



Meeting Minutes

Meeting of the California Water Commission

Wednesday, May 15, 2024

California Natural Resources Building

715 P Street, First Floor Auditorium

Sacramento, California 95814

Beginning at 9:30 a.m.

1. Call to Order

Vice Chair Fern Steiner called the meeting to order at 9:30 a.m.

2. Roll Call

Commissioners Bland, Curtin, Gallagher, Makler, Matsumoto, Moulène, Solorio, and Steiner were present, constituting a quorum.

3. Closed Session

The Commission did not hold a closed session.

4. Acknowledgement of California Native American Tribal Governments

This is an opportunity for elected Tribal leaders and formally designated Tribal representatives to identify themselves and to specify the agenda item(s) on which they will comment, as described in the Commission's California Native American Tribal Leadership Comment Policy. No Tribal leaders or representatives requested to comment.

5. Approval of February 21, 2024, Meeting Minutes

Commissioner Bland motioned to approve the February 21, 2024, meeting minutes.

Commissioner Solorio seconded the motion. All Commissioners present voted to approve the minutes.

6. Executive Officer's Report

Executive Officer Joe Yun reported on in-person and remote meeting attendance for the February and April Commission meetings, noting that there were more attendees in April due to the high interest in the Water Storage Investment Program (WSIP) projects. Mr. Yun said the Governor released the May Revision to next fiscal year's budget, which proposes a \$500 million cut for water storage but does not impact Proposition 1 funding for WSIP projects. Mr. Yun announced that there will not be a Commission meeting in August. Mr. Yun said that the Commission had received four written comments, three of which were received timely and were sent to Commissioners, however one was received late and therefore staff did not have time to distribute the comment to Commissioners. Lastly, Mr. Yun said the scheduled speaker

for agenda item 14, Paul Gosselin, would not appear and the agenda item would instead be presented by Mr. Gosselin's advisor, Tim Godwin.

Commissioner Curtin asked what the \$500 million in the Governor's May Revision was originally intended for. Mr. Yun answered that it was not intended for a specific ongoing project at this point. Commissioner Matsumoto asked if the entire amount was taken out of the budget. Mr. Yun confirmed that it was in the previous budget but was not included in the revised budget.

7. Commission Member Report

Commissioner Matsumoto reported that she attended the Drought Resilience Interagency & Partners (DRIP) collaborative meeting on April 26, at which she shared the Commission's drought white paper.

8. Public Testimony

Public comment from Ben King, a farmer from Colusa County, who commented on the history of the Salt Pomo Native American Tribe and their knowledge of the ecology of the region where the Sites Reservoir Project is located. Mr. King also said he supports the project but does not believe that the current operation plan is good for the long-term sustainability of the Colusa Sub-basin. He also noted that the Bay-Delta map did not include the Colusa Trough, which is important for drainage to the Sacramento River. He urged the Commission to consider these factors when they determine whether to allocate money to the Sites Project.

9. Consideration of Regulations for the Model Water Efficient Landscape Ordinance (MWELO) (Action Item)

Commission Legal Counsel Holly Stout reminded Commissioners of the regulatory process and their options to either approve the regulations, ask for additional information, or not approve the regulations.

Department of Water Resources (DWR) Senior Water Resources Engineer Shem Stygar provided an overview of the MWELO program and the desired improvements to the program based on Action 2.2 in the 2020 Water Resilience Portfolio. Mr. Stygar summarized the scope of the proposed amendments and explained the proposed reorganization of the MWELO regulations and appendices. He then offered examples of what language and definitions will be clarified by the proposed amendments. Mr. Stygar said there were two public comment periods, and described changes that were made in response to the comments received. Mr. Stygar outlined the next steps and asked for the Commission's approval of the proposed regulation changes.

Commissioner Bland asked what would happen if the local agencies do not meet the requirements set forth by MWELO, and if their permit would be denied in that case. DWR Senior Environmental Scientist Julie Saare-Edmonds said the city or county planning department would ask the applicant to revise their plan so that it meets the requirements.

Commissioner Gallagher motioned to approve the MWELO regulations. Commissioner Solorio seconded the motion. Commissioners voted 7-0 to approve the MWELO regulations. Motion passed. Commissioner Curtin was not present for the vote.

10. Consideration of Architectural and Engineering Rulemaking (Action Item)

DWR Supervising Engineer Kristen Martin introduced the Architectural and Engineering program to the Commission and summarized the Administrative Procedure Act process, the proposed changes to the Architectural and Engineering regulations, comments received during the December public hearing period, and next steps.

Commissioner Curtin motioned to approve the Architectural and Engineering regulations. Commissioner Moulène seconded the motion. Commissioners voted 8-0 to approve the Architectural and Engineering regulations. Motion passed.

11. Water Storage Investment Program: Projects Update

Executive Officer Joe Yun reminded Commissioners that this update follows the receipt of the first batch of revised quarterly reports, which the Commission requested to further help track each project's progress towards achieving the requirements needed for the final funding hearing. Mr. Yun updated the Commission on the estimated timelines and progress of projects in the WSIP.

Vice-chair Steiner asked for clarification on when the Willow Springs and Kern Fan projects would be coming back to the Commission. Mr. Yun said that Willow Springs would likely be on the agenda in September of this year, and Kern Fan would be back in 2025.

Public comment from Ben King, who said he was protesting the Sites Reservoir Project. He said his primary focus is 260 acres of land that his family settled on that is being converted into wetlands reserve and a multi-benefit recharge habitat. Mr. King also said the Patwin Wintun Native American Tribe filed a notice to appear at the hearing for the Sites Project and should be considered a protestor as well. He stated that the Colusa County Board of Supervisors has created zones for 78 landowners to participate in funding for the Sites Project. Mr. King said he believes that is a misuse of the statute and is not compliant with the Brown Act.

Commissioner Makler asked if there is a provision within the funding agreements to track progress reporting on construction, and if the Commission has a legal or regulatory obligation to track said progress. Commissioner Makler also asked what level of information the Commission is receiving regarding construction progress.

Counsel Stout said that to date the Commission has completed one funding agreement, but she is unsure whether there is a specific construction reporting requirement within that agreement. However, the Commission does receive invoices for construction, which help track progress. Ms. Stout added that the final funding agreement and the contracts for public benefits do work together in that they offer a way for the Commission to identify a gap in the event the public benefits are not accruing to the State.

Executive Officer Yun added that the current framework of the administration of public benefits contract requires an activity to occur on the applicant level to manifest the benefit. Mr. Yun said the projects provide a progress report when they submit invoices, which helps the Commission ensure that funds are being issued appropriately. He also said there is a look-ahead section in those reports, so he does not believe there is a reporting gap.

Commissioner Makler asked staff to take a critical look at whether there is a need to do an annual report on the status of projects. Mr. Yun confirmed that staff will be back in July with more information.

Commissioner Moulène echoed Commissioner Makler's comments and added that as projects move along, it becomes more difficult to define the success of the public benefits and much harder to track said progress. She suggested it would benefit staff to start asking those questions now, rather than later.

Commissioner Bland asked how detrimental it would be to the Chino Basin Project if the exchange agreements between the DWR and the Metropolitan Water District of Southern California were not met. Mr. Yun said if the exchange is not made, then DWR could not initiate a pulse flow.

Commissioner Matsumoto asked if staff could track the status of the Pacheco Reservoir Expansion Project and alert the Commission when the Santa Clara Valley Water District's Board of Directors would determine if the project would move forward. She also asked if there is a model for the quarterly reports. Executive Officer Yun said that he would ask Program Manager Amy Young and report back to the Commission on that item.

Commissioner Gallagher asked if it would be helpful to check in with the projects on the progress they are making on the exchange agreements. Mr. Yun emphasized the importance of determining the appropriate timing for asking for updates from projects, and said staff does consider those factors when preparing briefings for the Commission, so that the Commission can exercise their best discretion in determining when to ask for updates.

Vice Chair Steiner asked if staff found the new quarterly report format more helpful. Mr. Yun confirmed that it is more helpful, but there may be a need to refocus on how the Commission can help push the projects forward, and how the projects themselves can move forward.

Commissioner Makler asked if the Pacheco Reservoir Expansion Project has published a draft Environmental Impact Report (EIR), and if the project proponent is revising it. Mr. Yun confirmed that they have published a draft EIR, and that they are recirculating it, which starts a new timeline. Commissioner Makler asked if staff knows if Pacheco is engaging in an active stakeholder process due to the recirculation. Mr. Yun said that he would ask the project proponent and report back.

Commissioner Solorio suggested that staff update the Commission's website, and in particular update the information regarding the WSIP so that the public is more informed about the status of the projects. Executive Officer Yun confirmed that staff are continually looking for ways to improve the website and will take that feedback into consideration.

The Commission took a ten-minute break.

12. Strategic Plan Development: Discussion of Key Topics and Goals and Objectives

Assistant Executive Officer Laura Jensen made introductory remarks regarding the next steps for the development of the Strategic Plan, noting that the presentation would cover the Commissioner's responses to the strategic development survey and the draft goals and objectives. Ms. Jensen summarized the Commissioner's responses to each of the survey questions, noting areas of interest and the main themes. Ms. Jensen then presented the draft goals and objectives.

The Commission took a one-hour lunch break.

13. State Water Project Briefing: Strategic Plan Goal One Overview

DWR Deputy Director for the State Water Project (SWP) John Yarbrough made introductory remarks and noted how the presentations delivered by his staff connect to the SWP Strategic Plan.

Division of Operations and Maintenance Manager Behzad Soltanzadeh provided an overview of the hazardous and complex nature of the work completed by DWR employees, a timeline of the safety program at DWR, including what safety enhancements have been made, and what safety metrics are being used to identify injuries and reduce unsafe conditions.

Policy Advisor Rylan Gervase briefed the Commission on a report on the economy of the SWP and its importance to California's overall economy. Mr. Gervase said DWR would be releasing a second report later this year which will analyze the other benefits of the SWP.

Water Operations Manager Molly White updated the Commission on the State's current hydrology, including recent precipitation and snowpack conditions. Ms. White informed the Commission of Lake Oroville's water storage conditions and flood space. She also updated the Commission on the status of the SWP's planning and operations, including updates on current SWP allocations, reservoir operations, and export operations. Ms. White offered a look-ahead report on what operations the SWP will be conducting throughout the remainder of 2024.

Assistant Environmental Director Lenny Grimaldo talked about the procedures and precautions the SWP is taking to protect fish species in the Delta. Mr. Grimaldo summarized recent activities in the Delta, and the actions taken by DWR to explain those activities. Mr. Grimaldo said it would be ideal for new permits to incorporate studies and genetic information in real time to avoid compromising the water supply.

Commissioner Gallagher asked whether it was winter-run salmon or spring-run salmon that were studied. Mr. Grimaldo said it was mostly fall-run salmon that were salvaged, although some spring-run were salvaged as well. Commissioner Gallagher asked if the salmon's diet is changing. Mr. Grimaldo said yes, particularly when they have larger habitats to feed off.

Commissioner Curtin asked if it is primarily DWR employees engaging in hazardous work, or if contractors are involved as well. Mr. Soltanzadeh said that contractors do work on SWP facilities, and the historical safety of the contractor is a criteria for selection. Commissioner Curtin asked how many acre-feet of water is being delivered. Ms. White said that the SWP supplies water to 27 million Californians, which at a 40-percent allocation is about 1.7 million acre-feet, and at the maximum entitlement is 4.2 million acre-feet per year. Commissioner Curtin asked if there are any coordination efforts going on between upper watershed management programs and groundwater programs regarding what infrastructure is needed to properly prepare for future hydrology. Ms. White said from a hydrology perspective, they know that the climate is getting warmer, there is less snow and more water. She said DWR is in the process of updating their water control manual with the U.S. Army Corp of Engineers, and that DWR is currently working with water agencies and the Scripps Institute on the Forecast-Informed Reservoir Operations (FIRO) program to better maximize opportunities to increase the water supply. Commissioner Curtin asked if the panel had any thoughts on how to coordinate the approach to managing a changing hydrology. Mr. Soltanzadeh said they must be able to rely on the asset and maintenance management programs to have the capacity and operational ability to manage weather whiplashes.

Commissioner Makler asked how DWR is handling the near miss tracking aspect of their safety metrics. Mr. Soltanzadeh said the tracking operates as a risk-based heat chart, where on the high-end it would require an independent facilitator, and on the low-end it would still require an investigation. Commissioner Makler asked if contractors and vendors are sharing best safety practices across the industry. Mr. Soltanzadeh said it depends on the contractor, however, when DWR engages with a contractor, they are required to investigate in case of a near miss incident and share the result so that all parties can learn from said incident. Commissioner Makler asked how benchmarking is measured, whether it is aggregate or transmission, and how Personal Protective Equipment (PPE) auditing is incorporated in the program. Mr. Soltanzadeh said if a task requires PPE, there is an audit to ensure that the equipment has been tested and is safe to be worn. Regarding benchmarking, Mr. Soltanzadeh said that it is not currently included, but they are looking at including it in the asset management program in the future.

Commissioner Makler asked what the overnight cost would be to get the SWP up to date. Mr. Soltanzadeh said that they are currently working on integrating that question into the asset management program and that they are looking at a 10-15-year projection.

Commissioner Moulène asked what the conveyance cost for the SWP would be. Mr. Gervase said the economic study did not include data on conveyance costs for existing projects, but noted that said data could be included in future studies. Commissioner Moulène asked if DWR

staff is tracking the success of the safety program. Mr. Soltanzadeh confirmed that staff tracks the success of the program at two levels, the program level and the executive level. Commissioner Moulène asked if DWR staff could include a slide or chart in their next presentation that shows how successful the program has been. Mr. Soltanzadeh agreed to do so. Commissioner Moulène asked if a barrier could be installed to prevent fish species from dying at DWR facilities, and what the impacts are of losing those fish at DWR facilities relative to the entire population. Mr. Grimaldo said that 95 percent of fish that are taken in at DWR facilities survive, and are released after being collected. He said in the new permitting and consultation process, new population metrics will be considered. Regarding the barrier, Mr. Grimaldo said DWR will be looking at non-physical structures and considering other actions to increase survival of fish in the San Joaquin.

Commissioner Matsumoto asked about the water supply impacts of reducing exports because of fish. Ms. White answered that they are crunching those numbers and will report back to the Commission, and said water storage in the San Luis Reservoir was impacted by the slow start to the water year, in addition to fishery constraints. Mr. Grimaldo noted that it may be more helpful to assess the conveyance project. Ms. White said that they estimated that there would have been about 900,000 additional acre-feet of water that could have been moved to southern California if they had Delta conveyance this year. Commissioner Matsumoto noted her concern regarding the impact on fishermen. Mr. Grimaldo said that DWR does take endangered species into account when conducting operations, and suggested that by considering other actions, there can potentially be actions taken that benefit all runs of fish.

Commissioner Steiner asked if the five percent figure representing the number of preventable accidents meant accidents have decreased by five percent since the inception of the program or if accidents have decreased by five percent each year. Mr. Soltanzadeh said it is decreasing by five percent each year.

14. Update on Sustainable Groundwater Management Act Implementation and Groundwater Trading

Tim Godwin, Advisor to DWR Deputy Director of Sustainable Groundwater Management Paul Gosselin, provided an update on implementation of the Sustainable Groundwater Management Act (SGMA), including an update on water trading and market development, and a Semi-Annual Groundwater Conditions update. Mr. Godwin also briefly discussed the Commission's white paper on groundwater trading and how some recommendations made in the paper are being incorporated in their ongoing work.

Public comment from Ben King, who said that geology in the Sacramento Valley is complex and that if there will be water markets, there needs to be a standard for water, as not all water is the same quality depending on the region and source it is from. Mr. King noted that the Colusa subbasin watershed contains chromium and reiterated that water markets will need standards because people will attempt to game the system and the Sacramento Valley is going through a dramatic change in hydrochemistry due to lower levels of groundwater.

Public comment from Manny Bahia, State Water Contractors (SWC), who said for more than 20 years the SWC have facilitated the transfer of water from north of the Delta to south and urged Commission staff to engage with the SWC so that they can participate in the workplan and development of the Groundwater Sustainability Agencies (GSAs).

Public comment from Tien Tran, Policy Advocate at the Community Water Center, who said her organization had submitted a comment letter when the Commission published its white paper on groundwater, and that many of those comments are still relevant today. Ms. Tran noted that if groundwater markets are not implemented, negative impacts on disadvantaged communities are very likely to occur. She said communities are already facing dry wells, water quality degradation, land subsidence, and ecosystem degradation. Ms. Tran called on the Commission to highlight the human right to water and to consider safeguards for disadvantaged communities.

Public comment from Sarah Heard, representative of the Nature Conservancy, who said she was involved in setting up the Fox Canyon groundwater market and encouraged DWR to implement the recommendations in the Commission's white paper regarding engaging stakeholders, assessing GSA needs, and developing best management practices. Ms. Heard also encouraged DWR to convene external technical advisory groups to guide State agencies and said she would like to hear more regular updates at Commission meetings regarding future progress on the development of groundwater markets.

Commissioner Matsumoto said she encourages DWR to consider the public comments that were provided and involve stakeholders in this process.

Commissioner Curtin asked if shallow wells being dealt with first will fall under local agency control, and if there is a possibility that DWR could map out the possibility of building projects to move groundwater and address risks that are a result of a changing hydrology. Mr. Godwin said the groundwater study that DWR is working on is looking at a larger scale and what the limits are regarding where to capture high water flows. The study will also evaluate what can be done using existing infrastructure. Mr. Godwin said the San Joaquin Valley Water Collaborative Action Program is evaluating how to move water for recharge and conjunctive use purposes, and the San Joaquin Water Blueprint is also looking for ways to coordinate with local water agencies to store more water.

Commissioner Gallagher asked for clarification regarding what technique DWR is using to measure groundwater levels. Mr. Godwin said DWR relies on physical measurements performed by GSAs, which is part of their monitoring responsibilities. Mr. Godwin said all the data that is collected by the GSAs is easily accessible to the public via the California Natural Resources Agency's open data portal. Commissioner Gallagher asked if the data being collected will help DWR determine where the best areas for groundwater recharge are. Mr. Godwin said it does, and one of the main lessons DWR learned from water year 2023 was that a lot of recharge occurred, and DWR worked with the Groundwater Ambient Monitoring and

Assessment Program (GAMA) at the State Water Resources Control Board to determine what the impacts of that recharge were. Commissioner Gallagher asked if DWR has explored opportunities for conveyance given the possibility that some GSAs will not be suitable for ample groundwater recharge. Mr. Godwin said they have, the fact is that DWR cannot change the geology, and therefore their efforts are focused on identifying where the best opportunities for groundwater recharge are. He said there may be opportunities for conveyance, but moving infrastructure to support those efforts may be difficult.

15. California Water Plan Update 2023: Presentation of Final Product

Lew Moeller, California Water Plan Project Manager with DWR's Strategic Water Planning Branch, briefed the Commission on the final Water Plan Update 2023. Mr. Moeller summarized the Water Plan, and the recommendations within it.

16. Consideration of Items for the Next California Water Commission Meeting

The Water Commission will not meet in June. The next meeting is currently scheduled for Wednesday, July 17, 2024, when the Commission will hold the third State Water Project briefing of 2024, and receive updates on DWR grant programs, the WSIP, and an overview of flood advocacy activities at DWR.

17. Adjourn

The Commission adjourned at 3:39 p.m.