



## **Meeting Minutes**

Meeting of the California Water Commission  
Wednesday, September 21, 2022  
Warren-Alquist State Energy Building  
1516 9th Street, Rosenfeld Hearing Room  
Sacramento, CA 95814  
Beginning at 9:30 a.m.

### **1. Call to Order**

Chair Matthew Swanson called the meeting to order at 9:30 a.m.

### **2. Roll Call**

Commissioners Arthur, Gallagher, Makler, Matsumoto, Steiner, Swanson, and Solorio were present, constituting a quorum.

### **3. Closed Session**

The Commission did not hold a closed session.

### **4. Approval July 20, 2022, Meeting Minutes**

Commissioner Steiner motioned to approve the July 20, 2022, meeting minutes. Commissioner Gallagher seconded motion. All Commission members present voted in favor.

### **5. Assistant Executive Officer's Report**

Assistant Executive Officer Laura Jensen said the Governors' Water Supply Strategy (WSS) was released on August 11. The Commission's work on long-term drought is a complement to the WWS. Staff has completed its initial interviews on long-term drought and is preparing a framework that will be presented to the Commission at next month's meeting.

Chair Swanson said he applauds the Governor for putting forth this bold and comprehensive strategy, and for taking action to address the challenges the state faces as we adapt to a hotter, drier future. He is pleased to hear that Commission staff is supporting the work of the Water Storage Investment Program (WSIP) interagency strike team noted in the WSS and continuing to work with the state agencies and project proponents as they move through the WSIP process. The Commission stands ready to do its part as applicants are ready. The Commission is also working to advance Water Resilience Portfolio Action 26.3, where it will consider potential strategies to protect communities and fish and wildlife in the event of long-term drought. The WSS explains that California is experiencing increased heat and dryness due to climate change, which means that periods of drought will be more intense than in the past. This underscores

the importance of the Commission's work to better position the state to manage severely constrained water supplies for the protection of communities and the environment.

#### **6. Commission Member Reports**

There were no Commissioner reports.

#### **7. Public Testimony**

There was no public testimony.

#### **8. Consideration of Evidence in Support of Resolutions of Necessity for the Yolo Bypass Salmonid Habitat Restoration and Fish Passage project (Big Notch Project) – Batch C, Step 1**

On July 13, 2022, the Department of Water Resources (DWR) notified the Commission of its intent to seek Resolutions of Necessity (RON) for the Big Notch Project (BNP) in furtherance of a potential eminent domain action for additional properties ("Batch C"). DWR cannot commence an eminent domain proceeding unless the Commission first adopts an RON.

Commission Legal Counsel Holly Stout explained the difference between this meeting's process and the process at next month's meeting. There will be no action to adopt RONs at this meeting.

Liz Vasquez from DWR's Division of Integrated Science and Engineering presented an overview of the BNP, including its goals and impacts on the State Water Project (SWP) operations. The BNP will enhance floodplain rearing habitat and fish passage in the Yolo Bypass and is required for the long-term coordinated operations of the SWP and Central Valley Project compliance with the 2019 National Marine Fisheries Service Biological Opinion and the 2020 California Department of Fish and Wildlife (CDFW) Incidental Take Permit. The Fremont Weir diverts flood water into the Yolo Bypass and disconnects the Sacramento River from its floodplain during fish migration periods. The proposed BNP includes excavated channels and a gated headworks that reintroduce the connection for fisheries purposes. The operation period is from November 1 to March 15.

Rachel Taylor from DWR's Office of General Counsel presented information regarding the specific properties listed on the agenda and how those properties are necessary to meet the goals of the BNP, and updated the Commission about the efforts DWR has made to work with the landowners. DWR is seeking flowage easements for the purpose of fish passage as required mitigation for the long-term operations of the SWP and has authority to acquire property rights required and necessary for the operation of the SWP. California Code of Civil Procedure requires DWR to obtain a RON from the Commission, as the appropriate governing body.

**8A. Thompson Trust.** DWR is seeking a 142.09-acre easement. The land is currently used for duck hunting, recreational and conservation lands. The property is encumbered by a U.S. Fish and Wildlife Service (USFWS) conservation easement.

Public comment by Curt McCasland, project leader for the Sacramento National Wildlife Refuge Complex, who said the USFWS holds a conservation easement on six of these properties and will be providing comments for inclusion in the administrative record of the RON hearing for each of these parcels, and to be sure that their September 7 letter is included as well.

Commissioner Arthur asked Ms. Taylor to explain the four findings the Commission must make in order to approve a RON, and was told that the Commission must find that 1) the public interest and necessity require the proposed project, 2) the proposed project is planned or located in the manner that will be the most compatible with the public good and the least private injury, 3) the property described in the resolution is necessary for the proposed project, and 4) the first written offer has been made in accordance with the government code. She also asked Ms. Taylor to explain DWR's involvement in the Federal easement process and was told the California Code of Civil Procedure requires that DWR do its own analysis of whether the operation of its project unreasonably interferes with the public use or conservation easement. Each of the Federal government programs also has their process for determining compatibility, and DWR coordinates directly with them as they do their analyses. It is a similar process for USFWS and National Resources Conservation Service (NRCS).

Commissioner Makler asked Ms. Taylor if there is a statutory requirement regarding a timeline for the Federal easement compatibility process and was told there was no specific timeframe, but they are very conscious of the time constraints and coordinate with Federal agencies with that in mind.

Vice Chair Steiner asked Ms. Taylor about the letter that said USFWS easements on properties E and J were not subject to purchase or condemnation and was told that, technically, the State cannot condemn the Federal government, but there are procedures to allow it to move forward that involves the courts and requires the acceptance of the various agency secretaries to do so.

Commissioner Matsumoto asked Ms. Taylor and Ms. Vasquez when USFWS will be notified of all the properties to be affected so the analysis of compatibility can begin and was told they have already notified all the properties.

**8B. Huntington Family Trust.** DWR is seeking a 158.1-acre easement. The land is currently used for duck hunting and recreational purposes. The property is encumbered by a USFWS conservation easement.

Public comment by Curt McCasland, who restated his remarks from Item 8A.

Vice Chair Steiner said any relevant questions posed during Item 8A should also be included as being asked for Items 8B, 8E, 8G, 8I, 8J and 8L.

**8C. Neill Revocable Trust.** DWR is seeking an 80-acre easement. The land is currently used for recreational purposes, particularly pheasant hunting.

**8D. Jackson Rancheria.** DWR is seeking a 596.36-acre easement. The land is currently used for row crops for grazing.

**8E. EIP California.** DWR is seeking a 1,728.17-acre easement. The land is currently used for rice farming and duck hunting. The property is encumbered by USFWS and NRCS conservation easements.

Public comment by Curt McCasland, who restated his remarks from Item 8A and 8B.

Vice Chair Steiner said an easement holder raised concern about permitted future construction and would DWR need to engage in further discussion with the parties before doing that. She was told that adaptive management may necessitate future construction and they would need to go through the environmental process again, but would not need approval again for the property rights. The notice of intent to acquire goes out to landowners and the conservation easement holder so they are aware of the process, but easement holders have a slightly different process under the Code of Civil Procedures than the landowners do under the government code.

**8G. Swanston Properties.** DWR is seeking a 490.94-acre easement. The land is currently used for row and field crop. The property is encumbered by a USFWS conservation easement.

Public comment by Curt McCasland, who restated his remarks from Item 8A, 8B, and 8E.

**8H. Swanston West S, LLC.** DWR is seeking a 106-acre easement. The land is currently used for row and field crop cultivation.

Public comment from Elaine Buxton Oregon asked what the total amount of acreage being considered today that is being placed under easement. Ms. Vasquez said there are 43 acquisitions of flowage easements, whose flowage area is 60-70 percent of the Yolo Bypass. She will have to come back to the Commission with exact figures.

Commissioner Gallagher said the map shows the parcel cutting into two other fields and was told they will be looking at those parcels at a future meeting.

Vice Chair Steiner noted the spelling of the property owner's names for items 8G and 8H were spelled differently than the Chair's.

**8I. Williams.** DWR is seeking a 100.13-acre easement. The land is currently used for recreational hunting and migratory bird conservation land. The property is encumbered by a USFWS conservation easement.

Public comment by Curt McCasland, who restated his remarks from Item 8A, 8B, 8E, and 8G.

**8J. Lucky Five Farm.** DWR is seeking a 481.09-acre easement. The land is currently used for duck hunting and recreation and conservation land. The property is encumbered by an NRCS conservation easement.

**8K. Murphy.** DWR is seeking a 20-acre easement. The land is currently used for duck hunting and recreational land. The landowner does not want to communicate with DWR so they have been unable to progress negotiations.

**8L. Channel Ranch.** DWR is seeking a 191.16-acre easement. The land is currently used for duck hunting and recreational purposes and conservation land. The property is encumbered by a USFW conservation easement.

Public comment by Curt McCasland, who restated his remarks from Item 8A, 8B, 8E, 8G, and 8I.

**9. Water Storage Investment Program: Consideration of Site Visits (Action Item)**

At its July 2022 meeting, the Commission discussed considerations and options for potential site visits to Water Storage Investment Program (WSIP) proposed project locations prior to a project's Final Award Hearing, and asked staff to bring back specifics and information on whether to conduct project site visits and if so, how site visits would be conducted.

WSIP manager Amy Young explained the process moving forward and that site visits would best take place after the draft contracts for public benefits (CAPBs) were released, and between the applicant's request for a final award hearing and the hearing itself. Because site visits would take place before funding decisions are made, the Commission's *ex parte* policy would limit communication between Commissioners and project applicants and require public noticing. Weather could possibly affect the ability to visit a site. Today's decision would need to be applied to all seven projects, some of which will not be ready to come before the Commission for several years, and the Commissioners at that time are committed to whatever decision is made today. Based on Commissioners' interest in efficiency and urgency, staff recommends virtual tours, which can consist of staff and applicant materials to help understand scale, layout, and operations of the project. Applicants will be on hand to answer questions when presented. The decision should be made today as Harvest Water is expected to come before the Commission soon for a final award hearing and staff would need time to work out logistics and to make sure project schedules are not impacted.

Vice Chair Steiner supported staff's recommendation for virtual site visits. Choosing a sub-committee could be problematic due to the long timeframes and current Commissioner tenures. Having the applicant present during the virtual tour presentation would be helpful.

Commissioner Makler agreed with the logistical issues and asked Ms. Young how virtual tours would affect staff time, and could staff ask the project proponents if they already have anything that could be used in this capacity. He was told staff will be working with the applicants as much as possible to minimize any duplication of work.

Commissioner Solorio offered to participate should they decide on in-person visits at a later date, but he supports the staff recommendation.

Commissioner Matsumoto thinks it is important for the Commission to see the public benefit components of each project and would like to see the “before” condition as well. She asked if they could table the decision until after they have heard the state agencies’ presentation on the CAPB contracts later in the meeting.

Commission legal counsel Holly Stout said we can request, but not require, the applicants to help with the tours and to attend the meeting when they are shown, but this is outside of the regulations, and it would be up to them.

Commissioner Arthur said the Commission needs to steward the public funds that pay for public benefits, but also be sensitive to the projects’ timeline. The staff recommendation is a nice balance of that. She asked if we could invite the administering agencies to participate in the virtual tour meeting and was told, yes, we can make that request.

Public comment from Elaine Buxton-Oregon, who asked what kind of promotion has been made to make the public aware of these tours so they can participate and make comments, and are all the applicants voluntary or is there some aspect of eminent domain involved. Ms. Stout said the virtual tours will be subject to notice pursuant to the Bagley-Keene Act and the public will have the right to comment when presented to the Commission. Each project applied for funding and is independently managed by public agencies so we cannot speak to any eminent domain issues.

Commissioner Arthur motioned to approve the staff recommendation of virtual tours with the added request for the administering agencies to be present. Commissioner Gallagher seconded the motion. Motion passed 7-0.

**10. Water Storage Investment Program: Contracts for the Administration of Public Benefits**  
Water Code states that, prior to receiving a final funding award, WSIP funding recipients must enter into contracts with the state agencies responsible for the administration of the public benefits produced by the project. Staff from DWR, CDFW, and State Water Resources Control Board (SWRCB) discussed the process for developing the CAPBs for the WSIP projects.

Ms. Young explained how the contracts fit into the overall WSIP process and said a future briefing will be about the final award hearings. WSIP funding is based on the public benefits each project will provide – ecosystem, water quality, emergency supply, flood control, and

recreation – and are administered by CDFW, DWR, and SWRCB. Ecosystem benefits must make up at least 50% of the value of the funding amount. The public benefits were originally reviewed during the WSIP applicant process and given a monetary value. The Commission then made maximum conditional eligibility determinations (MCEs) for each project. The process of refining the projects can affect the public benefits that were first proposed. Construction funds cannot be allocated until the project meets all Proposition 1 requirements, one of which is the CAPBs. CAPBs are a new concept and have never been done before. Regulations allow for the administering agencies to bring draft CAPBs to the Commission prior to finalizing. Statute and regulations ensure the funds achieve the public benefits, and define the content of the CAPBs, including adaptive management and reporting. Once finalized, CAPBs will become part of the project's funding agreement. Contracts are between the applicants and the administering agencies. Draft contracts will come before the Commission and be open to public comment. Administering agencies will make findings that the public benefits have met the Prop. 1 requirements.

Kristal Davis-Fadtke, CDFW Water Branch Environmental Program Manager, said her department developed the ecosystem priorities and relative environmental value of the ecosystem benefits and the criteria for which to assess their value. They conducted the technical review of the projects and made preliminary findings on whether they could provide a net benefit to the ecosystem. They will have a role in administering the benefits over the life of the contract. Their goal was to achieve benefits to listed endangered and threatened species. They considered the magnitude of what the public benefits could provide, and their spatial and temporal scale, duration, and resiliency, and how they could continue to provide a public benefit under climate change and multi-year drought scenarios. Ecosystem benefits include pulse flows on the Feather River; base flows in the Cosumnes River; water for wildlife refuges; flows in the Yolo Bypass for Delta smelt; reduced salmon entrainment; and wetland, riparian, vernal pool, Sandhill crane, and Steelhead trout habitat. These are preliminary findings and WSIP regulations anticipated changes to the public benefits after environmental reviews, permits, and water rights were obtained. CDFW is required to confirm the public benefits still meet the requirements of the Water Code. CAPBs will include benefit descriptions (timing, frequency, location), actions necessary to achieve the anticipated environmental response, and annual reporting with a five-year performance review. These contracts can be up to 80 years. An adaptive management plan will include a monitoring plan, project milestones, performance thresholds, and triggers. Next steps will be to verify how the benefit quantity may have changed since the technical review, to confirm the project operations provide water at sufficient volume for the ecosystem, and to confirm the completion of final environmental documents and any agreements required to manifest the benefits. CAPB contract templates have been provided to all project proponents.

Sarah Sugar, SWRCB Senior Environmental Scientist, said her department identified water quality priorities and criteria for assessing relative environmental value for the WSIP regulations, conducted technical review of WSIP applications for projects that proposed water quality public benefits, and will develop CAPBs for any project that provides them consistent

with WSIP. The SWRCB found two projects that deliver water quality benefits – Harvest Water and Chino Basin. They are now in the process of understanding any changes to the benefits. Harvest Water will reduce salinity in the Sacramento/San Joaquin Delta. Chino Basin will improve groundwater quality. The magnitude of the benefits depends primarily on the quality and quantity of water stored or delivered. Volumes and flows are relatively small compared to the receiving water bodies. To directly measure the benefits, since they occur in a highly managed surface or groundwater basin, SWRCB will be relying on proxy values. Limitations on how much water can be delivered or stored would affect water quality benefits and set some bounds for adaptive management.

Jessica Boyt, DWR Senior Environmental Scientist, said DWR will administer flood control, recreation, and emergency response benefits. One project will provide flood control benefits, two will provide recreation benefits, and five will provide emergency response benefits. Flood control benefits are dependent upon operations and maintenance and requires dedicated flood space. Recreation benefits depend on lake elevation, size and types of recreational facilities, and the operating season. There were several designated types of emergency response, including Delta outage, drought, and wildfires, and are dependent upon how much water can be delivered, and how it can be provided.

Public comment from Elaine Buxton Oregon, who said that exporting water and decreasing flow will actually worsen the salinity in the Delta ecosystem and asked how this will be addressed and mitigated. Ms. Sugar said the salinity reduction benefits to the Delta are related to a wastewater treatment project and she can provide her the technical review completed during the application process.

Vice Chair Steiner asked what the Commission's role is with the CAPBs. Ms. Young said the contracts are between the applicants and the administering agencies. The Commission will look at the CAPBs before they are finalized for review and the Commission can provide comments that the agencies can consider, but the Commission cannot change the contracts.

Commissioner Arthur asked how the CAPBs impact the final award and what are the MCEDs conditional on. Ms. Young said the final CAPBs will make clear what the actual public benefits will be. The Commission's role at that point is to look at what was contracted for and will receive additional analysis and recommendation from staff on how it relates to the MCED. Our hope is that the public benefits remain fairly consistent. The Commission has the discretion to make an award based on what they see in the final contracts.

Public comment from Ashley Overhouse, Water Policy Advisor at Defenders of Wildlife, who requested the Commission reaffirm its commitment to allow adequate time for public review of the CAPBs and clarify the process for written and oral comments. She also requested the Commission retain oversight of the agreements and any amendments that might later be proposed if the ecosystem benefits cannot be achieved, and that CDFW and the other agencies solicit input from environmental stakeholders regarding metrics and adaptive management.



Commissioner Makler asked if a public benefit that was paid for with taxpayer funds does not materialize, would it be put in the CAPB that the rate payers be required to reimburse the state. Ms. Fadtke-Davis said that since CDFW is not entering into a funding agreement with the project proponents, so CDFW has no authority in that realm, but envisions if they do find that a benefit is not manifesting, CDFW would come before the Commission and let them know. These contracts are negotiations between CDFW and the project proponents and so there would need to be a willingness on both sides. Ms. Stout said the CAPBs and final award are a single agreement and, should this type of situation arise, it would be up to the Commission's discretion to pursue further action.

Commissioner Arthur said the final CAPBs work in lockstep with the final funding agreement and asked what the process was for those to be shared. Ms. Young said there is a funding agreement template on the Commission website, but the template may be modified based on the CAPBs. Any changes to our template will be updated on our website. Once an applicant requests a final award hearing, we will present all Prop. 1 requirements they met, including the CAPBs, as well as a staff recommendation to the Commission. After the Commission makes a final award, staff will put together a funding agreement with the applicants, which will include details such as scope of work and budget. Commissioner Arthur asked when the draft CAPBs come before the Commission that we get more information from staff to help us understand on a project-by-project basis. She also asked Ms. Fadtke-Davis to explain mitigation versus benefit and was told during the technical review applicants had to quantify what the impacts would be. If something significant is found during the environmental review process they will work to mitigate the impact. By accounting for mitigation in project operation, CDFW has confidence that public benefits are separate from and additional to mitigation efforts.

Vice Chair Steiner asked that during the presentation on our role in the final award hearing it would be helpful if the Commission had a discussion about remedies and what forms they might take.

Commissioner Makler said it is helpful to understand that, while the Commission is not approving the CAPB, it needs to work together with the agreement we are entering into.

Commissioner Matsumoto asked since the public benefits are administered by different agencies, what is the mechanism to make sure they do not conflict. Ms. Young said all of the agencies are working together during the draft process and all of the public benefits for an individual project will be coming before the Commission at the same time, so there is ongoing coordination between Commission staff and the administering agencies. She asked Ms. Davis-Fadtke if the contracts are so specific, what is the leeway for adaptive management, and was told that they need to be specific to make sure that all the pieces work, but should they not get an anticipated response, they will work with the applicants and ask them to work with their partners to possibly develop a new agreement. The flexibility of achieving environmental response over time is really dependent on how they work through any constraints. Many will be

under the jurisdiction of the projects. Commissioner Matsumoto then asked if the public is acquiring any assets through this process, such as water rights from a flow, and was told that projects will make a commitment to provide a certain volume of water, but CDFW will not have the rights to it. Commissioner Matsumoto expressed concern over a shifting baseline and said it is important to establish a record of what our expectations are and that those are not negotiable because that is what the public is paying for.

Chair Swanson thanked the panel for their command of the subject matter and for the groundbreaking nature of the work they are doing.

The Commission took a one-hour lunch break.

### **11. State Water Project Briefing: Current Steps to Address Climate Extremes**

Presentations by DWR staff continue to explore this year's theme of preparing for climate extremes – ensuring a reliable State Water Project (SWP) to meet the challenges of drought, flood, and wildfire. The Commission received two presentations: a briefing on drought actions taken in 2022 and the outlook for 2023, and a briefing on the SWP's ongoing climate resilience efforts and wildfire response planning.

SWP Assistant Deputy Director John Yarbrough said fall and winter 2022 included extreme wet and extreme dry months. Storage is slightly better than it was last year, but still well below average. Recently observed extremes require conservative planning and continued aggressive multiagency action. Mean temperatures were very warm in 2022, but cooler than water year 2021. Precipitation overall was very dry but wetter than water year 2021. A staircase pattern in water year 2022 exemplifies new extremes and variability associated with climate change. Two storms in October and December were followed by three straight dry months. Those two storms gave the state the bulk of the water supply for the year. Patterns like this challenge how DWR plans and operates the system for the next year. Since 2020, DWR has been expanding the number of watersheds surveyed and the number of aerial snow survey flights per watershed. 2023 will see a further expansion of the program. Seeing the potential for its need, in December 2021 SWP filed a Temporary Urgency Change Petition (TUCP). In January 2022, after the wet October and December, they withdrew the TUCP and notched the West False River Salinity Barrier. After the driest January to March period on record, SWP filed a TUCP for April through June. In April, SWP filled the notch in the salinity barrier. Other drought actions taken in 2022 include limited Feather River settlement contractors rice decomposition deliveries to preserve storage, and reduced SWP allocation to five percent. End of water year 2022 is projected to be better than 2021. Guiding principles looking ahead to 2023 include to support the human right to water, protect imperiled fish and wildlife, balance and protect beneficial uses of water, honor water rights, promote fairness and equity in policy decisions, prioritize effective and efficient strategies, harness science and collaboration, and continue to explore and implement creative ideas. 2023 objectives start with planning for a fourth consecutive dry year and to continue preparing for extreme weather events, provide for minimum health and safety needs, maintain suitable water quality in the Delta, protect species

by meeting environmental needs, provide water supply from SWP, and continue agency and stakeholder communication. Potential 2023 actions include rigorous multi-agency coordination and include SWP allocation based on critical domestic, sanitary, and fire suppression needs, and use of terminal reservoir emergency storage. October through December 2022 will see continued release reductions at Oroville to conserve storage, and a low initial allocation.

SWP Climate Change Coordinator Andrew Schwarz said better data means better forecasting, and the expansion of aerial snow surveys means DWR can respond sooner, and local water agencies will have better information of what allocations might look like to help them plan. This effort with the snow surveys will help correct underestimates of snow. 57% of the Upper Feather River Watershed has burned since 2018. 27% burned at high intensity. The impacts of a wildfire on a watershed are many, including black carbon deposition at high altitudes, vegetation change, hydrophobic soils, debris flows, and sedimentation in rivers. DWR did a comprehensive impact assessment after the fire season last year, looked at all the systems and processes, and identified a need to address hydrology and water supply. A new study will use sensor data to help recalibrate and test the parameters and modeling of the hydrology in burned areas. The Delivery Capability Report (DCR) is put out every two years and widely used throughout the state for climate change information. Enhancements to the DCR in 2023 include historical adjustments to account for climate change already observed, new risk-informed future climate projections, and new guidance on using those projections. Future conditions scenarios will evaluate combinations of climate changes that represent different levels of risk tolerance. Each agency may have different risk tolerance and dependence on SWP supplies. An adaptation investigation is looking at structural measures to improve climate adaptation, including Delta conveyance and a California Aqueduct subsidence project. A suite of operations and management measures include forecast informed reservoir operations, improved seasonal forecasting, an update to the Lake Oroville water control manual, Feather River watershed wildfire mitigation, and SWP enhanced asset management.

Public comment by Diedre des Jardin, with California Water Research, who said two studies this year show a big increase in evaporative demand in the Southwest and California, forcing landscapes to increased levels of dryness. DWR's overprediction of runoff in 2021 is primarily due to unprecedentedly large root zone storage deficits in Sierra Nevada forests. Similar predictions by the U.S. Geological Survey basin characterization model shows there is significant drying and a change in runoff efficiency in the lower Colorado River Basin and Sierra Nevada. DWR's central tendency climate change model projects a slight increase in Sacramento River flows with climate change but does not fully capture this land surface drying. We are seeing the same kind of aridification in the Sierra Nevada that we are seeing in the Colorado River Basin. They are concerned that the WSIP and SWP use the central tendency climate change model which has not been accurate.

Public comment from Elaine Buxton Oregon who asked why cloud seeding is not included in DWR's climate change equations, what are they doing about subsidence in the Delta, and have they considered mechanical thinning of the forest undergrowth to mitigate wildfire.

Commissioner Solorio asked Mr. Yarbrough if he knew what the initial allocation for SWP contractors would be and was told December 1 is when they put out their first allocation, and looking at where conditions are, they expect it to be a low allocation.

Commissioner Makler said DWR is on the front lines of climate change, and they look at the problems and solutions head on. The Commission can be a forum for further educating the public on the work they are doing and to make the case for accelerating some of the capital expenditure on maintenance issues. Mr. Yarbrough said they include asset management and maintenance as part of their climate adaptation strategy.

Commissioner Gallagher asked Mr. Schwarz about improved seasonal forecasting, and how far out can they plan, and was told that if they could plan three to four months out it would open up a whole new frontier for water management, and though there is a lot of promise, they cannot extend beyond a two- to three-week window with a whole lot of confidence.

Chair Swanson said Mr. Yarbrough and Mr. Schwarz are welcome to respond to any of the public commenter's question. Mr. Schwarz said evaporative demand is something they are considering, and these newer scenarios will have a better representation of that issue. The adjustments to historical data are showing drier conditions over the long scenario but would caution that California's precipitation regime is pretty volatile and by getting a few large weather events we could be on the other side as well. Both things are happening; which one will push our hydrology? We have to be prepared for both sides. Mr. Yarbrough said subsidence in the Deltas is a concern for the SWP, and they are looking at land use practices that are more sustainable and will not increase the effects of subsidence.

Chair Swanson commented that he was glad there are methodologies being employed with technology, and with more accurate sampling, we better understanding.

### **12. Consideration of Items for Next California Water Commission Meeting**

The next meeting of the Water Commission is currently scheduled for Wednesday, October 19, 2022, when the Commission will consider adopting Resolutions of Necessity for the landholders presented at today's meeting and will hear an informational presentation for the fourth group of landholdings being considered for Resolutions of Necessity for the Big Notch Project.

### **13. Adjourn**

The Commission adjourned at 2:10 p.m.