



## **Meeting Minutes**

Meeting of the California Water Commission

Wednesday, November 20, 2024

California Natural Resources Building

715 P Street, Conference Room 221

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

### **3. Closed Session**

The Commission held a closed session to interview candidates for the position of Executive Officer.

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

The Commission announced that a selection for the position of Executive Officer was made during the 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 October 16, 2024, Meeting Minutes**

Commissioner Matsumoto motioned to approve the October 16, 2024, meeting minutes. Commissioner Bland seconded the motion. Commissioners Bland, Gallagher, Makler, Matsumoto, and Steiner voted to approve the minutes.

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

Executive Officer Joe Yun reported that Commissioner Matt Swanson resigned from his seat on the Commission and there is now a vacant seat on the Commission. Mr. Yun also updated the Commission on engagement and participation numbers at the October meeting, as well as

participation numbers from office hours that were held since the last meeting. Mr. Yun informed Commissioners that the budget will likely remain tight in 2025, which may impact the Commission meeting schedule. He also announced that the December Commission meeting is cancelled.

Commissioner Solorio entered the meeting.

Mr. Yun informed the Commission that the meeting would be his last serving as Executive Officer. Mr. Yun expressed his gratitude for the opportunity to serve the Commission and the citizens of California.

Commissioner Steiner thanked Mr. Yun on behalf of all Commissioners for his service to the Commission and the State of California and said it had been an honor to work with him.

#### **7. Commission Member Report**

There were no Commissioner reports.

#### **8. Public Testimony**

No public comment was provided on this item.

#### **9. Strategic Plan Development: Presentation of Final Draft Plan (Action Item)**

Assistant Executive Officer Laura Jensen presented the final draft strategic plan for the next five-year period, beginning in 2025, to the Commission for its consideration. Ms. Jensen briefly reviewed the plan's introduction, mission statement, vision statement and history. Ms. Jensen then provided an overview of the draft plan's goals, objectives and metrics for tracking the Commission's work for the 2025-2029 time-period.

Public comment from Manny Bahia, State Water Contractors, who thanked the Commission for preparing and sharing the 2025 strategic plan and for delineating the goals of the Department of Water Resources (DWR) as it manages the State Water Project (SWP) and California's water resources. Mr. Bahia said the SWP is unique in that it is funded by the 29 State Water Contract holders. He noted that there is strong support for DWR's strategic plan goals as well as a desire to implement those goals within the confines of the SWP. He looks forward to engaging with the Commission and staff in the future.

Commissioner Solorio thanked staff for incorporating Commissioner feedback into the final draft strategic plan and said he looks forward to starting that work in 2025.

Commissioner Gallagher motioned to approve the final draft strategic plan as written. Commissioner Matsumoto seconded the motion. All Commissioners present voted to approve the final draft strategic plan. Motion passed unanimously.

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

Water Storage Investment Program (WSIP) Manager Amy Young provided an overview of the WSIP and an update on the progress of projects in WSIP. Ms. Young presented a new graphic to the Commission that shows an overview of the WSIP, including past, present, and future actions. Executive Officer Yun added that the graphic was developed to help orient Commissioners and that it will be updated for each WSIP briefing.

Commissioner Steiner asked that staff provide further information at a future WSIP briefing on the projects surrounding the San Luis Reservoir and what impacts those might have on the Pacheco Reservoir Expansion Project and other WSIP projects.

Commissioner Makler asked if staff could provide background information on the reasons for the Los Vaqueros project's upcoming withdrawal from the WSIP. He also asked that staff report on the impacts this will have on the State's water storage planning, as well as if there are any viable projects that can replace the Los Vaqueros project in the WSIP.

Commissioner Bland asked what the timeline is for when Proposition 4 funding will become available and clarification on how the Commission will be able to utilize those funds. Ms. Young answered that staff should hear something in the next couple of months and that staff is planning on presenting to the Commission on Proposition 4 in February.

Commissioner Matsumoto asked if staff could provide context on the twenty-four million dollars that was awarded in early-funding to the Los Vaqueros program, including what an appropriate fail-rate is for these types of projects. Commissioner Matsumoto also asked for clarification on information in the Pacheco project's quarterly report regarding the potential for a new environmental impact report (EIR). Ms. Young answered that the project proponent, Santa Clara Valley Water District, determined they would pursue a full EIR for the geotechnical work based on comments received during the public review process. Commissioner Matsumoto asked if that is a multi-year process and if it adds to the project timeline and cost. Ms. Young said that it could and that any change to the project's timeline and cost should be captured in the project's next quarterly report. Ms. Young also said that the large scale of WSIP projects is why there were safeguards built into the regulations, such as limiting early funding to five percent of the overall Maximum Conditional Eligibility Determination (MCED). Executive Officer Yun added that there is some difficulty in contextualizing the funds that were awarded to the Los Vaqueros project due to the lack of a comparable situation. Legal Counsel Holly Stout added that staff is doing background work to ensure that the funds awarded to Los Vaqueros were used appropriately.

Commissioner Solorio asked if the Commission is entitled to reclaim any of the awarded funds for Los Vaqueros or to copies of documents. Ms. Stout answered that the terms of the agreement with the project proponent have been fulfilled, and the agreement is still open due to the action taken by the Contra Costa Water District. The agreement will govern whether the Commission will receive any funding back from the project, which is part of the ongoing investigation staff is working on.

Commissioner Makler commented that the project proponent's last quarterly report on Los Vaqueros did not indicate that the project was considering withdrawing from the WSIP. He said that the process is unfair to taxpayers.

### **11. Informational Update on Dam Safety Regulations**

Assistant Division Manager with the Division of Safety of Dams at DWR Shawn Jones presented an overview of the California Dam Safety Program, followed by recent changes to the California Water Code and the proposed modifications and additions to the dam safety regulations. Mr. Jones also presented on a timeline for the rulemaking process.

Commissioner Gallagher asked if a map of all dams in California included in Mr. Jones' presentation is available on DWR's website. Mr. Jones said there is a map on the website but that it does not have the same color coding. He added that the Flood Emergency Response Information Index (FERIX) website should have a map showing all dams and the inundation maps that DWR has approved. Commissioner Gallagher also asked how many applications DWR receives each year. Mr. Jones said they usually receive around 35 to 40 applications and that the applications vary in scope from new dams to repairs or alterations to existing dams.

Commissioner Bland asked if there is a mandatory earthquake retrofitting requirement for repairs or alterations to existing dams. Mr. Jones answered that DWR does have a risk program that periodically reviews the seismic stability of dams and, if DWR determines that there are stability issues, they will require the dam owner to act. Commissioner Bland asked if the city and county that the dam is located in have jurisdiction. Mr. Jones said that they do not. Commissioner Bland asked if it is difficult to build unlawfully constructed dams. Mr. Jones answered that it is not as difficult as one might think and that illegal dams sometimes remain unknown until they start to fail and local law enforcement contacts DWR.

Commissioner Matsumoto asked if the dam repair application fee is new. Mr. Jones said application fees have existed since the early 2000's and that changes to the Water Code clarified that those fees must be paid. Commissioner Matsumoto asked if the fee could disincentivize people to ask for repairs. Mr. Jones said he doesn't believe it serves as a disincentive and added that the cost of the fee is on average less than two percent of a dam's overall cost.

### **12. Salton Sea Management Program Update**

Acting Assistant Deputy Director for Salton Sea Restoration Evon Wilhoff and acting Salton Sea Restoration Office Lead Manager Melinda Dorin provided an overview of the Salton Sea, including challenges that the region faces and the Salton Sea Management Program's (SSMP) restoration actions, including recent implementation of large-scale aquatic habitat restoration and vegetation enhancement on the exposed Salton Sea lakebed. Also highlighted was the Salton Sea's nexus to the Colorado River and the State's 10-Year Restoration Plan. Ms. Wilhoff also discussed the SSMP's partnerships and next steps for the program.

Commissioner Bland asked why it smells like sulfur in the Salton Sea region. Ms. Wilhoff answered that it is related to the algae blooms and wind patterns in and around the Salton Sea in the summer months.

Commissioner Solorio asked who has jurisdiction over the projects occurring in the Salton Sea. Ms. Wilhoff said that Imperial Irrigation District (IID) is responsible for projects from the mitigation standpoint up to a certain financial threshold, and that IID has shared the data they have collected and assisted DWR's restoration efforts. She added that the State also shares the responsibility for restoration.

### **13. State Water Project Briefing: Construction 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 Division Manager of the Division of Engineering Dale Brown provided an overview of projects that are in the construction phase as well as projects that were completed in 2024. Mr. Brown provided a detailed look at the overall workflow through the view of four specific projects, including the Big Notch and Lake Perris projects. He also highlighted internal improvements to construction documentation at DWR, including enhancements and improvements that were made that showcase DWR's commitment to performing construction in a safe, reliable and quality-focused way.

DWR's State Climatologist Dr. Mike Anderson provided an overview of water year 2024, an outlook for water year 2025 and an update on DWR's roadmap towards a climate resilient forecasting framework.

Commissioner Makler asked about DWR's safety metrics regarding construction practices and year-to-year trends. He also asked about total labor hours. Mr. Brown answered that there are a few different metrics that DWR uses to track safety incidents during construction and noted that there have not been any significant differences in the year-to-year data. Commissioner Makler asked if there could be further detail given in future construction briefings on the safety metrics. Mr. Brown confirmed that he would do so. On the topic of labor hours, Mr. Brown said that typically labor hours constitute around 15 percent of the construction budget, however that number may fluctuate based on the complexity of the project. Commissioner Makler said that he would like to get a sense of the nature of the work that is being done and it would be worthwhile to analyze the gross labor hours to better understand the impact of the SWP as an economic contributor in terms of wages and creating human capital.

Commissioner Gallagher asked for clarification on Dr. Anderson's presentation regarding El Niño and La Niña, specifically if the 30 percent departure from the mean is a recent development or if that has been an ongoing trend. Dr. Anderson said that it tends to occur more frequently with La Niña and that it also depends on where the pressure system occurs. He added that in recent years the pressure system has indicated one outcome, such as a dry year, but then shifted and resulted in a different, wetter outcome. Mr. Anderson said that water

years are now more dynamic, and there could be multiple weather transitions throughout a single season.

Executive Officer Yun reminded Commissioners that the Commission has taken action on Resolutions of Necessity (RON) for both the Big Notch and Lake Perris projects.

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

The next meeting is currently scheduled for Wednesday, January 15, 2025, when the Commission will hold elections for Chair and Vice chair. The meeting will include the standing Water Storage Investment Program update, an update on public engagement, an update on water-related legislation, and a look at the draft 2024 State Water Project Annual Report.

**15. Adjourn**

The Commission adjourned at 3:04 p.m.