks within the project area are near vertical, and can extend more than 10 feet above the low-flow water surface elevation. These steep banks restrict the establishment and natural recruitment of many desirable native plant species. A restored bank will help to reduce erosion of the bank, improve water quality, and increase the amount and diversity of native vegetation.

Recommended: 
David B. Okita, General Manager

☒ Continued on Next Page

☐ Approved as recommended ☐ Other (see below)

Modification to Recommendation and/or other actions:

I, David B. Okita, General Manager and Secretary to the Solano County Water Agency, do hereby certify that the foregoing action was regularly introduced, passed, and adopted by said Board of Directors at a regular meeting thereof held on August 8th, 2013 by the following vote.

Ayes:

Noes:

Abstain:

Absent:

David B. Okita
General Manager & Secretary to the
Solano County Water Agency

Agenda Item No. 5F

In addition, the existing floodplain has some excessively (greater than 3 feet) high and low elevation areas caused by erosion and deposition during periods of large flood water releases. Some of these areas will be cut or filled to promote a more uniform floodplain. The restored floodplain will help to prevent erosion during high discharge events, thus improving water quality.

The first two vertical feet of bank above water surface elevation will not be disturbed. The new grade of the bank will vary throughout the project site, because it will be dependent upon the location of existing native trees. Preserving as many mature native trees as possible is a goal of the restoration project.

The project takes place on private property. No in-water work is needed, and the streambed will not be disturbed. Water quality is not anticipated to be impacted by construction. Invasive weeds within the project area will be controlled. All disturbed areas will be seeded with native grasses, and planted with native trees and shrubs.

Excerpts of the Negative Declaration are attached. The full Negative Declaration is on the SCWA web site with the agenda materials for this meeting.

LOWER PUTAH CREEK 2 NAWCA PROJECT MITIGATED NEGATIVE DECLARATION

SOLANO COUNTY WATER AGENCY

AND

LOWER PUTAH CREEK COORDINATING COMMITTEE

June 2013

Prepared by: Solano County Water Agency

810 Vaca Valley Parkway, Suite 203

Vacaville, CA 95688

Contact: Mark Snyder

Senior Water Resources Specialist

707-455-1108

Solano County Water Agency

NEGATIVE DECLARATION REGARDING ENVIRONMENTAL IMPACT

1. NOTICE IS HEREBY GIVEN that the project described below has been reviewed pursuant to the provisions of the California Environmental Quality Act of 1970 (Public Resources Code 21100, et seq.) and a determination has been made that it will not have a significant effect upon the environment.
2. PROJECT NAME: Lower Putah Creek 2 North American Wetlands Conservation Act
3. DESCRIPTION OF PROJECT: See project description summary below
4. LOCATION OF PROJECT: Just downstream of Putah Creek Diversion Dam, near the town of Winters, Yolo County, California
5. NAME AND ADDRESS OF PROJECT PROPONENT: Solano County Water Agency
810 Vaca Valley Parkway, Suite 203
Vacaville, CA 95688
6. MITIGATION MEASURES: The project will remove non-native invasive species from Putah Creek and restore the flood plain. The project itself is restorative in nature.
7. A copy of the Initial Study regarding the environmental effect of this project is on file at the Agency office, located at 810 Vaca Valley Parkway, Suite 203, Vacaville, California 95688. This study was:

_____ Adopted as presented.

_____ Adopted with changes. Specific modifications supporting reasons are attached.

8. The Board of Directors of the Solano County Water Agency considered this Negative Declaration at a meeting of the Board of Directors on August 8, 2013.
9. DETERMINATION: On the basis of the Initial Study of environmental impact, the information presented at hearings, comments received on the proposal and our own knowledge and independent research:

_____ We find the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION is hereby adopted.

_____ We find that the project COULD have a significant effect on the environment but will not in this case because of attached mitigation measures described in Item 6 above which are by this reference made conditions of project approval. A conditional NEGATIVE DECLARATION is hereby adopted.

Date

David Okita, General Manager
Solano County Water Agency
810 Vaca Valley Parkway, Suite 203
Vacaville, CA 95688

Acknowledgements

There were several studies and reports utilized in preparing this Initial Study. Many of the people who prepared these reports were also interviewed to gain further insight on their knowledge of the Putah Creek Watershed.

Rich Marovich, the Putah Creek Streamkeeper, was instrumental in providing firsthand knowledge of the restoration efforts along Putah Creek. He also provided constant facilitation of information amongst all of the different groups conducting studies along the watershed as well as being the interface with private landowners.

Rick Poore, of Streamwise, conducted the initial survey of the project site, and identified restoration activities that would effectively improve the habitat value of the project area.

EDAW has prepared a Draft Lower Putah Creek Watershed Management Action Plan. This first phase provides comprehensive assessments of the physical, biological, and cultural resources of the Putah Creek Watershed.

The Draft Solano Habitat Conservation Plan, prepared by LSA, provided useful information on the natural communities and species found along Putah Creek.

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1.0 Introduction

The Putah Creek watershed encompasses an area over 800 square miles, draining the mountainous region to the west of the city of Winters. The stream runs on through Davis and eventually into the Yolo Wildlife Area. Much of the channel from Winters to Davis has been mechanically channelized in the past century.

Historically, Putah Creek enjoyed a wide riparian area with frequent flooding, producing the rich valley soils now under agricultural production. In the mid 1800's, Winters was settled and the riparian overstory was cleared to allow for crops. A few years later, the town of Davisville (now Davis) was founded along the railroad line. These settlements grew steadily and relied on diverted water from Putah Creek for domestic and agricultural uses.

Near the town of Davisville, the Putah Creek channel was redirected in the 1870's into an irrigation ditch to the south of the former channel to protect the new settlements from flood damages. Over the past century, channelization has been accomplished in many other reaches of Putah Creek.

1.1 Purpose and Need

The construction of the Solano Project that put the Monticello Dam and Solano Diversion in place in the late 1950's has altered the hydrologic regime of the channel and buffered the effect of many flood flows, perhaps preventing some of the more catastrophic effects of lateral erosion. Once the capacity of Lake Berryessa is exceeded and the glory hole begins to spill, flood events would likely closely approximate the natural peak discharges prior to the dam construction. Releases of over 14,000 cfs have been recorded in March of 1983. Solano County Water agency records indicate that inflow to Lake Berryessa during the December, 2002 flood may have been in excess of 90,000 cfs (personal communication, Solano County Water Agency). While the lake buffered the full effect of this flood, flows through the proposed project still reached several thousand cfs due to input from tributaries below the dam.

Even though flood levels still occur during large storms, lesser events that define channel morphology and riparian condition do not reflect historic conditions. While the large storm events are dramatic and powerful, they occur so seldom that they do not define many of the channel attributes. The stream width, depth, sinuosity, and slope are controlled by far more frequent events that occur during most runoff seasons. The duration of such flows results in most of the work (movement of water and sediment) being performed at this level. Channel dimensions are thus controlled by the flow level at which most of the work is performed most of the time.

By controlling most peak runoff events at the Monticello Dam, the flow regime that defines channel dimensions, pattern, and slope has been altered and the channel responds accordingly to the new circumstances. Caution should be exercised in attempting to apply flood recurrence interval calculations to estimate channel forming conditions in regulated stream environments. Careful measurement of stream attributes in the field may offer superior results when estimating the functional channel dimensions and floodplain elevations.

Channelization and riparian clearing has provided a channel capacity capable of transporting flood flows without risk of inundation of agricultural operations along the upper terrace elevations. By focusing primarily on flood conveyance, however, the critical function of the floodplain to dissipate the energy of such floods has been lost. The channel is responding slowly by building a functional floodplain across the bottom of the gully. The process is slowed by lack of sediment supply that has been interrupted by the Solano Project impoundments at Lake Berryessa and Lake Solano.

Compounding these erosional problems is the presence of invasive arundo and exotic blackberry stands that prevent floodplain access by flood flows and transfer flood force energy to the bed or banks. The Lower Putah Creek Coordinating Committee (LPCCC) is currently conducting aggressive removal and control of exotic species.

1.2 Project Description

The purpose of the Lower Putah Creek 2 NAWCA Project (Appendix B-Figure 2) is to improve fish and wildlife habitat by restoring approximately 8,000 linear feet of floodplain along Putah Creek (6,500 LF) and McCune Creek (1,500 LF). Much of the existing banks throughout the project area are near vertical, and can extend more than 10 feet above low flow water surface elevation. The steep banks and lack of functional floodplain have a negative impact on the natural recruitment of native trees and shrubs. The steep banks are easily eroded, prone to slumping, and provide very little area that is ideal for the establishment of native vegetation. This project will restore functional floodplain elevation by pulling back and re-sloping a portion of the existing south bank of Putah Creek and the north bank of McCune Creek. The desired design elevation of the floodplain begins at 2 feet above low flow water surface elevation, and slopes gently upwards (2-10%) for approximately 100-150 feet before meeting the existing floodplain elevation. The project will work around mature native trees, and as a result, the slope of the restored floodplain will vary throughout the project area. Some of the spoils from the floodplain will be used to fill scour areas located throughout the existing floodplain. Most of the spoils will be deposited on adjacent agricultural land, just outside of the riparian area.

Approximately 168 native and non-native trees may need to be removed in order to successfully complete the project. These trees range from 4-24 inches diameter, and the majority (96 trees) are black walnut. No oak trees will be removed. After grading is complete, all disturbed areas will be seeded with native grasses, and planted with native trees and shrubs. Approximately, 1,100 native trees will be planted throughout the project site.

Restoration Objectives

- 1) Improve water quality and aquatic habitat. Erosion of the existing banks will be reduced by restoring a functioning floodplain that supports native plants.
- 2) Improve wildlife habitat by planting native vegetation and removing invasive non-native vegetation.

APPENDIX A

Environmental Checklist Form

1. Project title: Lower Putah Creek2 NAWCA
2. Lead agency name and address: **Solano County Water Agency**
810 Vaca Valley Parkway, Suite 203
Vacaville, CA 95688
3. Contact person and phone number: Mark Snyder 707-455-1108
4. Project Location: Putah Creek, near the town of Winters
5. Project sponsor's name and address: Solano County Water Agency
810 Vaca Valley Parkway, Suite 203
Vacaville, CA 95688
6. General Plan designation: General Agriculture
7. Zoning: Open Space
8. Description of project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.) See project description above
9. Surrounding land uses and setting: Briefly describe the project's surroundings:
Surrounding land use includes orchard
production, agricultural, and rural residential.
10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.) California Department of Fish and Wildlife 1601
Lake and Streambed Alteration Agreement.
State Water Resources Control Board Water
Quality Certification. and Army Corps of
Engineers 401 Clean Water Act Permit. Informal
consultation with U.S. Fish and Wildlife Service
and NOAA Fisheries for impact to federally
listed species is also anticipated.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

	Aesthetics		Agriculture Resources		Air Quality
X	Biological Resources	X	Cultural Resources		Geology /Soils
	Hazards & Hazardous Materials	X	Hydrology /Water Quality		Land Use / Planning
	Mineral Resources		Noise		Population/Housing
	Public Services		Recreation		Transportation/Traffic
	Utilities /Service Systems	X	Mandatory Findings of Significance		

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

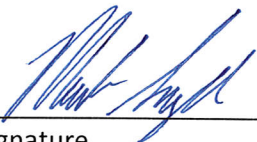
I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.


X I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.


Signature

 June 21, 2013
Date


Signature

6/24/13
Date

EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

- c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
 - a) the significance criteria or threshold, if any, used to evaluate each question; and
 - b) the mitigation measure identified, if any, to reduce the impact to less than significance

SAMPLE QUESTION

Issues:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
I. AESTHETICS-- Would the project:				
a) Have a substantial adverse effect on a scenic vista?				X
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) Substantially degrade the existing visual character or quality of the site and its surroundings?				X
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?				X

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<p>II. AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:</p>				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?				X
<p>III. AIR QUALITY-- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:</p>				
a) Conflict with or obstruct implementation of the applicable air quality plan?				X
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?				X
c) Result in a cumulatively considerable net				X

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?				
d) Expose sensitive receptors to substantial pollutant concentrations?				X
e) Create objectionable odors affecting a substantial number of people?				X
IV. BIOLOGICAL RESOURCES-- Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?		X		
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?		X		
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?		X		
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory		X		

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
wildlife corridors, or impede the use of native wildlife nursery sites?				
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X
V. CULTURAL RESOURCES-- Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in '15064.5?				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to '15064.5?				X
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X
d) Disturb any human remains, including those interred outside of formal cemeteries?				X
VI. GEOLOGY AND SOILS-- Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				X
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?				X

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
Refer to Division of Mines and Geology Special Publication 42.				
ii) Strong seismic ground shaking?				X
iii) Seismic-related ground failure, including liquefaction?				X
iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?				X
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				X
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				X
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				X
VII. HAZARDS AND HAZARDOUS MATERIALS B Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X
c) Emit hazardous emissions or handle				

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X
VIII. HYDROLOGY AND WATER QUALITY-- Would the project:				
a) Violate any water quality standards or waste discharge requirements?				X
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there				X

	Potentially Significant Impact	less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off- site?				X
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?				X
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?				X
f) Otherwise substantially degrade water quality?				X
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a				X

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
result of the failure of a levee or dam?				
j) Inundation by seiche, tsunami, or mudflow?				X
IX. LAND USE AND PLANNING- Would the project:				
a) Physically divide an established community?				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X
X. MINERAL RESOURCES-- Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X
XI. NOISE B Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				X
b) Exposure of persons to or generation of				

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
excessive groundborne vibration or groundborne noise levels?				X
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X
XII. POPULATION AND HOUSING-- Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X
XIII. PUBLIC SERVICES				
a) Would the project result in substantial				

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?				X
Police protection?				X
Schools?				X
Parks?				X
Other public facilities?				X
XIV. RECREATION --				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				X
XV. TRANSPORTATION/TRAFFIC-- Would the project:				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?				X

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?				X
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X
e) Result in inadequate emergency access?				X
f) Result in inadequate parking capacity?				X
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X
XVI. UTILITIES AND SERVICE SYSTEMS B Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				X
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X
g) Comply with federal, state, and local statutes and regulations related to solid waste?				X
XVII. MANDATORY FINDINGS OF SIGNIFICANCE--				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?		X		
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current				X

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
projects, and the effects of probable future projects)?				
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				X

IV. BIOLOGICAL RESOURCES

a) Have a substantial adverse affect, either directly or through habitat modification, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? Less than Significant with Mitigation

Of the potential sensitive species that may be present in the project area, the following have the greatest potential to be significantly affected by the project: Swainson's hawk, and Valley elderberry longhorn beetle.

Swainson's hawks are known to nest near the project site. The project will not start until after July 19 in order to minimize impacts to any Swainson's hawk nesting activities. A qualified biologist will conduct pre-project surveys to confirm that no Swainson's hawk nests within 1/2 mile of the project site will be disturbed. If any active nests are within 1/2 mile of the project, work will not commence until a qualified biologist determines that any and all juvenile Swainson's hawks have fledged. In order to comply with the Migratory Bird Treaty Act, a qualified biologist will conduct pre-project surveys to insure that no nesting migratory birds within 1/2 mile of the project are affected.

Blue elderberry is a common shrub throughout the Putah Creek Watershed. It is the host plant for the federally threatened Valley elderberry longhorn beetle. Elderberry shrubs were observed in the project site. No elderberries will be removed as part of the project. The active season of the beetles is March through June. The project will not start until after July 31st, well after beetle larvae have bored into the elderberry bark from which they will not emerge until the following spring. Elderberry shrubs within the project area will be flagged and surrounded by protective fencing to insure that they will not be impacted by project work. Elderberry is typically found on the upper terraces of the riparian forest, not near the water surface where the actual work will take place. A qualified biologist will educate the work crew prior to start of the project about the status of the beetle and the importance of its host plant for its survival.

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? Less than Significant with Mitigation

The project will remove some riparian vegetation to gain access to remove the non-native vegetation. Approximately 168 native and non-native trees may be removed in order to successfully complete the project. The restored floodplain will be revegetated with native grasses and shrubs, and approximately 1,100 native trees. Invasive weeds such as Arundo, tree-of-heaven, and Himalayan blackberries will be removed from the area. No elderberries, the host plant for the federally threatened Valley elderberry longhorn beetle will be removed. All elderberry shrubs within the project site will be flagged and protected.

Grading of the soil to remove the accumulated sediment and restore the natural floodplain topography. This may have temporary impacts to terrestrial organisms and riparian vegetation but the overall beneficial enhancement of the habitat will mitigate these impacts.

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? Less than Significant with Mitigation

There may be some temporary delays in wildlife movement within this area of Putah Creek while the project is taking place. The project will take place after July 31st. This should insure that the project does not occur during the breeding season of any native animals in the area.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? Less than Significant with Mitigation

The project will have temporary effects on the riparian forest. There may be temporary displacement of some animal species, but no take of any special status species or habitat will occur.

The project will remove some non-native and native vegetation, restore the floodplain, and improve water quality. The floodplain will be revegetated with native species and will actually increase the amount of available habitat for terrestrial species.

b) Does the project have impacts that are individually limited, but cumulatively considerable ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? Less than Significant with Mitigation

The Lower Putah Creek Coordinating Committee has several projects slated to occur within the Putah Creek Watershed in the next year.

Winters Putah Creek Parch Channel Realignment Phase 3: The project will realign approximately 1,100 linear feet of Putah Creek near Winters, CA. The floodplain will be restored, seeded with native grasses, and planted with native trees and shrubs.

Pleasants Creek Sediment Reduction: This project focuses bank stability and reducing erosion. Invasive weeds will be removed and the sites will be planted with native vegetation.

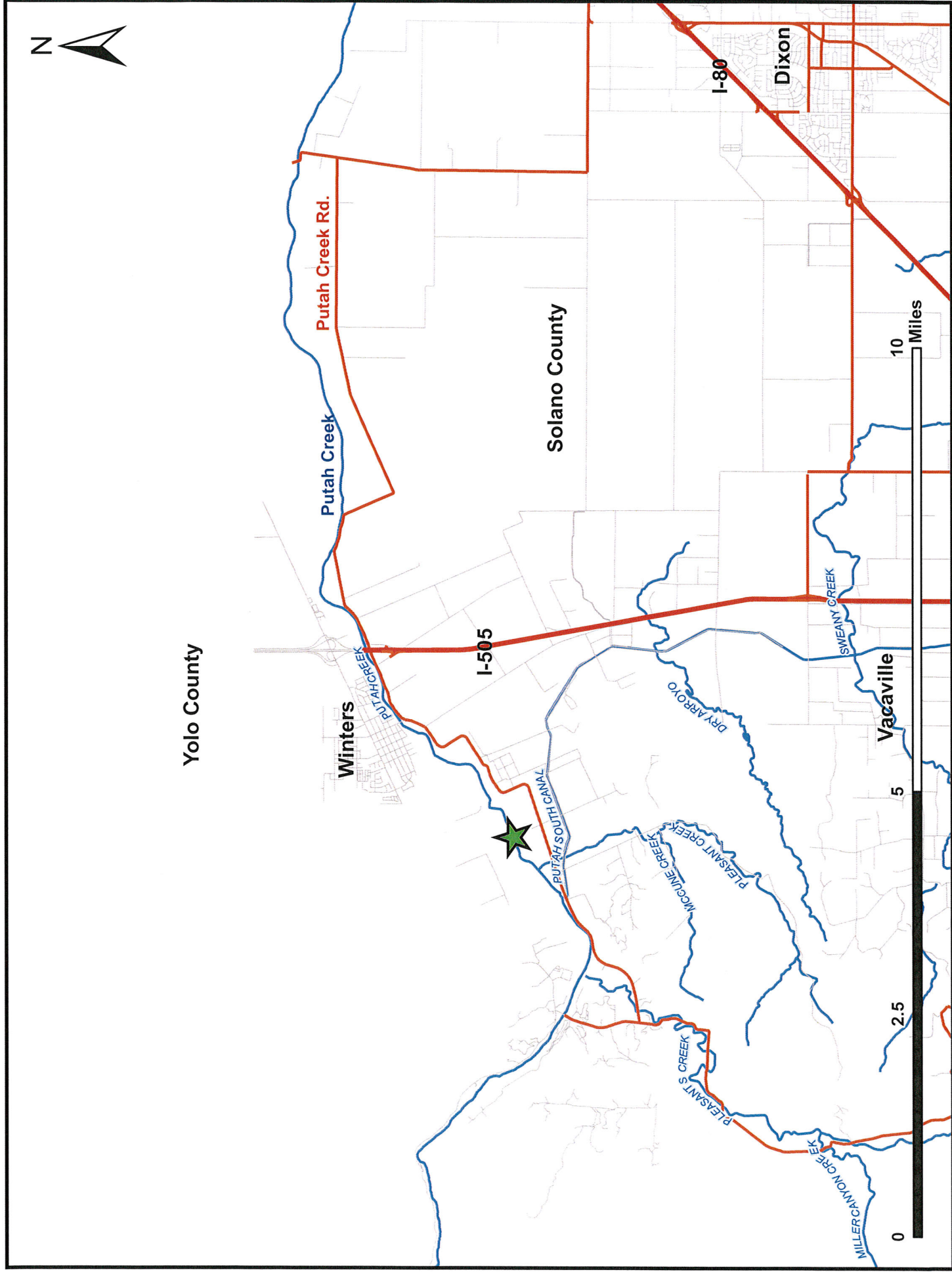
Possible projects not yet funded:

Lower Putah Creek 3 NAWCA: This project would continue the work of the Lower Putah Creek 2 NAWCA project, downstream to Winters.

APPENDIX B MAPS and

FIGURES

Figure 1 - Project Location Map



ACTION OF
SOLANO COUNTY WATER AGENCY

DATE: August 8, 2013

SUBJECT: Cost of Living Adjustment for Water Agency Employees

RECOMMENDATIONS:

Award a 2% cost of living adjustment to Water Agency employees effective the payroll period starting August 19, 2013.

FINANCIAL IMPACT:

Cost of a 2% COLA is approximately \$19,770. Funding for a 2% cost of living adjustments for employee salaries have been included in the approved fiscal year 2013/2014 budget.

BACKGROUND:

Cost of living adjustments are discretionary on the part of the Board of Directors. This adjustment will apply to 13 Water Agency employees.

The U.S. Bureau of Labor Statistics publishes several indexes. In addition to the San Francisco-Oakland-San Jose index, there is a U.S. City Average (which includes all states and all cities), the West (which includes 13 western states) and the Los Angeles-Anaheim-Riverside index. The other indexes are available for other major metropolitan areas but are not applicable to our area.

Recommended: SCWA Executive Committee

Continued on next page ☒

<input type="checkbox"/> Approved as Recommended	<input type="checkbox"/> Other (see below)
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Modification to Recommendation and/or other actions:

I, David B. Okita, General Manager and Secretary to the Solano County Water Agency, do hereby certify that the foregoing action was regularly introduced, passed, and adopted by said Board of Directors at a regular meeting thereof held on August 8, 2013 by the following vote.

Ayes:

Noes:

Abstain:

Absent:

David B. Okita
General Manager & Secretary
to the Solano County Water Agency

The last cost of living adjustment (3.2 percent) was granted in June 2008 (bases on April 2008 index). A review of the Cost of Living Indexes indicates that as wages have remained stagnant since 2008 the Cost of Living has increased. The Board has typically reviewed CPI indexes for four Areas. From April 2008 to June 2013 the Cost of Living indexes have increased in San Francisco-Oakland-San Jose, The U.S. City Average, The West and Los Angeles-Anaheim-Riverside Areas by 11.5%, 9.2%, 7.6% and 6.6%, respectively.

<u>Area</u>	<u>April CPI</u>	<u>June CPI</u>	% Increase from April 2008 to <u>June 2013</u>
	<u>2008</u>	<u>2013</u>	
San Francisco-Oakland-San Jose	217.913	243.052	11.536
U.S. City Average	210.698	230.002	9.162
The West	214.355	230.723	7.636
Los Angeles-Anaheim-Riverside	217.914	232.378	6.637


SOLANO COUNTY WATER AGENCY



MEMORANDUM

Agenda Item No. 7

TO: Board of Directors

FROM: David B. Okita, General Manager 

DATE: August 8, 2013

SUBJECT: August General Manager's Report

A reminder that the all future SCWA Board meetings will start at 6:30 PM. If there is a workshop prior to the Board meeting with workshop will start at 6:30 and the Board meeting at 7:30. If the City County Coordinating Council meets, the SCWA Board meeting will be from 6:30-7:00.

There is statewide concern about water conditions in 2014. Given the extreme dryness of 2013, reservoir levels throughout the state will be low. The State Water Project initial allocation for 2014 will likely be about 20%. However for Solano, since we use water from Lake Berryessa conservatively, we will have a full allocation of Solano Project water in 2014 regardless of 2014 conditions. This will help buffer a low State Water Project allocation.

If you have any questions, please contact me at 455-1103 or dokita@scwa2.com.

Aug2013.lt7.mem.doc

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Time Period Covered: July 2013

**REPORT OF CONSTRUCTION CHANGE ORDERS
AND CONTRACTS APPROVED BY GENERAL
MANAGER UNDER DELEGATED AUTHORITY**

Construction Contract Change Orders (15% of original project costs or \$50,000, whichever is less)

Construction Contracts (\$30,000 and less)

Professional Service Agreements (\$30,000 and less)

Wood Rodgers – Putah Creek Hydraulic Modeling - \$16,800

Non-Professional Service Agreements (\$30,000 and less)

Construction contracts resulting from informal bids authorized by SCWA Ordinance

Note: Cumulative change orders or amendments resulting in exceeding the dollar limit need Board approval.


SOLANO COUNTY WATER AGENCY



MEMORANDUM

Agenda Item No. 8

TO: Board of Directors

FROM: David B. Okita, General Manager 

DATE: August 8, 2013

SUBJECT: Supervisor Don Nottoli

At the invitation of Supervisor Thomson, Sacramento County Supervisor Don Nottoli will be addressing the Board to discuss Delta issues. Supervisor Nottoli is the Chair of the Delta Protection Commission and a member of the Delta Stewardship Council and is active in the Delta Counties Coalition.

The following is background information on Supervisor Nottoli from his Sacramento County web page:

"Currently serving his fifth term, Don was first elected to the Sacramento County Board of Supervisors in November 1994. Don represents the diverse Fifth District which encompasses 650 square miles and includes the cities of Elk Grove, Galt, Isleton and Rancho Cordova, as well as rural farming areas and communities in the southern portion of Sacramento County and the Delta. The Fifth District has a current population of more than 300,000 people."

Aug2013.It8.mem.doc

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SOLANO COUNTY WATER AGENCY



MEMORANDUM

Agenda Item No. 9

TO: Board of Directors

FROM: Supervisor Linda Seifert, Chair, Solano Delta Water Coordination Group

DATE: August 1, 2013

SUBJECT: Delta Priorities

Recommendation: Adopt Matrix of Delta Issues identifying priorities for Delta issues and hear report from the Solano Delta Water Coordination Working Group on activities.

The Chairman, Jim Spering, appointed the Solano Delta Water Coordination Working Group at the May 9, 2013 Board meeting to address the following: monitor the status of the Bay Delta Conservation Plan; coordinate the interests of the cities, Solano County and the water Districts; determine the impact of the BDCP; develop a public outreach strategy; and to discuss areas of concern including: alternate intake, conversion of quality agricultural land, water quality assurances, economic impacts and mitigation, coordination with Yolo County, and additional issues as the Group determines.

Thus far the Working Group forwarded a recommendation for a statement on the Bay Delta Conservation Plan that was adopted at the July SCWA Board meeting. The Working Group continued to meet and has now developed the attached matrix identifying high priority Delta issues. The Working Group recommends that the SCWA Board adopt the Matrix, with the understanding that it is a “living document” and should be updated as necessary in the future.

At the most recent meeting this past week, the following topics were identified as priorities for the Working Group:

- Meeting with the two agencies who are now implementing habitat projects in Cache Slough and the Suisun Marsh: California Department of Water Resources (Fish Restoration Program Agreement) and the State and Federal Water Contractors Authority (See matrix Land Use Conversion – Issues 1 & 3 and Governance.
- Recommends that the County Agricultural Commissioner and a USDA representative present to the SCWA Board in an upcoming educational session to understand how



agriculture could be impacted by proposed habitat project in Solano County (See matrix Land Use Conversion and Water Quality).

- Scheduled a presentation from SCWA staff on the North Bay Aqueduct Alternate Intake Project (See matrix Water Quality and Water Supply).
- Development of an updated “ask list” of mitigations and benefits that could be part of negotiations related to Delta programs and projects.
- Requested that staff to Working Group continue efforts to provide information on priority topics.
- Scheduled its next meeting for September 9th or 16th.

As I will be unable to attend the next SCWA board meeting, I have asked Supervisor Thomson and Mayor Batchelor to present the Working Groups report to the SCWA Board.

Aug.2013.It9.Mem

MATRIX OF DELTA ISSUES (8/1/13)

Topic	Issue	Responsible Parties	Local Action	Urgency	Economic Impact
Land Use Conversion - Agricultural to Habitat and Managed wetland to fish habitat (Suisun Marsh)	1. Fish Restoration Program Agreement - OCAP 8,000 acre requirement 2. BDCP - Cache Slough and Suisun Marsh projects, vernal pool, other preservation 3. SFCWA Habitat Program 4. Infrastructure impacts 5. Degree of impact; scale of conversion 6. Governance	1. DWR / DFW 2. BDCP, DWR and water contractors 3. State and Federal Contractors Water Agency 4. BDCP 5. BDCP 6. SFCWA, DWR	1 -Get State agencies and water contractors to incorporate Solano interests in planning and implementation process 2. Get state and feds to discuss mitigations and alternatives to reduce local impacts to Solano County	1. High -10 year program in early stages of land acquisition 2. High - Time to address impacts approx 1 year 3. High - individual projects being implemented now 4. Medium 5. High	Potentially high in lost property taxes and assessments; need for services and impacts to local ag economy. Increased operational cost and degradation of exiting habitats. Need guaranteed revenue stream 2 3
Flood Management	1. State Conservation Framework and Habitat Projects can cause increased local flooding 2. Sustainable long-term levee and flood control financing needed	1. DWR, USBR, BDCP, CVFCB, NGO 2. DWR, CVFCB, Water Contractors	1. Review and comment on projects and require mitigations. 2. Participate in BDCP and Water Bond negotiations 3. Advocate IRWM concepts	1. High -for projects currently being approved 2. Medium - participate in forums to obtain funding	1.High if flood impacts not mitigated 2. Need to minimize local contributions to what is affordable
Local Runoff	Greater scrutiny for local runoff and discharges with increased habitat projects	BDCP, DWR CVRWQB	Negotiate "safe harbor" or funding for future requirements	High – to include in BDCP. Longer term for OCAP projects	Costs could be very high for control measures
Water Supply	Ensure current water supply is protected for M&I and agriculture	BDCP, DWR, SWRCB	Require mitigation for impacts to NBA and seek funding for NBA AI. Confirm North Delta Water Agency protections	High – Impacts are identified in the BDCP EIR/EIS	Potential for reduced water supply could have economic impact.

MATRIX OF DELTA ISSUES (8/1/13)

Topic	Issue	Responsible Parties	Local Action	Urgency	Economic Impact
Water Quality	<ol style="list-style-type: none"> 1. BDCP conveyance & habitat conversion; impacts to North Bay Aqueduct; ag; salinity intrusion 2. Changes in water quality parameters in Cache Slough and Suisun Marsh. 3. Flow 	DWR, BDCP, Interior, USBR, SWRCB	<ol style="list-style-type: none"> 1. Implement NBA Alternate Intake Project and seek State funding 1. Seek science-based Delta flow objectives 1. Get state and feds to discuss mitigations and alternatives to reduce local impacts to Solano County 2. Review modeling to determine if there is an impact - if so require mitigations. Ensure the North Delta Water Agency agreement is not violated. 3. Flow; monitor for scientific veracity. Less flow translates to more ag conversion and worse water quality in some areas 	<ol style="list-style-type: none"> 1. High - BDCP negotiation and Water Bond 2. High -review new BDCP documents and planned restoration activates FRPA and SFWCA 3. Medium 	<ol style="list-style-type: none"> 1. High cost to M&I users for NBA AI 2. Costs depend on impact
Governance	<ol style="list-style-type: none"> 1. Local participation in BDCP planning 2. Local participation in implementation of habitat projects 	BDCP, DWR, Interior, USBR, Water Contractors	<ol style="list-style-type: none"> 1. Become part of BDCP decision making planning, implementation 2. Obtain greater role in implementation process for local habitat projects 	<ol style="list-style-type: none"> 1. High importance, 2. High -need to engage in projects now being implemented 	Outcomes of these projects can have an economic impact. Participation requires staff resources
Water Bond	Needed local projects eligible for Water Bond funding	Legislature, State Administration, Water Contractors, NGO	Ensure text of new water bond addresses Delta region and our needs	High - legislation may occur this year	Potential large funding of local projects and Delta projects

Other parties to engage: Delta County Coalition, Reclamation Districts, collaborations with others (counties, environmental groups, other agencies and, organizations)

MATRIX OF DELTA ISSUES (8/1/13)

Land Use Conversions - Tidal wetlands projects may improve habitat for native endangered fish to stabilize and ultimately increase their population. There are two levels of programs to convert agricultural lands to tidal wetlands in Solano County. First, the Fish Restoration Program Agreement (FRPA) and the State and Federal Contractors Water Agency (SFCWA) programs are Endangered Species Act requirements of existing operations of the State and Federal Water Projects. These programs are required (in OCAP biological opinions) to convert lands to tidal wetland habitat to compensate for fish losses and will happen regardless of the fate of BDCP. These programs are now under way and actively acquiring lands in Solano County. Over the next 10 years, at least 8,000 acres of tidal wetlands will be developed, all in Cache Slough and the Suisun Marsh. Secondly, in the longer term, BDCP will also require conversion of land. BDCP is currently in planning stages, and will take a minimum of several years to be active. BDCP acreages in Solano County have not been specified yet, but are estimated to be in the range of 10,000 acres to 25,000 acres (includes the 8,000 acres from OCAP). The new tidal wetland projects will have an economic impact to Solano interests in terms of lost property tax and assessment revenues, damage to the overall agricultural economy, increased public safety costs, etc. There are also possible water quality and water supply issues that are discussed below. Impacts to other areas of the County are anticipated as part of other habitat preservation requirements.

Flood Management - There are two general flood management issues in the Delta area of Solano County. The first is that the physical changes to the landscape, principally habitat creation in the Yolo Bypass and Cache Slough, could adversely impact local flood protection. This is a known potential impact and is expected to be mitigated through the permitting and CEQA process for projects and programs. These actions need to acknowledge that the existing flood capacity of the Yolo Bypass is less than the design capacity. A broader issue is that Delta levee improvement and maintenance is costly and involves other beneficiaries in addition to local agencies. If a major program, such as BDCP, is initiated in the Delta, funding should be allocated for long term Delta levee needs. Local agencies also need to continue to participate in the Central Valley Flood Protection Board planning for the Central Valley and local regions, as well as the state Delta levee subventions and special projects programs.

Water Quality - Physical changes in the Delta such as from BDCP tunnels and habitat projects can change water quality at the North Bay Aqueduct intake, for agricultural users in Cache Slough and in the Suisun Marsh. Environmental documents for BDCP and other projects will provide computer modeling that shows potential impacts and mitigations will be proposed. Users of Delta water in Solano County will need to actively participate in discussion about potential changes in water quality and seek adequate mitigations. One such mitigation measure is providing partial funding of the North Bay Aqueduct Alternate Intake Project. We need

assurances that the existing North Delta Water Agency agreement will continue to provide contractual guarantees for water supply and quality from the State for Solano Delta agricultural water uses. This agreement indirectly protects water quality at the North Bay Aqueduct. Salinity intrusion will affect water quality to some degree in the Suisun Marsh.

Local Runoff - Wastewater discharge, urban storm runoff and agricultural runoff and drainage for most of Solano County drains into the Delta or Suisun Marsh. These discharges can contain pollutants that may be harmful to fish and wildlife. With newly restored habitat areas in Cache Slough and Suisun Marsh, there could be increased regulation on these discharges to protect these habitats. Our position is that any cost associated with increased regulation specifically due to the new habitat areas must be paid from non-local sources.

Water Supply - Solano water supply from the Delta can be impacted by water quality (see above), changes in water levels and diversion restrictions to protect endangered fish species. The existing North Bay Aqueduct meets current endangered species requirements through Biological Opinions for the State Water Project. Agricultural diverters may be able to get endangered species protection through BDCP. The North Bay Aqueduct Alternate Intake Project will meet endangered species requirements through BDCP or separately. We need assurances that the existing North Delta Water Agency agreement will continue to provide contractual guarantees for water supply and quality from the State for Solano Delta agricultural water users.

Governance - Solano interests want to be part of any governance structure for BDCP.. This applies to the current planning stage as well as implementation if BDCP is approved. Also, Solano interests want to work with the entities that are planning and implementing habitat projects on Solano County. FRPA and SFCWA are currently buying properties and developing them as habitat in Solano County. If BDCP is approved, additional land conversion will take place as mitigation for conveyance.. A coordinated process for siting habitat projects and mitigations for any adverse impact of habitat projects needs to be implemented.

Water Bond - A General Obligation Water Bond is scheduled for a November 2014 ballot. Legislation has been introduced to modify the Bond and possibly postpone it. The current Bond proposal has funding for Delta projects that Solano interests could seek competitive grants and provides funding for various other water projects including BDCP habitat projects. Solano interests need to participate in Water Bond legislation negotiations to ensure a revised water bond includes funding specific to local Delta projects and that the overall Bond is compatible with Solano policies.

MATRIX OF DELTA ISSUES (8/1/13)

Definitions

- BDCP – Bay Delta Conservation Plan
- CEQA – California Environmental Quality Act
- CVFCB –Central Valley Flood Control Board
- CVRWQB – Central Valley Regional Water Quality Control Board
- DCC – Delta Counties Coalition
- DFW - California Department of Fish and Wildlife
- DWR – Department of Water Resources
- FRPA – Fish Restoration Program Agreement
- IRWM Integrated Regional Water Management
- M&I – Municipal and Industrial
- NBA – North Bay Aqueduct
- NBA AI – North Bay Aqueduct Alternate Intake
- NDWA – North Delta Water Agency
- NGO – Non-Governmental Agencies (like environmental groups)
- OCAP – Operations Control and Plan (the operating plan for the State Water Project and Central Valley Project)
- RD – Reclamation Districts
- SFCWA – State and Federal Contractors Water Agency
- SWRCB – State Water Resources Control Board
- USBR- United States Bureau of Reclamation

ACTION OF
SOLANO COUNTY WATER AGENCY

DATE: August 8, 2013
SUBJECT: Legislation

RECOMMENDATION:

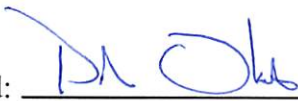
- 1. Oppose AB 145 – State Water Resources Control Board – drinking water (amended June 18, 2013)
- 2. Hear report from Legislative Advocate on bills of interest.

FINANCIAL IMPACT:

None.

BACKGROUND:

1. AB 145 transfers the entire Drinking Water Program from the California Department of Public Health (CDPH) to the State Water Resources Control Board (SWRCB). The CDPH has been criticized for not allocating grant funds for drinking water programs affecting some smaller, economically depressed areas of the State. This bill presumes that the SWRCB would better administer those programs and other all other programs dealing with the regulation of drinking water. Solano cities are regulated by the CDPH and find that their regulation effectively protects public health and are wary of the transfer of authority to the SWRCB. Many of our local agencies have not had good regulatory experiences with the SWRCB or their Regional Boards. While the grant funding function of the CDPH may need improvement, there is no need to transfer the entire drinking water regulatory program of the CDPH to the SWRCB.
2. Patrick Leathers, Legislative Advocate, will brief the Board on State Legislative matters of interest to SCWA, including Water Bond legislation.

Recommended: 
David B. Okita, General Manager

<input type="checkbox"/> Approved as recommended	<input type="checkbox"/> Other (see below)
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Modification to Recommendation and/or other actions:

I, David B. Okita, General Manager and Secretary to the Solano County Water Agency, do hereby certify that the foregoing action was regularly introduced, passed, and adopted by said Board of Directors at a regular meeting thereof held on August 8, 2013 by the following vote.

Ayes:
Noes:
Abstain:
Absent:

David B. Okita
General Manager & Secretary to the
Solano County Water Agency

AMENDED IN SENATE JUNE 18, 2013

AMENDED IN ASSEMBLY APRIL 24, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 145

Introduced by Assembly Members Perea and Rendon
(Principal coauthor: Assembly Member Alejo)

January 18, 2013

An act to add Sections 116271, 116272, 116272.5, and 116760.25 to the Health and Safety Code, relating to drinking water.

LEGISLATIVE COUNSEL'S DIGEST

AB 145, as amended, Perea. State Water Resources Control Board: drinking water.

The California Safe Drinking Water Act (state act) provides for the operation of public water systems and imposes on the State Department of Public Health various duties and responsibilities. Existing law requires the department to conduct research, studies, and demonstration projects relating to the provision of a dependable, safe supply of drinking water, to adopt regulations to implement the state act, and to enforce provisions of the federal Safe Drinking Water Act.

This bill would transfer to the State Water Resources Control Board the various duties and responsibilities imposed on the department by the state act. The bill would require these provisions to be implemented during the 2014–15 fiscal year.

The Safe Drinking Water State Revolving Fund Law of 1997 establishes the Safe Drinking Water State Revolving Fund to provide grants or revolving fund loans for the design and construction of projects for public water systems that will enable suppliers to meet safe drinking

water standards. Under that law, the department is responsible for administering the fund.

This bill would also transfer to the state board the authority, duties, powers, purposes, responsibilities, and jurisdiction of the department for the purposes of that law. The bill would require these provisions to be implemented during the 2014–15 fiscal year.

This bill would require the California Environmental Protection Agency, in consultation with the California Health and Human Services Agency, to prepare a project initiation document for the transfer of the state drinking water program of this part from the State Department of Public Health to a Division of Drinking Water Quality of the State Water Resources Control Board, to be delivered to specified legislative committees by April 1, 2014, and included in the May Revision of the 2014–15 fiscal year budget.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares the following:
- 2 (a) Drinking water is a necessity of human life, and
- 3 contaminated drinking water can lead to sickness and death:
- 4 (1) California law provides that every human being has the right
- 5 to safe, clean, affordable, and accessible water adequate for human
- 6 consumption, cooking, and sanitary purposes.
- 7 (2) Providing safe drinking water is one of the most fundamental
- 8 duties of any government. While Californians rely on public water
- 9 systems operated by local agencies and utilities to deliver drinking
- 10 water to their homes and businesses, the State of California has a
- 11 duty to ensure that water is safe and clean.
- 12 (3) Water for drinking is a natural resource that is inherently
- 13 public. The people of California own the water within our borders,
- 14 and the state grants water rights only for its reasonable use for
- 15 beneficial purposes including human consumption.
- 16 (4) The California Constitution requires that all diversions and
- 17 use of water be reasonable, while the California Supreme Court
- 18 has recognized that the state holds a public trust responsibility over
- 19 California's water resources.
- 20 (b) Groundwater provides a significant portion of California's
- 21 drinking water, in urban and rural communities alike. From the

1 earliest days of statehood, communities relied on pumping
2 groundwater. While not all Californians enjoy groundwater
3 underlying their communities, those communities that have
4 groundwater have maximized its use for human consumption:

5 (1) Of the 8,700 public water systems, 7,800 rely on
6 groundwater, at least in part. These public water systems draw on
7 more than 15,000 wells, while individual landowners draw drinking
8 water from thousands more private wells.

9 (2) Overall, groundwater supplies one-third of the water used
10 in California in a typical year, and in drought years, as much as
11 one-half.

12 (3) Nationally, according to the United States Geological Survey,
13 51 percent of Americans rely on groundwater for drinking,
14 including 99 percent of the nation's rural population. Groundwater
15 provides 22 percent of all fresh water.

16 (c) The governance of California's groundwater resources is
17 diffused among many public agencies and private parties:

18 (1) Landowners enjoy a right to use water lying under their
19 lands for beneficial uses on the surface. When landowners in a
20 basin draw too much water out of their aquifer, commonly called
21 "overdraft," they may go to a court to adjudicate how much water
22 each landowner may take out.

23 (2) Based on an adjudication of an aquifer or litigation over
24 groundwater contamination, a court may structure the management
25 of an individual aquifer to address overdraft or groundwater
26 contamination.

27 (3) Water agencies and groundwater users may voluntarily
28 establish a joint program to manage the aquifer on which they rely.

29 (4) Counties may exercise their police powers to address certain
30 groundwater issues, including the drilling and operation of
31 groundwater wells. County public health officers also may provide
32 oversight to or regulate the smaller public water systems in their
33 jurisdiction that rely on groundwater.

34 (5) In state government, the State Water Resources Control
35 Board (the board) has responsibility for protecting groundwater
36 quality and may adjudicate groundwater rights under certain
37 circumstances. The State Department of Public Health (the
38 department) has responsibility for overseeing the operation of
39 public water systems that use groundwater to provide drinking
40 water. The board may regulate drinking water source quality but

1 not the public water system. The department may regulate the
2 public water system, but not the water source.

3 (d) The Legislature has sought to address the difficulties of
4 communities that suffer poor drinking water quality, especially
5 those in communities that lack the financial resources to resolve
6 their drinking water problems:

7 (1) In 2008 the Legislature approved Senate Bill 1 of the Second
8 Extraordinary Session of 2008, to address nitrate contamination
9 in the Tulare Lake Basin and the Salinas Valley. That law required
10 study and development of pilot projects to better understand and
11 remediate nitrate contamination in those regions. As required, the
12 board studied and prepared a report addressing nitrate
13 contamination, which was delivered to the Legislature in 2013.

14 (2) In 2009, the Legislature adjusted the safe drinking water
15 program to maximize use of federal stimulus funds available to
16 communities that lack the resources to improve their water quality
17 to meet safe drinking water standards.

18 (3) In each annual Budget Act, the Legislature has appropriated
19 funding available from a variety of sources, including
20 voter-approved general obligation bonds, to fix public water
21 systems that do not provide safe drinking water.

22 (e) In order to provide Californians with a comprehensive system
23 to protect their groundwater for drinking water, the state needs a
24 consolidated and comprehensive strategy and program for
25 protecting and improving the quality of California's drinking water
26 resources, especially from groundwater. The state needs to improve
27 the quality and availability of groundwater for those communities
28 that rely on groundwater for drinking. State and local leaders need
29 to address the conflicts inherent in competing demands for
30 high-quality groundwater.

31 (f) The most effective way to create a consolidated and
32 comprehensive strategy to ensure safe drinking water for all
33 Californians is consolidating all water quality programs into the
34 one state agency whose primary mission relates to water quality,
35 the board. The benefits of that consolidation are numerous,
36 including the following:

37 (1) Greater focus of financial and staff support for the drinking
38 water program.

39 (2) More coordination and less duplication among programs
40 addressing drinking water quality.

1 (3) Greater efficiencies of scale and shared resources, resulting
2 in overall lower costs.

3 (4) Broader array of expertise concentrated on drinking water
4 quality, with agency experience in water quality science and policy.

5 (5) Coordination between water source protection and drinking
6 water treatment programs.

7 (6) More accountability for drinking water programs, with a
8 unified agency that has responsibility for oversight and funding
9 and a five-member expert board that makes decisions in public.

10 (7) Improved understanding and coordination between water
11 quality and water rights programs.

12 (8) Consolidated reporting of water use and quality in one
13 agency.

14 (9) Agency experience in fighting fraud, as part of the
15 Underground Storage Tank Cleanup Fund.

16 (10) Consolidated funding programs for related water resources,
17 including both source water protection and wastewater treatment.

18 (11) Combined agency experience in working with the private
19 sector to leverage public funds for public purposes.

20 (12) A board decision process that allows for public airing of
21 the conflicts inherent in managing critical and limited water
22 resources.

23 (g) Crafting the most effective management structure for
24 achieving a comprehensive strategy for protecting drinking water
25 quality requires broad public participation. It is the intent of the
26 Legislature to lead a public process that includes all stakeholders
27 and agencies that may be affected by these reforms to assess the
28 issues and options for fulfilling the state's responsibilities to ensure
29 drinking water quality for all Californians.

30 SEC. 2. Section 116271 is added to the Health and Safety Code,
31 to read:

32 116271. The Legislature finds and declares the following:

33 (a) It is the intent of the Legislature to make the most effective
34 use of California's limited water and financial resources to ensure
35 that all communities, regardless of socioeconomic status, enjoy
36 access to safe and clean drinking water, consistent with the human
37 right to safe, clean, affordable, and accessible water recognized in
38 Section 106.3 of the Water Code.

39 (b) The objectives of this 2013 reorganization of the state's
40 drinking water program include the following:

1 (1) Maximize the efficiency and effectiveness of drinking water,
2 groundwater, and water quality programs in a single agency whose
3 primary mission is water quality as follows:

4 (A) Consolidate regulatory and financing programs into a single
5 state agency that is most focused on protection of California water
6 quality, the State Water Resources Control Board.

7 (B) Provide a one-stop agency where communities can obtain
8 comprehensive technical assistance that helps resolve all their
9 water quality challenges.

10 (C) Minimize administrative costs and interagency differences
11 on water quality issues.

12 (2) Create a comprehensive water quality program that addresses
13 water quality at all stages of the hydrologic cycle as follows:

14 (A) Connect source water protection and wastewater treatment
15 options to create a comprehensive strategy to protect water quality
16 throughout the hydrologic cycle.

17 (B) Provide comprehensive protection of groundwater quality
18 for drinking water purposes for all Californians.

19 (C) Improve the management of California's groundwater
20 resources that are used for drinking and other human consumption
21 purposes.

22 (D) Focus heightened public attention and government resources
23 on protecting the particular groundwater aquifers that provide
24 drinking water.

25 SEC. 3. Section 116272 is added to the Health and Safety Code,
26 to read:

27 116272. The State Water Resources Control Board succeeds
28 to and is vested with all of the authority, duties, powers, purposes,
29 responsibilities, and jurisdiction of the department for the purposes
30 of this part. The Division of Drinking Water Quality of the State
31 Water Resources Control Board shall carry out the functions
32 described in this section. All references to the department in this
33 part shall be construed to refer to the State Water Resources
34 Control Board. This section shall not be construed to impair the
35 authority of a local health officer to enforce this chapter or a
36 county's election not to enforce this chapter, as provided in Section
37 116500. The State Water Resources Control Board shall accept
38 responsibility for enforcing this chapter pursuant to a contract, as
39 provided in Section 116500. This section shall be implemented
40 during the 2014–15 fiscal year.

1 *SEC. 4. Section 116272.5 is added to the Health and Safety*
2 *Code, to read:*

3 *116272.5. (a) The California Environmental Protection Agency*
4 *shall, in consultation with the California Health and Human*
5 *Services Agency, prepare a project initiation document for the*
6 *transfer of the state drinking water program of this part from the*
7 *State Department of Public Health to a Division of Drinking Water*
8 *Quality of the State Water Resources Control Board.*

9 *(b) The project initiation document shall be completed by April*
10 *1, 2014, and provided to the Legislature in compliance with Section*
11 *9795 of the Government Code, with copies to be provided to the*
12 *Joint Budget Committee, the Assembly Committee on*
13 *Environmental Safety and Toxic Materials, the Assembly*
14 *Committee on Health, the Assembly Committee on Water, Parks,*
15 *and Wildlife, the Senate Committee on Environmental Quality,*
16 *and the Senate Committee on Health. The project initiation*
17 *document shall also be included in the May Revision of the*
18 *2014–15 fiscal year budget submitted to the Legislature.*

19 ~~SEC. 4.~~

20 *SEC. 5. Section 116760.25 is added to the Health and Safety*
21 *Code, to read:*

22 *116760.25. The State Water Resources Control Board succeeds*
23 *to and is vested with all of the authority, duties, powers, purposes,*
24 *responsibilities, and jurisdiction of the department for the purposes*
25 *of this chapter. All references to the department in this chapter*
26 *shall be construed to refer to the State Water Resources Control*
27 *Board. This section shall be implemented during the 2014–15*
28 *fiscal year.*