

RESOLUTION NO. 2014 – 36

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE CALAVERAS COUNTY WATER DISTRICT**

**OPPOSING SB 1199 – WILD AND SCENIC DESIGNATION
FOR THE MOKELUMNE RIVER UNLESS DRAFT AMENDMENTS ADOPTED**

WHEREAS, Senate Bill 1199 (SB 1199), authored by California State Senator Hancock and further amended, proposes "wild and scenic" designation for parts of the North Fork and Main Stem of the Mokelumne River; and

WHEREAS, SB 1199, as currently drafted could prohibit water resource development projects of benefit to Calaveras County and potential partnering agencies; and

WHEREAS, the Calaveras County Water District (CCWD) Board of Directors did act on April 23, 2014 to oppose SB 1199; and

WHEREAS, amended language has been proposed that would meet the concerns of CCWD with respect to the proposed "wild and scenic" designation.

NOW, THEREFORE, BE IT RESOLVED that the Calaveras County Water District Board of Directors does hereby support proposed amendments to SB 1199 and will reconsider its opposition to the bill if SB 1199 is amended as noted on the document attached hereto and made a part hereof.

FURTHER RESOLVED that the CCWD Board President is directed to transmit this resolution by letter to the appropriate State representatives.

PASSED AND ADOPTED this 19th day of June 2014 by the following vote:

AYES: Directors Davidson, Stump, Dean, Dooley and Ratterman
NOES: None
ABSTAIN: None
ABSENT: None

CALAVERAS COUNTY WATER DISTRICT



Scott Ratterman, President
Board of Directors

ATTEST:



Mona Walker, Clerk of the Board

Draft Amendments to SB 1199

As Amended On May 18, 2014

(k) (1) North Fork Mokelumne River from 0.50 miles downstream of the Salt Springs 97-066 Dam to 0.50 miles upstream of the Tiger Creek Powerhouse.

(2) North Fork Mokelumne River from 1,000 feet downstream of the Tiger Creek Afterbay 97-105 Dam to State Highway Route 26.

(3) North Fork Mokelumne River from 400 feet downstream of the small reregulating dam at the outlet of the West Point Power House to the southern boundary sec. 12, T6N R12E Middle Fork Mokelumne River confluence.

(4) The main stem of the Mokelumne River from the confluence of the North and Middle Forks to 300 feet upstream of the Electra Powerhouse. From 1400 feet upstream of the Middle Fork Mokelumne River confluence to 300 feet upstream of the Electra Power House.

(5) The main stem of the Mokelumne River from 300 feet downstream of the small reregulating dam downstream of the Electra Powerhouse to the Pardee Reservoir flood surcharge pool at 580 feet elevation above mean sea level.

(6) Nothing in this chapter shall prejudice, alter, delay, interfere with, or affect in any way, the installation, operation, maintenance, repair, and replacement of river flow and water quality monitoring stations and equipment in and along the designated segments of the Mokelumne River; or the construction, operation, maintenance, repair, and replacement of recreational facilities along the Mokelumne River on East Bay Municipal Utility District lands, including

scenic trails and rafting facilities, such as take outs, parking lots, and similar recreational facilities.

(7) Nothing in this subdivisionchapter shall prejudice, alter, delay, interfere with, or affect in any way, the existing rights, including but not limited to water rights, of Calaveras County, Amador County, the Amador Water Agency, the Jackson Valley Irrigation District, the Calaveras Public Utility District, and the Calaveras County Water District, and private utilities operating in the Mokelumne River watershed; the implementation of those rights; any historic water use practices; the replacement, maintenance, repair, operation, or future expansion of existing diversions, storage, powerhouses or conveyance facilities, power lines, or other works by those agencies; or changes in the purpose of use, places of use, points of diversion, or ownership of those existing water rights; nor shall anything in this chapter preclude or affect in any way the issuance of any state department or agencygovernmental authorization, assistance (financial or otherwise) or cooperation in connection with the needed for utilization of those rights. However, ~~no exercise of rights or practices specified in this paragraph shall operate to increase the adverse effect, if any, of the preexisting facilities or places, or the purposes of use upon the free-flowing and natural character of the river segments designated herein.~~

(8) Nothing in this subdivisionchapter shall prejudice, delay, interfere with, or affect in any way, a water rights application and associated water facilities by Calaveras County, Amador County, ~~or~~ Amador Water Agency, the Jackson Valley Irrigation District, the Calaveras Public Utility District, and the Calaveras County Water District, and private utilities operating in the Mokelumne River watershed, and consideration by the State Water Resources Control Board of a water rights application for new water supply projects not located within the upstream of Mokelumne River segments protected in this subdivision, or on tributaries to the North Fork and

~~main stem Mokelumne River, provided that the application and approval of water rights, and the construction and operation of facilities to access those rights, shall avoid an adverse effect on the free-flowing condition and natural character of the river segments designated in this section as components of the system.~~

(9) Nothing in this ~~subdivision~~ chapter shall prejudice, alter, delay, interfere with, or affect in any way, Amador Water Agency's water rights application 5647X03 pending before the State Water Resources Control Board and the Board's consideration of said application.

(10) ~~(A) Neither the Governor nor an employee of a state agency or department shall apply to a secretary, department, agency or other entity of the federal government for the designation of any portion of the Mokelumne River as a component of the national wild and scenic rivers system under the federal Wild and Scenic Rivers Act (16 U.S.C. Sec. 1271 et seq.).~~

~~(B) Neither the Governor nor an employee of a state agency or department shall expend funds preparing, filing, or otherwise submitting an application to a secretary, department, or other entity of the federal government for the designation of any portion of the Mokelumne River as a component of the national wild and scenic rivers system under the federal Wild and Scenic Rivers Act (16 U.S.C. Sec. 1271 et seq.).~~

(11) To the extent that this subdivision conflicts with other provisions of this chapter, this subdivision shall control.

5093.545.

The classifications heretofore established by the secretary for the rivers or segments of rivers included in the system are revised and adopted as follows:

Mokelumne River.

(1) North Fork Segments.

*(A) From 0.50 miles downstream of the
Salt Springs 97-066 Dam to 0.50 miles
downstream of the Bear River confluence* *Recreational*

*(B) From 0.50 miles downstream of
the Bear River confluence to
0.50 miles upstream of the Tiger Creek
Powerhouse* *Wild*

*(C) From 1,000 feet downstream of the
Tiger Creek
Afterbay 97-103 Dam to State Highway
Route 26* *Recreational*

*(D) From 400 feet downstream of the
small reregulating dam at the outlet of the
West Point Power House to the southern
boundary of Section 12, 16N R12E* *Wild/Scenic*

*(E) From the southern boundary of
Section 12, 16N R12E to the Middle Fork
Mokelumne River confluence*

*(F) From 1,000 feet upstream of the Middle
Fork Mokelumne River confluence to the
Middle Fork Mokelumne River confluence* *Scenic/Recreational*

(2) Main Stem Segment

(A) From the Middle Fork Mokelumne River confluence to 300 feet upstream of the Ponderosa Way Bridge Scenic/Wild

(B) From 300 feet upstream of the Ponderosa Way Bridge to 300 feet upstream of the Electra Powerhouse Scenic

(C) From 300 feet downstream of the small reregulating dam downstream of the Electra Powerhouse to the Pardee Reservoir flood surcharge pool at 580 feet above mean sea level Recreational