



## **Meeting Minutes**

Meeting of the California Water Commission

Wednesday, October 16, 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 Curtin, Gallagher, Matsumoto, Moulène, Solorio, and Steiner were present, constituting a quorum. Commissioner Bland arrived during item three. Commissioner Makler arrived during item five.

### **3. 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.

Commissioner Bland arrived.

Comment from Donna Miranda-Begay, who identified herself as a member of the Tübatulabal, Tule River Yokuts, Paiute and Navajo Tribes and a former Tribal chairwoman. She commended the Commission for its work on the Tribal survey and said she hoped it would result in more outreach to Tribes and improved engagement with the Commission. She also encouraged the Commission to participate in future California Native American Day events.

### **4. Approval of July 17, 2024, Meeting Minutes**

Commissioner Solorio motioned to approve the July 17, 2024, meeting minutes. Commissioner Bland seconded the motion. Commissioners Bland, Curtin, Matsumoto, Moulène, Solorio and Steiner voted to approve the minutes. Commissioner Gallagher abstained.

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

Executive Officer Joe Yun reported that Commission staff took action related to the Los Vaqueros Reservoir Expansion Project, specifically that staff sent a letter to the project applicant, the Contra Costa Water District, rescinding a September 6<sup>th</sup> close-out letter for their early funding agreement, which will allow staff time to examine the grant and protect the

State's interest. Mr. Yun also informed the Commission that the State Water Resources Control Board's (SWRCB) final staff report regarding the Tule Subbasin recommended that the best practice guidance in the Commission's white paper on groundwater trading should be employed. In response to prior requests from Commissioners on finding different ways to explain the Water Storage Investment Program (WSIP), Mr. Yun walked the Commission through the WSIP Story Map, which includes a history of the program, a description of each of its projects and the process regarding how a project moves forward. Next, Mr. Yun reported that staff has started to offer office hours to answer questions that people may have regarding the Commission's work. Mr. Yun noted that he attended the Tribal Leaders Forum on September 26 and that Assistant Executive Officer Laura Jensen attended the 57<sup>th</sup> Annual Native American Day on September 27. Lastly, Mr. Yun reported that the closed session, agenda item eleven, would be held in the same location as the lunch break.

Commissioner Makler arrived.

Commissioner Moulène asked how staff is informing people about office hours opportunities. Mr. Yun answered that staff is sending out email announcements via a listserv and posting on social media to keep the public informed about when office hours are being held.

#### **6. Commission Member Report**

Commissioner Curtin reported that he would leave the meeting at the lunch break. Commissioner Matsumoto reported that she participated in the tenth anniversary symposium of the Sustainable Groundwater Management Act (SGMA) in her capacity working for The Nature Conservancy. She noted that she would leave the meeting at 2:30 p.m.

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

Public comment from Mike, a combat veteran who commented that the proposed Del Puerto Canyon Reservoir would negatively impact the ecosystem and require residents to acquire expensive flood insurance. Mike said the project will cost taxpayers about one million dollars, and that money could be used to benefit the community in other ways. He also noted that Stanislaus County does not have any Tribal representation due to settler colonialism and the closest Tribe the community has is in Madera County. On the proposed dam, Mike said that it will affect the condor population and other endangered animals, in addition to being unfeasible and taking advantage of people who do not have proper representation. He believes there should be better advocacy for the people that live and pay taxes in Stanislaus County.

#### **8. Water Storage Investment Program: Projects Update**

WSIP Program Manager Amy Young provided an overview of the WSIP and an update on the progress of projects in WSIP.

#### **9. Water Storage Investment Program: Willow Springs Water Bank Conjunctive Use Project Progress Update (Action Item)**

Managing Director, John Pérez, CIM Group, provided an overview of the Willow Springs Water Bank project's ongoing discussions with the Antelope Valley-East Kern Water Agency (AVEK)

and their work towards creating a framework for the project. Mr. Pérez informed the Commission that on September 19, CIM Group and AVEK executed a memorandum of understanding (MOU) that establishes how the project will operate, while meeting the requirements necessary to utilize Proposition 1 funding. He also informed the Commission that CIM Group and AVEK have begun preliminary conversations regarding the design and infrastructure of the project. Mr. Pérez also introduced Peter Thompson, the Assistant General Manager of AVEK, and Sam Jones, the General Manager for the project at CIM Group.

Commissioner Steiner thanked the presenters for providing a copy of the MOU.

Public comment from Czar Apothecara, who said she lives in Kern County and is very familiar with how water works. She said the groundwater in Kern County was polluted by Pacific Gas & Electric (PG&E) and notices were given to residents regarding the contaminated water. She suggested using hydro panels rather than groundwater infrastructure as the panels collect water from the atmosphere and would therefore avoid collecting contaminated water.

Commissioner Makler congratulated the project applicants on making progress since the last briefing and asked what the anticipated timeline is for moving towards definitive agreements that would put the project in position to seek funding. He also asked what the next permitting and entitlement exercises are. Jennifer Gandin, Principal of Investments for CIM Group, answered that the next exercise is identifying the conveyance path from the project site to the California Aqueduct. She said that AVEK has suggested utilizing land that they own, which will require a thorough review to understand what the entitlement process will entail. Additionally, the project needs more certainty regarding the path for negotiating the connection to the California Aqueduct. She added that AVEK has experience with that and CIM Group is evaluating whether to expand the existing turnout and build a unique turnout. Commissioner Makler asked when the project's next briefing at the Commission should be. Ms. Gandin suggested six months from now.

Commissioner Matsumoto asked what the distinction is between an agreement in principle and a MOU. Mr. Pérez said that functionally they are the same, and that the project applicants settled on language that made them the most comfortable moving forward. Ms. Gandin added that the parties worked together to ensure that the MOU settles big-picture barriers and that the details will be worked out. Commissioner Matsumoto asked if the project is committed to working on a timeline that will specify how the parties will reach those agreements. Ms. Gandin confirmed that is the plan. Commissioner Matsumoto also asked for clarification on what parts of the project are known and what parts are still unknown, and asked if the land is privately held. Ms. Gandin confirmed that the land is owned by AVEK and that the water bank has full entitlements to store one million acre-feet of water. She added that the primary impediment is figuring out a path to a turnout on the California Aqueduct. Commissioner Matsumoto asked what is meant in the MOU by the project's capacities being contingent upon non-AVEK available aqueduct delivery capacity. Ms. Gandin said that means they are working with AVEK to reach out to State Water Project (SWP) Contractors, as part of delivering the public benefits involved in entering into agreements with other SWP contractors. Commissioner Matsumoto

asked if that means that other contractors would be buying storage in the bank. Ms. Gandin confirmed that it does. Commissioner Matsumoto asked if aqueduct delivery capacity means conveyance. Peter Thompson noted the need to involve other SWP contractors so that the project is not solely reliant on AVEK freeing up conveyance. Commissioner Matsumoto asked if AVEK has a sense of how other SWP Contractors feel about the project. Mr. Thompson said that he has engaged with some contractors and there is a desire to have water banking. He noted that AVEK recently sent out a letter of interest for the project and he anticipates a high level of interest from contractors. Commissioner Matsumoto asked if there is a point at which the project is no longer viable. Ms. Gandin said that to comply with the obligations of Proposition 1 funding, the project does need the participation of some SWP contractors, and AVEK is helping to facilitate that participation. Commissioner Matsumoto asked if that participation is dependent upon the volume of water in the project. Ms. Gandin confirmed that it is.

Commissioner Bland asked for clarification regarding the project's threshold for viability versus non-viability. Mr. Thompson said the threshold is 280 thousand acre-feet of storage that would need to be purchased through the water bank. He believes that threshold is achievable.

Commissioner Curtin asked what the energy requirements are for the project. Ms. Gandin said that it will utilize gravity percolation and that the pumping will require energy. Commissioner Curtin asked if there were any concerns regarding access transmission. Ms. Gandin replied that the project is located in a Southern California Edison service area and that they will do whatever they can to ascertain energy and help people prioritize. Commissioner Curtin commented that the land may not have enough water. Ms. Gandin replied that the project site has an easement with a solar array and that the project sold the surface water rights but retains the sub-surface water rights so the two can coexist.

Commissioner Solorio commented that Kern County and the surrounding areas need more resources, especially water storage. He congratulated the project applicants on making progress and drafting the MOU. He also thanked Commission staff for their patience and collaboration with the applicants, noting how long government processes can take.

Mr. Pérez said that Commission staff has been the right balance between patient and supportive and creating a sense of urgency.

Commissioner Makler asked if there is an additional threshold beyond the 280 thousand acre-feet where the project would otherwise qualify for the parameters required by the Maximum Conditional Eligibility Determinations (MCED). Mr. Pérez said the 280 thousand acre-feet is their best estimate to date and that they will report back to the Commission if that number changes. Commissioner Makler asked for clarification on if a project that is scoped at 280 thousand acre-feet would satisfy the requirements to receive funding under Proposition 1. Mr. Pérez confirmed that the project applicants are very clear on the commitments needed to satisfy Proposition 1 and deliver public benefits. He added that a lot of work will be done to ensure compliance with the expectations necessary to receive funding and that their interest is to achieve the highest amount of water storage that is possible.

Commissioner Gallagher congratulated the project applicants on the progress they've made and added that she looks forward to the next briefing prior to December 31, 2025. Commissioner Steiner said that the Commission will schedule the next briefing for six months from now. Commissioner Bland encouraged the applicants to update the Commission prior to the six-month timeframe if significant developments occur before the next scheduled briefing.

Executive Officer Yun said Commission staff will continue to work with AVEK and CIM and will keep the Commission informed of the project's progress.

#### **10. Consideration of Regulations for the Model Water Efficient Landscape Ordinance (MWELo) (Action Item)**

Senior Water Resources Engineer Shem Stygar began his presentation on the MWELo. Commission Legal Counsel Holly Stout reminded Commissioner Curtin and Commissioner Solorio that communications between Commissioners during a public meeting must be public. Commissioner Curtin said that they were discussing lunch.

Mr. Stygar continued his presentation and provided an overview of the MWELo program, the scope of the amendments that are meant to improve the program and the rulemaking schedule. Mr. Stygar noted that the reason the Commission is being asked to approve the proposed regulation changes again is due to feedback received from the Office of Administrative Law (OAL). Mr. Stygar summarized the OAL's requested changes and offered examples of what language will be clarified by the proposed amendments. He summarized comments received during the second 15-day comment period, noting that none required substantive changes to the language. Mr. Stygar outlined the next steps and asked for the Commission's approval of the proposed regulation changes.

Public comment from Donna Miranda-Begay, who commented that the Covid-19 pandemic may have affected and contaminated greywater and asked if there are any guidelines regarding using greywater for landscaping purposes. Mr. Stygar responded that the proposed regulation changes are solely focused on improving the clarity and organization of the regulations and that there are currently no changes to the existing requirements, however greywater is something that can be considered in the future.

Commissioner Moulène motioned to approve the MWELo regulations. Commissioner Gallagher seconded the motion. All Commissioners present voted to approve the MWELo regulations. Motion passed unanimously.

Public comment from Czar Apothecara, who said her comment was regarding the Willow Springs project. Ms. Apothecara said that farms are not suffering due to a lack of water but rather a lack of infrastructure. She said she had attended multiple summits regarding farming and that farmers do not have the income to build infrastructure and lack grants and support from the State. The dust from the Grapevine is hurting people and water is needed to grow vegetation to mitigate it. The continued mismanagement of water is not in the public good. Ms. Apothecara suggested creating a strict equity agreement to ensure that water is not used for

mining purposes, especially at sacred sites. If the 30 X 30 sustainability goal is for the people, then the first allocation will be to reopen a waterpark for children.

Commission Legal Counsel Stout thanked Ms. Apothecara for participating and reminded the public that public comment is taken before the Commission gives their comments, which allows the public to tell the Commission what they think prior to Commission discussion. Ms. Stout reminded the public to use the raise hand feature on Zoom before the Commissioners begin their discussion. She also noted that Commission staff will be hosting more virtual office hours and are always happy to help the public understand how to participate in public meetings.

### **11. Closed Session**

The Commission held a closed session to discuss the appointment of an Executive Officer. The Commission did not take any action in the closed session.

The Commission took a one-hour lunch break. Commissioner Curtin left the meeting.

### **12. Results of Outreach and Engagement Survey**

Public Information Officer Paul Cambra presented to the Commission the results of two surveys, one directed to the public and the other to Tribes, that sought feedback on the Commission's work and engagement practices. Mr. Cambra discussed the demographics of the survey respondents, the level of familiarity with the Commission's work, whether respondents had previously engaged with the Commission and feedback from the public and Tribes regarding how the Commission can better engage with interested parties. He also reported that staff has begun to reach out to respondents who provided contact information and noted that their feedback, along with the results of the two surveys, will be utilized in helping the Commission better engage with interested parties.

Public comment from Czar Apothecara, who said that she was unaware of the Commission and the work that it does until attending the meeting. She said it did not seem that Imperial County was included by the results of the surveys, and noted there are indigenous Tribes in that area that ought to be included.

Commissioner Steiner confirmed that the surveys were available to the entire state and reminded the public that Commission staff will be hosting office hours, which the public is encouraged to attend.

### **13. State Water Project Briefing: Strategic Plan and Operations Update**

DWR Deputy Director for the State Water Project (SWP) John Yarbrough made introductory remarks regarding how the following presentations connect to the SWP Strategic Plan.

SWP Operating Officer Anthony Meyers provided an overview of the SWP's efforts to be the employer of choice, including the comprehensive workforce attraction and retention strategies the SWP is implementing to address various challenges, such as shifting workforce expectations, competition for skilled resources, and the impending retirement of a significant

portion of the water sector workforce. Mr. Meyers also described how the SWP's goal of being the employer of choice interconnects with and supports DWR's Strategic Plan.

Program Manager for the California Aqueduct Subsidence Program (CASP) Jesse Dillon provided an overview of the SWP's approach to dealing with subsidence along the California Aqueduct.

SWP Water Operations Manager Tracy Hinojosa updated the Commission on SWP's operations in the current year, including allocation, planning decisions made to date, hydrology to date, and considerations for the remainder of the year.

Public comment from Manny Bahia, State Water Contractors, who thanked the SWP team for their work and emphasized the importance of the SWP and how critical it is to California. The SWP provides water to two thirds of California and supports the eighth largest economy in the world. Mr. Bahia noted the challenges that the SWP faces and said that the State Water Contractors support DWR's efforts in addressing those challenges. Mr. Bahia added that the SWP is funded by the 29 long-term state water contract holders, and it is imperative that the SWP remains affordable.

Public comment from Czar Apothecara, who encouraged DWR to refrain from calling millennials essentially lazy because millennials are not lazy and are often working multiple jobs and supporting their family. She referenced California Jobs First, an initiative to improve workforce equity and inclusion, which is currently in the funding phase. She encouraged DWR to contact California Jobs First to bolster its workforce and achieve greater equity and inclusion.

Commissioner Makler provided comments regarding the SWP's efforts related to its workforce and credited the SWP team on their many achievements. Commissioner Makler said DWR should consider the importance of DWR acting as a training vehicle in its hiring process and that they should over-hire to adapt to more extreme issues that the next generation of DWR employees will have to tackle.

Commissioner Solorio thanked the presenters for their detail, specifically regarding subsidence, and noted that current water infrastructure is aging and needs modernization.

Commissioner Gallagher asked for clarification regarding the presentation on CASP, specifically relating to one of the slides on subsidence patterns. Mr. Dillon answered that once water is pumped past the Buena Vista pumping plant, there is a 146-mile stretch where the system is reliant on gravity to move the water. He added that past the Buena Vista facility, the capacity of the system is not affected due to augmentations that were made to the operating order. In order to balance water deliveries, they have reduced the freeboard criteria to one foot which has allowed them to buy back the losses that they might have had had they not made a change. Commissioner Gallagher pointed out that there are agricultural areas and disadvantaged communities that are subsidence prone. Mr. Dillon confirmed that DWR is aware of the issues subsidence poses to surrounding communities.

Commissioner Matsumoto asked what the long-term solution is to dealing with the elevation issue. Mr. Dillon said there are multiple alternatives including raising embankments, going off of the original alignment and installing a new pumping plant along the existing alignment. He said that SWP staff will be engaging in a workshop with the State Water Contractors and the United States Bureau of Reclamation (Reclamation) in 2025. Mr. Yarbrough added that they are also engaged in slowing subsidence down through the SGMA process and noted the abundance of petroleum extraction in the area adjacent to the canal, and that understanding its role in subsidence versus groundwater pumping is a part of SWP's long-term planning.

Commissioner Bland asked if there is a long-ranging document that projects a subsidence-tolerant strategy. Mr. Yarbrough answered that SWP staff has been looking at different alternatives to bring facilities back and there is a focus on how they will pay for overbuilding and account for further subsidence. Commissioner Bland asked if there is a possibility for the SWP to have a project similar to what the Los Angeles Department of Water and Power did by replacing older infrastructure. Mr. Yarbrough said they would have to think about the lifespan of facilities and what makes sense to build over.

Commissioner Steiner asked Mr. Dillon to repeat the groups that would be involved with the workshop he previously mentioned. Mr. Dillon said it would be DWR, State Water Contractors, Reclamation and the Central Valley Project (CVP). Commissioner Steiner asked if SGMA fits into that discussion. Mr. Dillon confirmed that they do and that, while SWP owns the infrastructure, the Sustainable Groundwater Management Office (SGMO) handles the regulatory side. Mr. Yarbrough added that the SWP coordinates with SGMO to find ways for groundwater agencies to change practices to be more sustainable.

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

The next meeting is currently scheduled for Wednesday, November 20, 2024, when the Commission will receive its monthly WSIP update, an overview of DSOD regulation changes, the final State Water Project briefing of 2024, and the presentation of the 2025 Strategic Plan for the Water Commission.

#### **15. Adjourn**

The Commission adjourned at 2:15 p.m.