



Meeting Minutes

Meeting of the California Water Commission
Wednesday, February 19, 2020
State of California, Resources Building
1416 Ninth Street, First Floor Auditorium
Sacramento, CA 95814
Beginning at 9:30 a.m.

1. Call to Order

Chairman Quintero called the meeting to order at 9:30 a.m.

2. Roll Call

Executive Secretary Kimberly Muljat called the roll. Commission members Teresa Alvarado, Carol Baker, Daniel Curtin, Armando Quintero, and Matt Swanson were present, constituting a quorum.

3. Closed Session

The Commission did not hold a closed session.

4. Approval of January 15, 2020 Meeting Minutes

Commissioner Baker moved to approve the January 15, 2020 meeting minutes. All Commissioners present voted in favor.

8. Water Resilience Portfolio

This item was heard out of order. Wade Crowfoot, Secretary of the California Natural Resources Agency (CNRA), provided an overview of the Water Resilience Portfolio. Governor Newsom issued an Executive Order in April 2019 directing CNRA, the California Environmental Protection Agency, and the California Department of Food and Agriculture to develop a roadmap for investments, programs, and policies to improve the state's water resilience over the next three years. The goal of the portfolio is to identify how to help communities, agriculture, and fish and wildlife withstand and adapt to the impacts from climate change. The agencies released the draft portfolio in January and accepted public comments that are being reviewed. Mr. Crowfoot discussed conveyance, infrastructure, and some of California's water needs. The draft portfolio directs the Commission to assess and prioritize infrastructure needs and assess the state's role in financing projects. CNRA is aiming to finalize the portfolio by the end of March 2020.

Commissioner Alvarado asked Mr. Crowfoot to clarify CNRA's expectations for the Commission's role. Mr. Crowfoot explained the Commission's role is still being developed, but CNRA wants the Commission's role as a public forum to be institutionalized rather than episodic. Commissioner Curtin asked if the portfolio addresses governance issues that would help develop regionalization. Mr. Crowfoot stated that a core principle of the draft Water

Resilience Portfolio is that statewide resilience will not be achieved by state agencies, but state agencies need to empower regions.

5. Executive Officer's Report

Executive Officer Joe Yun discussed the Commission's work plan for 2020, which includes the work related to the roles outlined for the Commission in the Water Resilience Portfolio, green infrastructure, Sustainable Groundwater Management Act implementation, the State Water Project (SWP), and the Water Storage Investment Program (WSIP). Mr. Yun summarized how staff is planning to approach the regional conveyance and flood insurance program directives from the draft portfolio.

Commissioner Baker discussed a new bond that is expected to be on the ballot in November and how the Commission could provide input related to regional conveyance.

6. Commission Member Reports

Commissioner Swanson spoke about the Commission and participated in a question and answer session with the State Board of Food and Agriculture at the World Ag Expo in Tulare.

7. Public Testimony

Paul Sethy, with Alameda County Water District, expressed support for the Department of Water Resources' (DWR) efforts to increase the reliability of the SWP, including the South Bay Aqueduct, and encouraged the DWR to include asset management and reliability efforts on the South Bay Aqueduct in future SWP annual reviews.

Maureen Martin, with Contra Costa Water District (CCWD), asked the Commission to add an item to the next meeting agenda to consider increasing the amount of CCWD's WSIP early funding agreement for the Los Vaqueros Reservoir Expansion Project.

9. Delta Conveyance

Carrie Buckman, DWR's Environmental Program Manager for Delta Conveyance, briefed the Commission on the status of the single tunnel Delta Conveyance Project. The environmental review process is four steps; initial outreach, project definition, draft environmental impact report (EIR), and final EIR. The Notice of Preparation released in January 2020 documents the intent to develop an EIR for the Delta Conveyance Project and describes the proposed project. The purpose of the project is to develop new diversion and conveyance facilities in the Delta necessary to restore and protect the reliability of water deliveries in a cost-effective manner, consistent with the Water Resilience Portfolio. New diversion facilities would be operated together with existing south Delta pumping facilities. Operations would increase DWR's ability to capture water during high flow events. DWR will select potentially feasible alternatives that meet project objectives and provide opportunities to reduce impacts. The scoping period provides opportunity for the public to comment on the alternatives. DWR has asked the Delta Conveyance Design and Construction Authority (DCA) to develop preliminary designs for the proposed project and alternatives to avoid or minimize construction affects to local communities. DWR would like to update the Commission every 3 to 6 months, which would help the Commission in their role related to the SWP and provide an opportunity to reach a large public audience.

Commissioner Alvarado asked Ms. Buckman about the establishment and background of the DCA. Ms. Buckman stated the DCA was established in March 2018 and the original DCA agreements were modified after the project shifted from WaterFix to the single tunnel Delta Conveyance Project.

The Commission took public comments. Paul Sethy, with Alameda County Water District, recommended that the Commission schedule a briefing on financing of the project and commitments made by public water agencies.

Commissioner Quintero asked for clarification regarding the Commission's role in DWR's proposed soil investigations. Ms. Buckman explained that DWR is reviewing public comments received on the initial study and proposed Mitigated Negative Declaration. If DWR decides to move forward, the DCA will try to secure temporary access to the areas of study. If that effort is unsuccessful, DWR will need to return to the Commission for eminent domain proceedings.

10. Tribal Engagement in Delta Conveyance

Anecita Agustinez, DWR's Tribal Policy Advisor, provided an overview of Tribal engagement for the Delta Conveyance Project. Ms. Agustinez discussed Tribes with ancestral land in the Delta and past executive orders and state policies related to Tribal consultation. Executive Order B-10-11 recognized Tribal sovereignty and the need for government to government consultation. Executive Order N-10-19 outlined principles related to strengthening partnerships between Tribal governments and agencies conducting extensive outreach to inform sovereign Tribes, including for the Delta Conveyance Project. Executive Order N-15-19 apologized on behalf of the citizens of the state of California to all California Native Americans and reaffirmed the requirement of government to government consultation. Assembly Bill (AB) 52 in 2014 amended the California Environmental Quality Act (CEQA) process to include Tribal notification requirements for lead agencies of any project for which a Notice of Preparation, Notice of Mitigated Negative Declaration, or Notice of Negative Declaration is filed. Ms. Agustinez discussed the importance of Tribal Cultural Resources (TCRs). As lead agency under CEQA for the Delta Conveyance Project, DWR initiated pre-AB 52 outreach over the past six months. The Notice of Preparation released in January formally triggered the beginning of the AB 52 Tribal engagement process; Tribes can now provide written requests for consultation. Ms. Agustinez provided an overview of Tribal informational meetings, DCA Stakeholder Engagement Committee Tribal representation, and DWR's Tribal Engagement Committee. The Commission's role as a public forum creates an opening for Tribes to inform the Commission and the public about their historic ties to the Delta.

Commissioner Baker asked what Tribes view as water priorities, if there are any priorities related to the Delta Conveyance Project, and if wildlife habitats are included as TCRs under AB 52. Ms. Agustinez stated the Delta itself and its ties to watersheds and other areas are a priority for the surrounding tribes. Tribal priorities regarding the Delta Conveyance Project include where the intakes will be, what the flows will be, and impacts on fish species and habitats. Habitat is considered a TCR.

11. Action Item: Annual Review of the State Water Project

This item was postponed.

12. Consideration of Items for Next California Water Commission Meeting

Agenda items at the next meeting will include briefings on the Public Policy Institute of California “Priorities for California’s Water” report, the state groundwater, and briefing on the SWP efforts in the Delta, as well as consideration of CCWD’s request for additional early funding and consideration of the 2019 annual review of the SWP.

13. Adjourn

The Commission adjourned at 11:25 am.