



Informational Item: Briefing on statutory responsibilities of the Water Commission including naming of State Water Project facilities and eminent domain

Among its statutory responsibilities, the California Water Commission has the power to name state-owned facilities of the State Water Project. It also is the governing body which must consider and adopt resolutions of necessity before the Department of Water Resources may acquire property by eminent domain.

This agenda item is one in a series of brief informational presentations for the Commission on these issues.

State Water Project Nomenclature

The Water Code (CWC 161.5) gives the Water Commission the power to name State Water Project facilities. Based on Commission staff review of meeting minutes and other documentation, it appears the naming of facilities has been done many times by previous Water Commissions, and in a variety of ways. Any Commission member may propose a name change or receive a recommendation from another individual. The Commission or a committee then receives testimony from the public on the proposed change and often prepares a justification or explanation for the name change, identifying the contribution of the individual to water management in California or the specific facility. The Commission then adopts a resolution expressing its decision to rename a State Water Project facility.

Examples of previous actions by the Water Commission are:

- *John E. Skinner Fish Protective Facility* in the Delta was named in February 1979 after John E. Skinner who worked for the Department of Fish and Game for 25 years and led its Delta fish programs.
- The *Governor Edmund G. Brown California Aqueduct* was named in November 19, 1982 at the request of then DWR Director Ronald Robie.
- In 1987, a committee proposed the renaming of *Whiskeytown Dam* after the Water Commission Chairman Clair Hill to recognize his involvement in water resources. The committee visited the Redding area where they found public support for naming the Dam after Mr. Hill. Whiskeytown Dam was deemed an appropriate facility due to Mr. Hill's contribution towards bringing the dam into existence. The Commission adopted a resolution that year changing the name of the Dam to "Clair A. Hill Whiskeytown Dam."

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- *B.F. Sisk San Luis Dam, William R. Gianelli Pumping-Generating Plant, and Clair A. Hill Whiskeytown Dam, named February 3, 1989* - These three items were considered as a formality to put the State of California into conformance with the federal government, as Congress had approved and the President signed a bill which renamed these three facilities in California. Ceremonies for the renaming of these facilities were held later that year.

Eminent Domain

The Department of Water Resources may acquire property for constructing, maintaining or operating State Water Project facilities (CWC 11575) but it may not commence an eminent domain proceeding until its governing body has adopted a resolution of necessity. (CCP 1245.220) The governing body is the California Water Commission.

In adopting the resolution of necessity, the Commission must find all of the following facts: 1) the project is necessary, 2) this property in particular is required for the project, 3) the project is located to provide the greatest public benefit with the least private harm, and 4) that an offer has been made to purchase the property. The resolution must be adopted by a vote of two-thirds of the Commission members.

DWR staff will provide a more detailed briefing on the eminent domain issue to this Commission at the July meeting. It is anticipated that the Commission will begin resolutions for dozens of properties in the Sacramento-San Joaquin Delta later this year to conduct geological activities, including drilling, in support of the Environmental Impact Study for the Bay Delta Conservation Plan.

Contact

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