



LODI CITY COUNCIL

Carnegie Forum

305 West Pine Street, Lodi

AGENDA – SPECIAL MEETING

Date: March 29, 2016

Time: 7:00 a.m.

For information regarding this Agenda please contact:

Jennifer M. Ferraiolo

City Clerk

Telephone: (209) 333-6702

A. Call to Order / Roll Call

B. Announcement of Closed Session

B-1 Threatened Litigation: Government Code §54956.9(b). Potential Suit by City of Lodi Against San Joaquin County (Real Parties in Interest, North San Joaquin Water Conservation District (NSJWCD) and East Bay Municipal Utility District) Regarding Mitigated Negative Declaration for Demonstration Recharge Extraction and Aquifer Management (DREAM) Project and NSJWCD South System Improvements (CA)

C. Adjourn to Closed Session

D. Return to Open Session / Disclosure of Action

E. Regular Calendar

E-1 Authorize City Manager to Draft and Execute Comment Letter in Response to Mitigated Negative Declaration for Demonstration Recharge Extraction and Aquifer Management (DREAM) Project and North San Joaquin Water Conservation District South System Improvements Prepared by San Joaquin County Department of Public Works (CA)

F. Adjournment

Pursuant to Section 54956.2(a) of the Government Code of the State of California, this agenda was posted at a place freely accessible to the public 24 hours in advance of the scheduled meeting.

Jennifer M. Ferraiolo
City Clerk

All staff reports or other written documentation relating to each item of business referred to on the agenda are on file in the Office of the City Clerk, located at 221 W. Pine Street, Lodi, and are available for public inspection. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. To make a request for disability-related modification or accommodation contact the City Clerk's Office as soon as possible and at least 72 hours prior to the meeting date. Language interpreter requests must be received at least 72 hours in advance of the meeting to help ensure availability. Contact Jennifer M. Ferraiolo at (209) 333-6702. Solicitudes de interpretación de idiomas deben ser recibidas por lo menos con 72 horas de anticipación a la reunión para ayudar a asegurar la disponibilidad. Llame a Jennifer M. Ferraiolo (209) 333-6702.

****NOTICE:** Pursuant to Government Code §54954.3(a), public comments may be directed to the legislative body concerning any item contained on the agenda for this meeting before (in the case of a Closed Session item) or during consideration of the item.**



CITY OF LODI COUNCIL COMMUNICATION

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AGENDA TITLE: Authorize City Manager to Draft and Execute a Comment Letter in Response to the Mitigated Negative Declaration for Recharge Extraction and Aquifer Management (DREAM) Project and North San Joaquin Water Conservation District (NSJWCD) South System Improvements prepared by San Joaquin County, Department of Public Works

MEETING DATE: March 29, 2016

PREPARED BY: City Manager

RECOMMENDED ACTION: Authorize City Manager to Draft and Execute a Comment Letter in Response to the Mitigated Negative Declaration for Recharge Extraction and Aquifer Management (DREAM) Project and North San Joaquin Water Conservation District (NSJWCD) South System Improvements prepared by San Joaquin County, Department of Public Works

BACKGROUND INFORMATION: San Joaquin County and NSJWCD have entered into several agreements with East Bay Municipal Utilities District (EBMUD) which, if allowed to go forward will result in EBMUD exporting groundwater from San Joaquin County to serve EBMUD's Bay Area customers. At issue, is a Mitigated Negative Declaration prepared by San Joaquin County's Department of Public Works for a self-styled "demonstration" project, the so called DREAM Project, to be constructed and operated by the County, NSJWCD, and EBMUD.

The DREAM Project proposes to take up to 1,000 acre-feet of Comanche Reservoir releases (surface water to be diverted from the Mokelumne River) to be run through a revamped NSJWCD canal system to a location approximately two (2) miles southeast of the City's current sphere of influence, where the water will be used to irrigate 350 acres of farmland in lieu of irrigation by pumped groundwater. NSJWCD also proposes to construct a small twelve inch pipeline from that location to EBMUD's Mokelumne Aqueduct to export 500 acre-feet of extracted groundwater out of San Joaquin County to serve EBMUD's Bay Area customers.

In and of itself the DREAM Project is largely unobjectionable; however, it belies a larger project outlined in the November 2014 Protest Dismissal Agreement (PDA)¹ over EBMUD's time extension of its Permit 10478. The PDA would create a much larger and permanent project designed to export San Joaquin County groundwater to EBMUD's Bay Area customers. Theoretically the project will take less groundwater than it creates by recharge; but the current environmental document fails to study whether the larger project, as outlined in the 2104 PDA, will work, while at the same time allowing the majority of the infrastructure to be constructed and securing the permits necessary for the larger project (a cost of \$4

¹ Entered into by and between Central Delta Water Agency, County of San Joaquin, EBMUD, NSJWCD, South Delta Water Agency, and Stockton East Water District.

APPROVED: _____
Stephen Schwabauer, City Manager

million in infrastructure and permit fees) under the guise of a limited “demonstration” project. Moreover, the DREAM Project relies on diverting surface water from the Mokelumne River that Woodbridge Irrigation District (WID), and by extension the cities of Lodi and Stockton along with 40,000 acres of local irrigated farmland (WID customers), claim under WID’s pre-1914 water rights. The Mitigated Negative Declaration also fails to analyze the consequences the larger PDA project, or the loss of surface water, will have on WID and its customers, including the City of Lodi, as well as impacts to the overall groundwater basin, the rural properties located near the proposed groundwater extraction well, current groundwater recharge efforts, and the impact to fish and habitat within the Mokelumne River system downstream from the proposed point of diversion.

Staff requests authority to draft an appropriate Comment Letter, to be signed by the City Manager, to preserve Lodi's ability to challenge the DREAM Project as it moves forward. It may be that after a more thorough environmental review of the DREAM Project, staff’s concerns will be resolved or mitigated. However, failure to file timely comments will hamper Lodi’s opportunity to address its concerns regarding the impact of the DREAM Project on the environment and the ability of WID to serve its customers, including Lodi residents.

FUNDING: Not Applicable.

Stephen Schwabauer
City Manager