



## **Meeting Minutes**

### **Meeting of the California Water Commission**

**Friday, July 6, 2012**

State of California, Resources Building

1416 Ninth Street, Room 1131

Sacramento, CA 95814

Beginning at 9:30 a.m.

*Members of the Commission will also participate in this meeting by teleconference from the following locations. Teleconference locations will be open to the public.*

Department of Water Resources  
Southern Region Office, Conference Room  
770 Fairmont Avenue  
Glendale, California 91203

Panoche Water District  
52027 West Althea Avenue  
Firebaugh, California 93622

Yuba County Water Agency  
1220 F Street, Conference Room  
Marysville, California 95901

#### **1. Welcome and Introductions**

Chairman Anthony Saracino called the meeting to order at 9:30 a.m.

#### **2. Roll Call**

Executive Officer Sue Sims called roll. Joe Byrne, Danny Curtin, Joe Del Bosque, Luther Hintz, and Anthony Saracino were present, constituting a quorum. Joe Byrne, Joe Del Bosque, and Luther Hintz participated via teleconference. Andrew Ball and Kim Delfino were absent.

#### **3. Approval of May and June Meeting Minutes**

A motion was made to approve the draft minutes from the May 8 and June 20, 2012 meetings. Mr. Hintz requested one clarification be made on page two of the June minutes. The motion was seconded and a vote was taken. The motion passed unanimously pending the clarification of the June minutes.

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

Ms. Sims provided the Executive Officer's update. A letter was sent to the National Oceanic and Atmospheric Administration (NOAA) on behalf of the Commission, which addressed funding issues for research on extreme weather events. A letter regarding the State Water Project (SWP) is undergoing review and will be sent to Secretary Laird on behalf of the Commission. Ms. Sims noted that the Legislature has voted to move the proposed water bond to the 2014 ballot.

Mr. Saracino pointed out that there are Commissioners participating in the current Commission meeting from three remote locations.

#### **5. Action Item: Consideration of Final Agricultural Water Measurement Regulations**

Dr. Manucher Alemi provided an update on the status of the regulations. The regulations were approved by the Commission on May 8 and submitted to the Office of Administrative Law (OAL) on May 31, 2012. In early June, OAL requested minor changes to the regulation text for clarification purposes. OAL also asked DWR to incorporate by reference an Agricultural Aggregated Farm-Gate Delivery Reporting Form which had been inadvertently omitted from the submitted package. OAL determined this constituted a substantial change and required an additional 15-day public comment period. This information was provided to the Commission at their June 20 meeting and the form was released for a sixth public comment period. During the public comment period, DWR received one comment that questioned why the reporting period was based on the fiscal year instead of the water year. Dr. Alemi noted that the statute, SBX7-7, requires agricultural water suppliers to report their water use on an annual basis beginning July 2012. The form was created to comply with the statute. DWR does not believe a change is necessary, as it will still be possible to extract data for water, calendar, or fiscal years as needed. After OAL approves a regulation it is submitted to the Secretary of State (SOS). DWR has requested this regulation go into effect immediately after it is approved by OAL and submitted to the SOS.

Mr. Hintz agreed with the public comment submitted on June 20, 2012 by Mr. Roger Reynolds and stated that water users would only have a month to gather and submit the data. Mr. Hintz recommended basing the form on a calendar or water year instead of the fiscal year, with an annual submittal date of March 1. He stated that if this can be done without causing substantial delays, then it should be done.

Dr. Alemi responded that regardless of how and when the form is prepared, the same set of data will be submitted on an annual basis. He suggested the guidebook can be modified to clarify this issue. He also noted there is not sufficient time to change the annual report date and hold a public comment period prior to the year-end deadline for approval of the regulations. Mr. Saracino stated it would be risky to change the form at

this point in time and that data will have to be submitted annually regardless of the due date. Mr. Curtin stated he understood Mr. Hintz's concern as July is a busy time for farmers. He recommended the Commission approve the regulations in their current form and revisit the reporting period at a later time. Mr. Hintz agreed and asked Mr. Kenner if the form can be changed at any time. Mr. Kenner confirmed that it could. Mr. Del Bosque stated it would be most beneficial to align the reporting periods and farming crop year, as there are changes that may take place from year to year. Mr. Kenner noted changing the date would be most likely constitute a substantial change. Mr. Byrne agreed with Mr. Curtin suggested revisiting this issue at a later time for a possible amendment. Mr. Kenner confirmed the form can be changed in the future and clarifications can be added to the guidebook. There were no public comments. A motion was made and seconded to incorporate by reference the Agricultural Aggregated Farm-Gate Delivery Reporting Form and approve the final Agricultural Water Measurement Regulations. A vote was taken and the motion passed unanimously.

Ayes: 5 Noes: 0 Absent: 2

Dr. Alemi explained the next step is to submit the rulemaking file to OAL for approval. Approval is expected the week of July 9. The form and new information will be incorporated into the guidebook, which will then be released for public review. DWR has requested the regulations take effect immediately after OAL approval and submission to the Secretary of State, before July 31, 2012. Dr. Alemi thanked the Commission for their guidance. Mr. Saracino thanked Dr. Alemi and his staff for their work.

**6. Action Item: Consideration of Priority List for Delta Levees Special Projects Funding**

Gail Newton, Chief of DWR's FloodSAFE Environmental Stewardship and Statewide Resources Office, spoke regarding this item. She noted that a list of projects approved for funding under a recent Project Solicitation Package (PSP) is before the Commission. She stated that although the Commission has authority to approve the list of priority areas for this program, approval for individual projects is not required. These should not have been brought to the Commission for approval. In the future these items can be presented to the Commission as informational items. Mr. Saracino asked about the nexus between the Commission's obligation to set priorities and DWR's approval of grant funding.

Ms. Newton said the Commission approved the original priority list for Delta projects in the 1990s and the priority list has since been expanded through legislation to include the entire Delta. That priority list will be used as guidance and DWR will also take into consideration new knowledge such as the Delta Protection Commission's Economic Sustainability Plan when approving projects.

Ms. Newton agreed the Commission should be aware of prioritization of islands and levee work in the Delta. The most recent draft of the Delta Stewardship Council's (DSC) Delta

Plan asks DWR to create a prioritization list for Delta levee work for DSC's approval and incorporation in the Plan. DWR is currently working to update the list from 1990, and will bring the draft to the Commission by the end of the year. She invited the Commission's involvement in the review of the priority list.

Mr. Kenner clarified that the Proposition 1E bond funding projects list does not need Commission approval; however, the priority areas for flood work do require approval and it is appropriate for the revised list to come before the Commission at a later date.

Mr. Del Bosque inquired if the Commission will be involved in defining public benefits for these projects. Ms. Newton stated that public benefits will be part of DWR's analysis.

Mr. Kenner said the Commission's involvement public benefit aspect can be discussed.

Mr. Byrne asked for more information and legal analysis on the Commission's authority and responsibility related to this item.

**7. Consideration of items for next California Water Commission meeting**

Topics for the August meeting include the strategic plan with public comments, methodology of public benefits, State Water Project encroachment permits, State Water Project workshop, and updated information on the priority list for Delta Special Projects. Mr. Curtin requested to continue discussions regarding public benefits.

**8. Public Comments**

None.

Mr. Saracino adjourned the meeting at 10:13 a.m.