

Summary of Activities



Introduction

The California Water Commission consists of nine members appointed by the Governor and confirmed by the State Senate. Seven members are chosen for their general expertise related to the control, storage, and beneficial use of water and two are chosen for their knowledge of the environment. The Commission provides a public forum for discussing water issues, advises the Department of Water Resources (DWR), and takes appropriate statutory actions to further the development of policies that support integrated and sustainable water resource management and a healthy environment. Statutory duties include advising the Director of DWR, approving rules and regulations, and monitoring and reporting on the construction and operation of the State Water Project.

This document is intended to provide an overview of the Commission's activities and achievements in 2013. For a comprehensive account of proceedings and actions at each Commission meeting, please refer to the meeting minutes or the webcast archives available on the Commission's website at <https://cwc.ca.gov/Pages/Meetings.aspx>.

Highlights

- Governor Brown appointed Adán Ortega and David Orth to fill two vacancies on the Commission
- Held workshop on Strategies for Future State Investments in the Benefits of Water Storage Projects, and other activities related to quantifying public benefits of water projects
- Advocated for salary increases for State Water Project employees to address serious recruitment and retention problems affecting the operation and sustainability of the State Water Project
- Participated in a joint meeting of the California Water Commission and the California Board of Food and Agriculture to address water issues, drought, water transfers, and improved agency alignment
- Approved State Water Project encroachment regulations
- Toured State Water Project facilities in the Central Valley, Delta, and Oroville
- Approved changes to Agricultural Water Measurement regulations

Summary of Actions

January 16, 2013

Action Items

- **Approval of 2012 Annual State Water Project Review (Pass)**

The Commission approved the 2012 Annual Review of the Construction and Operation of the State Water Project (SWP), which was completed as part of the Commission's statutory responsibilities.

Other Business

The Commission heard updates on the status of Urban Water Management Plans and the Integrated Water Management Summit, as well as a legislative update. The Commission was briefed by *American Rivers* on an environmental benefits model and by DWR staff on system resiliency metrics. Additionally, a workshop on public benefits was proposed and issues regarding the public benefits of water storage projects were discussed.

February 20, 2013

Action Items

- **Approval of Revised Commission Procedures for Resolutions of Necessity and Eminent Domain (Pass)**

The Commission's procedures were updated to reflect additional requirements for Resolutions of Necessity.

- **Initial Consideration of Amendment to Agricultural Water Measurement Regulation (Pass)**

The Commission approved a change to the Agricultural Water Measurement regulations. The reporting form was changed to a calendar year format upon suggestion from stakeholders.

Other Business

The Commission heard briefings on a portfolio-based conceptual alternative for the Bay Delta Conservation Plan (BDCP). There were briefings on the California Statewide Groundwater Elevation Monitoring Program and a draft discussion paper on BDCP and Delta farmland. The Commission also reviewed the DWR regulation calendar for 2013 and heard an update on the status of Resolutions of Necessity and Eminent Domain in support of the BDCP.

March 20, 2013

Workshop

- The Commission held a working session on Strategies for Future State Investments in the Benefits of Water Storage Projects. The Commission had panel discussions with stakeholder and agency representatives regarding strategies for financing water projects and approaches to defining public benefits, and heard public comments on the same issues.

Action Items

- There were no actions taken at this meeting.

Other Business

Dr. Jerry Meral, California Natural Resources Agency Deputy Secretary, briefed the Commission on the BDCP. The Commission heard an update on CALFED surface storage projects and an overview of the process to amend Resolutions of Necessity. The Commission also considered amendments to Resolutions of Necessity in Sacramento and Contra Costa counties, but no final action was taken.

April 3, 2013

Water Summit

The California Water Commission partnered with the Department of Water Resources and the Water Education Foundation on the Water 360 Integrated Water Management Summit which brought together leaders in water and flood management policy, environmental protection, business, technology and academia for an in-depth conversation about strategies to advance integrated water management in California.

April 17, 2013

Action Items

- **Briefing on Biodiversity Council Proposal for Agency Alignment (Pass)**
The Commission was briefed on the Biodiversity Council's draft Resolution for Agency Alignment, which aligns with the Commission's Strategic Plan. The Commission unanimously approved an endorsement of the resolution.
- **Initial Consideration of State Water Project Encroachment Regulations (No Action Taken)**
The Commission heard an update on SWP Encroachment regulations, but no action was taken at that time.

Other Business

Maureen King discussed legal counsel's interpretation of language in SBX7-2 in order to clarify the Commission's work on the quantification of public benefits of water storage projects. The Commission was also briefed on SWP recruitment and retention issues and SWP facilities.

April 24, 2013

SWP Inspection Tour

Commission members Joe Del Bosque and Danny Curtin conducted an inspection tour of SWP Facilities in the Delta Field Division and San Luis Field Division. The facilities included Skinner Fish Facility, Banks Pumping Plant, Clifton Court Forebay, and Gianelli Pumping-Generating Plant.

May 15, 2013

Action Items

- There were no actions taken at this meeting.

Other Business

The Commission discussed the definitions of public benefits of water storage projects and received an update on the 2013 California Tribal Water Summit. There were also briefings on Salton Sea issues, DWR's Subsidence Reversal and Carbon Sequestration program, a tour that some members took of SWP facilities, and consumption-based fixed revenue urban water rate structures.

June 19, 2013

Action Items

- **Initial Consideration of State Water Project Encroachment Regulations (Pass)**
The Commission approved SWP Encroachment regulations to go to the Office of Administrative Law for a public comment period.

Other Business

The Commission discussed issues related to the guidelines for funding of public benefits of water storage projects. Additionally, the Commission was briefed on the NASA Jet Propulsion Laboratory's remote sensing project with DWR, the impacts of ongoing dry

conditions, DWR participation in Golden Guardian Exercises, and the DWR All Hazards Emergency Program.

July 17, 2013

Action Items

- There were no actions taken at this meeting.

Other Business

The Commission was briefed on hydraulic fracturing activities in California and regulations developed by the Department of Conservation to address public safety and environmental impacts. California Energy Commission staff provided a briefing on the Desert Renewable Energy Conservation Plan. The Commission was updated on SWP issues and the Delta Plan. Additionally, the Commission heard a case study for public and non-public benefits of water storage projects.

August 21, 2013

Action Items

- **Review of Updated Staff Draft of Proposed Regulations and Guidelines for Quantifying the Public Benefits of Water Storage Projects (No Formal Action Taken)**
The Commission discussed the draft and directed staff to make additional changes to the draft regulations prior to their release for public review.
- **Briefing on Federal Water Resources Development Act of 2013 (WRDA) Legislation and Consideration of Letter from Commission to Congress (No Formal Action Taken)**
After discussion of WRDA and the draft letter presented by staff, the Commission directed staff to conduct additional research prior to sending the letter.

Other Business

Additionally, the Commission was updated on SWP water supply contract extensions, the State Water Action Plan, and the 20x20x20 Conservation Program.

September 10, 2013

Joint Meeting

Members of the Commission attended a joint meeting of the California Water Commission and the California Board of Food and Agriculture. The meeting included a presentation by DWR on statewide water conditions, a panel discussion of California's water situation, a presentation by the State Water Resources Control Board, a briefing on the Bay Delta Conservation Plan, and a panel on impacts of dry conditions to the agriculture industry.

September 18, 2013

Action Items

- There were no actions taken at this meeting.

Other Business

The meeting was held at the DWR Field Division Office in Oroville. The Commission heard remarks from city and county elected officials, was briefed on the SWP organizational structure and the Oroville FERC relicensing process, and heard an update on SWP facilities and operations.

October 16, 2013

Action Items

- **Review of Updated Staff Draft to Proposed Regulations and Guidelines for Quantifying the Public Benefits of Water Storage Projects (Pass)**
The Commission discussed outstanding issues with the draft regulations and guidelines and approved them for public review after the incorporation of changes discussed at the meeting.

- **Consideration of Revisions to Agricultural Water Measurement Regulation (Pass)**

The Commission approved a change to the Aggregated Farm-Gate Delivery Reporting Form in the Agricultural Water Measurement Regulation. The approved change changes the form from a fiscal year reporting format to a calendar year reporting format.

Other Business

The Commission heard a legislative update, an update on previously approved Resolutions of Necessity, and an overview of the water sector recommendations in the AB 32 Scoping Plan Update. The Commission directed staff to draft a comment letter regarding the AB 32 Scoping Plan Update.

November 20, 2013

Action Items

- **Presentation and Consideration of Comments on the Objectives and Resource Management Strategies in the California Water Plan Update 2013 (Pass)**

Kamyar Guivetchi briefed the Commission on the California Water Plan Update 2013 and Sue Sims presented proposed comments which were prepared by Commission staff. The Commission discussed several outstanding issues and approved the submission of proposed comments.

Other Business

The Commission was briefed on the California Water Action Plan, the Association of California Water Agencies' Statewide Water Action Plan, and Water Action Plan Priority Goals and Objectives. The Commission also heard a panel discussion on the San Joaquin River Restoration Program, a briefing on water transfers, and an update on the Delta Special Projects Program.

Additional Activities

Over the course of the year, Members of the Commission participated in additional notable activities. These activities included:

- The Sacramento Business Journal published an April 2013 article by Commissioner Curtin titled, “Delta Project is Good Business.”
- Commissioner Ball’s May 2013 article, “Bay Delta Conservation Plan: System of tunnels, levee reconstruction best approach to protecting state, Silicon Valley Water Supply,” was published in the San Jose Mercury News.
- Chairman Byrne authored “The State Water Project Needs to be More Efficient,” which was published on Publicceo.com July 2013.
- Chairman Byrne was a featured speaker at ACWA’s Regulatory Summit on Groundwater in August 2013.
- Commissioner Del Bosque was featured on National Public Radio’s California Water Series (part 3, “Food, Farms, and Delta Water”) in October 2013.
- Commissioner Curtin was a featured speaker at USA Week Europe in November 2013.
- Several Commission members participated in the ACWA 2013 Spring and Fall Conferences.

Attachments

1. Selected Correspondence

- A. Letter regarding State Water Project Critical Issues – April 23, 2013
- B. Letter regarding Biodiversity Council Endorsement – April 23, 2013
- C. Letter regarding Federal Water Resources Development Act (WRDA) 2013 – September 6, 2013
- D. Letter regarding Volume 1 of the California Water Plan Update 2013 – October 18, 2013
- E. Letter regarding Climate Change Adaptation – October 23, 2013
- F. Letter regarding Draft AB 32 Scoping Plan Update - October 24, 2013
- G. Letter regarding Volume 3 of the California Water Plan Update 2013 - December 2, 2013

2. Administration and Procedures

- A. 2012-2013 Workplan
- B. Updated Commission Procedures for Resolutions of Necessity and Eminent Domain

3. 2013 Resolutions

4. Index of Commission Activities by Subject

DEPARTMENT OF WATER RESOURCES**CALIFORNIA WATER COMMISSION**

1416 NINTH STREET, P.O. BOX 942836

SACRAMENTO, CA 94236-0001

(916) 651-7501



Joseph Byrne
Chair

April 23, 2013

Joe Del Bosque
Vice Chair

Andrew Ball
Member

The Honorable John Laird
Secretary for Natural Resources

Daniel Curtin
Member

1416 Ninth Street, Suite 1311
Sacramento, California 95814

Kimberley Delfino
Member

RE: State Water Project Recruitment and Retention

Luther Hintz
Member

Dear Secretary Laird:

Anthony Saracino
Member

At its April 17, 2013 meeting, the California Water Commission heard presentations from the Department of Water Resources (DWR), State Water Project (SWP) employees, and labor representatives detailing more examples of how the long-standing workforce recruitment and retention crisis continues to threaten the ability of the SWP to operate safely and deliver reliable water supplies to millions of Californians.

Sue Sims
Executive Officer

The Commission wishes to reiterate our strong support for action to resolve the salary compensation inequities between the SWP and other public and private utilities that are contributing to problem of maintaining a highly skilled and experienced workforce. We are greatly encouraged by reports that, thanks to your leadership on this issue, productive discussions to address these critical issues are taking place.

The salary gap between many SWP job classifications and their counterparts in other utilities continues to grow. For example, salaries for the Senior Water and Power Dispatcher classification are currently 65% below the median for other comparable positions in the industry. This pay disparity has numerous negative impacts on SWP operations and maintenance, some of which were presented to Commission at its April 2013 meeting:

- **State Water Project Reliability:** Since 2004, there has been a steady decrease in the Operational Availability of the State Water Project, due in large part to limited staff resources to perform maintenance and optimize operations. This directly reduces the SWP's ability to deliver water to agricultural and urban customers, particularly in light of pumping restrictions during certain times of the year to protect fragile ecosystems. The decreased flexibility also increases energy

costs that are then passed on to consumers and businesses. Between 2011 and 2012, the SWP incurred an additional \$70 million in energy costs through missed opportunities to pump water during less expensive, non-peak hours.

- SWP Apprentice Program: DWR conducts an extensive apprentice training program for its hydroelectric trades and crafts classifications at an average cost of \$300,000-\$400,000 for three to four years of on-the-job training. Currently, many, if not most of these individuals, leave DWR shortly after completing the program for significantly higher paying jobs at other utilities, effectively rendering DWR's investment worthless.
- Outside Contracts: There are many instances in which the SWP has entered into contracts with private companies to perform work that could be done by its own workforce. Addressing the recruitment and retention issue would allow the SWP to reduce contracting out in some areas, resulting in a savings to ratepayers.
- Thermalito Pumping Generating Plant Fire: While not a direct result of the actions of SWP staff, it is worth noting that damage from the fire which destroyed the plant in November 2012 will cost millions of dollars in lost power generation in 2013 and potentially hundreds of millions in clean-up costs and reconstruction. These impacts may have been significantly minimized with on-site staffing of the pumping plant, had adequate personnel resources been available.

The discussions at the Commission's April meeting, in addition to previous concerns that have been presented to us, present a compelling case that the inability to maintain the level of skill required to effectively operate and maintain the SWP has increased the risk of catastrophic infrastructure loss and requires immediate action. Failure to address these challenges will exacerbate a problem already costing water users millions of dollars annually in added costs for energy, water supplies, maintenance and repair, and contracting for services that could be performed by SWP employees.

We further recognize the need to evaluate options for organizational changes and improvements in business practices that will enhance the long term reliability of the SWP. These may include new governance models such as those proposed by the Little Hoover Commission in 2010 and the Public Policy Institute of California in 2011, as well as management changes that are expected to be identified in an administrative issues study being prepared for DWR.

The Honorable John Laird
April 23, 2013
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The Commission thanks you for your leadership and commitment to improve the SWP's critical mission capability and to protect public and employee safety, natural resources, and the reliable delivery of water to California homes, farms and businesses.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe Byrne", is centered within a light gray rectangular box.

Joe Byrne, Chair
California Water Commission

cc: Mark Cowin, Director, Department of Water Resources
Carl Torgersen, SWP Deputy Director, Department of Water Resources

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CALIFORNIA WATER COMMISSION1416 NINTH STREET, P.O. BOX 942836
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(916) 651-7501**Joseph Byrne**
Chair

April 23, 2013

Joe Del Bosque
Vice Chair**Andrew Ball**
MemberThe Honorable John Laird
Secretary for Natural Resources
1416 Ninth Street, Suite 1311
Sacramento, California 95814**Daniel Curtin**
Member**Kimberley Delfino**
MemberJames G. Kenna
State Director**Luther Hintz**
MemberBureau of Land Management
California State Office**Anthony Saracino**
Member2800 Cottage Way, Suite W-1623
Sacramento, California 95825**Sue Sims**
Executive Officer

Dear Secretary Laird and Director Kenna:

The California Water Commission is pleased to endorse the California Biodiversity Council's Resolution, "Strengthening Agency Alignment for Natural Resource Conservation." The endorsement was made at the Commission's April 17, 2013 meeting and demonstrates support for the Council's leadership and ongoing commitment to the goals of sustaining the diversity of natural resources and improving cross-agency coordination.

The guiding principles of the Council and this resolution are consistent with the goals of the Water Commission to promote policies that encourage sustainable management of water and a healthy environment, and to serve as a public forum to discuss water issues.

Our respective organizations share a common vision, namely, that the alignment of policies and programs to protect natural resources can result in more productive and efficient activities by agencies that are responsible for managing vital public trust resources. Furthermore, we recognize that the effective engagement of the public and stakeholders builds strong and sustainable partnerships that benefit the conservation and management of natural resources in California.

The Honorable John Laird
Director James G. Kenna
April 23, 2013
Page 2

We look forward to continuing to work with each of you and all of the members of the Biodiversity Council to support policies and activities that protect and enhance California's natural ecosystems, valuable resources, and quality of life.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe Byrne", is centered within a light gray rectangular box.

Joe Byrne, Chair
California Water Commission

cc: Christine Nota, Executive Committee Chair
California Biodiversity Council

Kamyar Guivetchi, Chief
DWR Statewide Integrated Water Management

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Joseph Byrne
 Chair

September 6, 2013

Joe Del Bosque
 Vice Chair

Andrew Ball
 Member

The Honorable Bill Shuster
 Chairman
 Committee on Transportation and Infrastructure
 U.S. House of Representatives
 2165 Rayburn House Office Building
 Washington, D.C. 20515

Daniel Curtin
 Member

Kimberley Delfino
 Member

Luther Hintz
 Member

The Honorable Nick J. Rahall, II
 Ranking Member
 Committee on Transportation and Infrastructure
 U.S. House of Representatives
 2163 Rayburn House Office Building
 Washington, D.C. 20515

Adán Ortega, Jr.
 Member

David Orth
 Member

Anthony Saracino
 Member

Dear Chairman Shuster and Ranking Member Rahall:

Sue Sims
 Executive Officer

The California Water Commission, whose mission is to support projects and programs that further the development of sustainable water resources management and a healthy environment in California, respectfully requests your support of comprehensive federal Water Resources Development Act (WRDA) legislation.

We believe it is vitally important that Congress pass legislation this year to help modernize and preserve our nation's critical water infrastructure, provide critical flood protection, fund innovation in water management, and protect ecosystems and habitat. California, like many other states, faces great challenges to improve its water management systems in the face of a growing population, aging water system infrastructure, and increasing demands for reliable water supplies, all while dealing with the uncertainties of climate change impacts and heightened environmental concerns. Local and state agencies need strong federal support and strategic investments to ensure our nation's water future.

One of the statutory responsibilities of the California Water Commission is to present information to Congress on appropriations for flood control projects under the jurisdiction of the U.S. Army Corps of Engineers and reclamation projects planned by the Bureau of Reclamation. In recent years, the state, federal and local governments in our state have made significant progress to improve flood management and protection, especially in the Sacramento-San Joaquin Valley which has one of the highest flood risks in the country. However, as outlined in the recently-released California's Flood Future Report prepared by the Department of Water Resources, there still exists an immediate need for more than \$50 billion to complete flood management improvements and projects in the state, or face

The Honorable Bill Shuster
The Honorable Nick J. Rahall, II
September 6, 2013
Page 2

tremendous loss of life, property, infrastructure and ecosystems from the inevitable flooding. The federal government, working with state and local agencies, must take steps now to reduce risk and lay the groundwork for long-term solutions. Passage of a WRDA bill will go a long way toward meeting these objectives.

In addition to flood protection and related investments, California is on a path of significant progress in water management including implementing statewide conservation requirements for urban users and agriculture, significant state and local investments in infrastructure and integrated water management, and a proposed Bay Delta Conservation Plan to help meet the co-equal goals of ecosystem restoration and water supply reliability for 25 million Californians and 3 million acres of farmland.

We strongly urge the passage of a WRDA bill that will provide funding and improve the federal-state coordination and cooperation in managing our vital water infrastructure resources for the benefit of our people, our environment, and our economy.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph Byrne", is centered within a light gray rectangular box.

Joseph Byrne
Chairman, California Water Commission

Cc: California House Members
Washington D.C. Office of the Governor, State of California
John Laird, California Secretary for Natural Resources
Mark W. Cowin, Director, California Department of Water Resources
Kasey Schimke, Assistant Director for Legislation, California Department of Water Resources

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Joseph Byrne
 Chair

October 18, 2013

Joe Del Bosque
 Vice Chair

Paul Massera

Andrew Ball
 Member

California Water Plan Update 2013

California Department of Water Resources

P.O. Box 942836, Sacramento, CA 95436-0001

Daniel Curtin
 Member

Kimberley Delfino
 Member

Dear Mr. Massera:

Luther Hintz
 Member

Adán Ortega, Jr.
 Member

David Orth
 Member

Anthony Saracino
 Member

The California Water Commission (Commission) wishes to provide general comments on Volume 1 of the Public Review Draft of the California Water Plan Update 2013 (CWP 2013). The Commission would like to commend the California Water Plan staff and the many stakeholders who actively participated in development of the CWP 2013 on their efforts. The resulting CWP Strategic Plan is a robust plan that sets the path forward towards sustainable, integrated water management, a healthy environment, and economic stability for California.

Sue Sims
 Executive Officer

The Commission appreciated the opportunity to participate in the update process as part of the State Agency Steering Committee. The collaborative environment fostered by the planning process sets the stage for productive collaboration among agencies at all levels of government and varied stakeholders.

The Commission strongly supports the three major themes featured in the CWP Update 2013 to 1) advance Integrated Water Management, 2) strengthen government agency alignment, and 3) invest in innovation and infrastructure. The goals and strategies of the Commission's Strategic Plan 2012, which is a featured State plan in the CWP 2013, align closely with these major themes.

The Commission recognizes that no single agency has sufficient responsibility, authority, expertise, or resources to ensure natural resources stewardship throughout California; solutions must be integrated across geographic and jurisdictional boundaries. A shared vision for the future, with coordinated priorities, will allow the State to strategically and systematically invest in the highest priority, multi-benefit water management and infrastructure projects, and achieve sustainable water management solutions.

Mr. Paul Massera
October 18, 2013
Page 2

Thank you for the opportunity to comment on the plan and we look forward to the opportunity to work together in the future to achieve a more sustainable water future for all Californians.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe Byrne", is centered on a light gray rectangular background.

Joe Byrne
Chair, California Water Commission

cc: Mark Cowin, Director, Department of Water Resources
Gary Bardini, Integrated Water Management Deputy Director, Department of
Water Resources
Kamyar Guivetchi, Manager, Statewide Integrated Water Management,
Department of Water Resources

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Joseph Byrne
 Chair

October 23, 2013

Joe Del Bosque
 Vice Chair

Andrew Ball
 Member

Mr. Jonathan Shapiro
 Chairman, Little Hoover Commission
 925 L Street, Suite 805
 Sacramento, California 95814

Daniel Curtin
 Member

Kimberley Delfino
 Member

Luther Hintz
 Member

Dear Chairman Shapiro:

Adán Ortega, Jr.
 Member

The California Water Commission would like to thank you for the opportunity to provide the following comments for consideration during the Little Hoover Commission's Climate Change Adaptation study.

David Orth
 Member

Anthony Saracino
 Member

California's water resources are particularly vulnerable to the effects of climate change. Climate change is already impacting water resources in California, with increasing impacts expected in the future. Generally, California's water systems were designed using historical hydrology, assuming these factors will be constant in the future. However, climate change is increasing the uncertainty and variability of precipitation, resulting in more intense wet and dry periods, more floods and droughts, and reduced snowpack, which acts as an important natural reservoir in our state. These impending changes present a compelling challenge for water managers at all levels and in all regions of California and make planning for adaptation to climate change non-negotiable.

Sue Sims
 Executive Officer

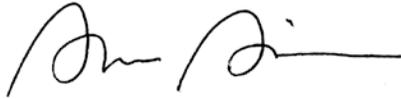
No single adaptation strategy is adequate to protect California's water resources as these changes occur. In order to maintain sustainable water supply and a healthy environment in light of a changing climate, California must pursue multiple water management solutions simultaneously. The California Water Commission believes this is best accomplished through Integrated Water Management (IWM), "...a strategic approach to planning and implementing water management programs that combines flood management, environmental stewardship, and water supply actions to deliver multiple economic, environmental, and social benefits across watershed and jurisdictional boundaries" (California Water Plan Update 2013). Given future uncertainty regarding precipitation, adding flexibility to the system must be a key strategy for adaptation. IWM, with its focus on creating multiple benefit projects with fewer resources, and system flexibility and resiliency, is an important component of climate change adaptation. The California Department of Water Resources (DWR) is currently developing IWM through its collaborative California Water Plan (CWP) Update 2013. We would encourage you to reference the CWP for sustainable climate change adaptation strategies related to water resources.

Mr. Jonathan Shapiro
October 23, 2013
Page 2

Additionally, the Commission sees great value in collaborative, cross-agency processes to identify and address climate change impacts such as the 2011 work by DWR and the U.S. Environmental Protection Agency, in partnership with the U.S. Army Corps of Engineers, and the Resources Legacy Fund, that developed the Climate Change Handbook for Regional Water Planning. The handbook provides a framework for water managers to incorporate climate change into Integrated Regional Water Management Plans, however the strategies can be applied to any watershed or water supply planning process. The Climate Change Handbook explains that "integrated regional water planning is an excellent framework for addressing water-related climate impacts, as it provides a process for stakeholders with varied water related priorities to work together to develop solutions that satisfy all water uses and needs." This handbook, and the California's Integrated Regional Water Management program, provide examples of how the Water Resources community is implementing cross-agency coordination to address climate change, a topic discussed in depth at the Little Hoover Commission's August 22 hearing on Climate Change Adaptation.

Thank you for the opportunity to provide comments. The Water Commission looks forward to the Little Hoover Commission's report as a means to assist policy makers as well as the public and private sectors in developing effective programs and policies to address the changes California will increasingly face as a result of climate change.

Sincerely,

A handwritten signature in black ink, appearing to read "Sue Sims", with a long horizontal flourish extending to the right.

Sue Sims
Executive Officer

DEPARTMENT OF WATER RESOURCES**CALIFORNIA WATER COMMISSION**

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Joseph Byrne
 Chair

October 24, 2013

Joe Del Bosque
 Vice Chair

Richard Corey
Executive Officer

Andrew Ball
 Member

California Air Resources Board
 P.O. Box 2815

Daniel Curtin
 Member

Sacramento, CA 95812

Kimberley Delfino
 Member

Dear Mr. Corey:

Luther Hintz
 Member

The California Water Commission (Commission) is submitting the following comments on the water sector section of the Draft AB 32 Scoping Plan Update, October 2013.

Adán Ortega, Jr.
 Member

David Orth
 Member

The Commission would first like to commend the California Air Board on its thorough work in preparing this document and specifically for highlighting the important connection between water management and energy use and generation. The document's emphasis on energy efficiency and water conservation is paramount to our collective efforts to improve the use of resources and reduce greenhouse gas emissions within California's water sector. In fact, many of the items in the Key Recommended Actions of the water section of the draft report are consistent with policies supported and promoted by the Commission in its Strategic Plan to advance Integrated Resource Management, mitigate and adapt to climate change, and facilitate sustainable water management.

Anthony Saracino
 Member

Sue Sims
 Executive Officer

Some of the key actions are of particular interest to the Commission:

- Assess impacts of decoupled water rates and develop rate and revenue structures to decouple municipal utility programs
- Develop policies with local partners that thoroughly and accurately reflect the economic, social, and environmental value of water in California.
- Develop and implement a groundwater management strategy that contributes to enhanced water quality and water supply reliability.
- Promote water-energy conservation outreach and education

Many, if not most, of the state's water agencies have done considerable work on the most effective ways to address pricing and conservation issues. In addition, the California Urban Water Conservation Council (CUWCC) has developed Best Management Practices to assist water agencies in attaining financial stability as they implement conservation pricing programs, which include considerations for rate decoupling. We believe that the findings of the CUWCC's body of work on this issue can help inform any future steps

on rate and revenue structures, and that those activities must involve a coordinated effort between State agencies, the CUWCC, its member agencies, and other stakeholders. In addition, given the preliminary and unclear results to date of the California Public Utilities Commission's pilot program on decoupling, we also believe that the State should wait for the final results of this decoupling assessment, before committing to moving forward with the development of decoupled rate and revenue structures.

With regard to the recommendation to develop policies with local partners on the value of water, we believe that a significant body of work on the public benefits of water is already emerging through the work of the Water Commission and the ongoing activities of the California Water Plan. We would thus recommend that future work on these topic areas be considered in these forums.

The recommendation to develop new strategies for groundwater management builds upon the growing awareness that careful management of this resource can improve water supply reliability, improve ecosystems, and prepare for future droughts, floods, and climate change. The Commission and its staff have been briefed on a number groundwater programs and activities, including the policy initiatives in SBx7 6, the state's CASGEM program, actions proposed in the California Water Plan Update, and the Association of California Water Agencies' policy framework on groundwater, and believe these represent important steps towards sustainable groundwater management. The Commission supports continued collaboration between state and local water management agencies, to ensure the sustainability of California's groundwater resources as part of a broader strategy to integrate and improve water management.

Finally, garnering increased public awareness and support for conservation is essential to the long term success of our collective efforts to improve water conservation and energy efficiency in every region of the state and every sector of our economy. The Commission, which has committed to inform and engage the public on water issues as part of its strategic plan, looks forward to opportunities to work with the Board and other agencies to promote outreach and education activities to achieve these goals.

Thank you for the opportunity to comment on the plan and we look forward to the opportunity to work together to achieve a more sustainable water and energy future for all Californians.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe Byrne", is centered within a light gray rectangular box.

Joe Byrne
Chairman
California Water Commission

DEPARTMENT OF WATER RESOURCES**CALIFORNIA WATER COMMISSION**

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Joseph Byrne
 Chair

December 2, 2013

Joe Del Bosque
 Vice Chair

Paul Massera
 California Water Plan Update 2013
 California Department of Water Resources
 P.O. Box 942836, Sacramento, CA 95436-0001

Andrew Ball
 Member

Daniel Curtin
 Member

Kimberley Delfino
 Member

Dear Mr. Massera:

Luther Hintz
 Member

Last month, the California Water Commission provided general comments on Volume 1 of the public review draft of the California Water Plan (CWP) Update 2013, and conveyed its support for the highlighted themes of Integrated Water Management, improved alignment between government agencies, and investing in innovation and infrastructure.

Adán Ortega, Jr.
 Member

David Orth
 Member

Anthony Saracino
 Member

Since then, the Commission has reviewed Volume 3, Resources Management Strategies which provides valuable data and historical perspective, together with focus and vision on a broad range of policies and programs for managing water sustainably in California today and in the future. In particular, we believe this CWP Update 2013 will support decisions and related actions for key state programs including two of the most significant efforts currently underway, the Bay Delta Conservation Plan and the Central Valley Flood Protection Plan. We commend the Department of Water Resources staff, the subject matter experts from other state agencies on the Water Plan Steering Committee, and the hundreds of other experts and stakeholders who contributed to this extensive process.

Sue Sims
 Executive Officer

While all of the Strategic Plan's Objectives and Resource Management Strategies touch upon issues of great interest to the Commission, we want to take this opportunity to provide comments on several cross-cutting themes that are fundamental to the future of successful water management, support economic growth, and can help protect vital environmental and cultural resources in California.

- **Interdependence and Integration of Water Projects:** The Plan's Objectives and Strategies sections reaffirm the importance of integrated resource planning. The Commission believes this is particularly important in the areas of water storage and conveyance where new challenges require that projects not only support traditional goals of water supply reliability and flood protection, but also ecosystem restoration, water quality improvements and adaptation to climate change. The chapters on Groundwater and Conjunctive Management, Water Transfers, System Reoperation highlight the interdependence of these resource management strategies with improved storage and conveyance. Having done considerable work on water storage

projects including their costs and public benefits, the Commission would like to underscore the importance of evaluating individual projects in the context of the systemwide benefits they provide for sustainable water management.

- **Funding:** Many of the chapters recommend funding for a specific type of project or Resource Management Strategy. While a case can certainly be made for funding any or all of these strategies, the Commission believes the state must strategically invest in the most critical projects that provide maximum benefits given the growing demands on public and private funding for water management. Funding must be evaluated within the context of a broader statewide funding plan or strategy. For this reason, the Commission supports the related Objective 17, *Improve Integrated Water Management Finance Strategy and Investments*.
- **Climate Change:** The Commission appreciates that the Plan addresses climate change in every Resource Management Strategy and provides new data and information that can inform decisions for water managers, planners, and policy makers at all levels. Given the value of this information, the Commission would also recommend that a separate chapter or appendix document be prepared to summarize the role of each resource management strategy in addressing climate change.
- **Agency Alignment and Collaboration:** The theme of improved agency alignment is highlighted in Objective 16, *Strengthen Alignment of Government Processes and Tools* and reinforced in various Resource Management Strategies. The Commission agrees that collaboration at all levels and through all phases of project development and operations is critical to the effective management of California's water, and provides confidence to the public that agencies can work together efficiently toward a common goal. This theme aligns closely with the Commission's Strategic Plan Goal 3C to improve coordination between federal, state, tribal and local public agencies and stakeholders. We also note that the Water Plan Update process itself represents one of the best models of statewide coordination and collaboration to promote sound water management planning to address future scenarios.
- **Demand Management:** The Commission supports Objective 2, *Use and Reuse Water More Efficiently*, as well as the Resource Management Strategies on Agricultural and Urban Water Use Efficiency. However, water use efficiency and reuse may not be enough to reduce future water demand to sustainable levels. We recommend that the Plan support the implementation of additional demand management measures at the Regional level through Integrated Water Management Programs in order to promote sustainable future water use.

- **Environmental Justice and Disadvantaged Communities:** All Californians deserve access to safe drinking water, equal access to state funds for water projects, and full inclusion in planning processes which affect their communities. However, there are still communities in California where these basic needs are not met. The Commission strongly supports Objective 13, *Ensure Equitable Distribution of Benefits* and its related actions as a path towards environmental justice, and asks that the CWP Update 2013 recommend stronger measures to enable Disadvantaged Communities to fully participate in Integrated Regional Water Planning as a means of addressing these inequities.
- **Improved Data and Technical Assistance:** In Objective 10, *Improve Data, Analysis, and Decision Support Tools* and in many Resource Management Strategies, the need for improved data collection, data sharing and consistency, and technical assistance for local agencies emerges as a common theme. Additionally, improving the compatibility of databases will ensure that agencies are able to effectively utilize available data. The Commission strongly supports efforts by the state to improve the integrity, consistency, compatibility, and accessibility of data that enables better water management.
- **Outreach and Education:** The state's role in providing outreach and education to water agencies, water managers, and water users, and disseminating critical water management information is an important one. The Commission supports the many outreach and education actions and recommendations identified in the Objectives and Resource Management Strategies, and a commitment to increased opportunities for public discourse, engagement and transparency for water projects, programs, decisions, and actions.

In addition to these overarching themes, the Commission would like to offer comments on several specific recommendations contained in the Resources Management Strategies. In many cases, these are topics which are directly related to the Commission's strategic plan as well as areas of interest to the Commission that have been highlighted during public meetings.

| | Topic and Recommendation | Commission Comments | Link(s) to Strategic Plan | Section |
|---|--|--|----------------------------------|---|
| 1 | Water Rights: The state should clarify policy and improve incentives, assurances, and water rights protections to allay fears over the loss of water rights resulting from improved water use efficiency. | The Commission agrees that it is important to recognize and work to protect existing water rights, including tribal water rights when considering new water management strategies. | Goal 3A | Chapter 2 (Agricultural Water Use Efficiency), Recommendation 1 |
| 2 | Conservation Rate Structures: DWR and other agencies should evaluate the effectiveness of rate structures in conservation and assist utilities in developing sustainable conservation rate structures. | The Commission has been made aware of the challenges water agencies face when implementing conservation pricing, including a briefing on potential rate structure, Consumption-Based Fixed Revenue at its May 2013. Commission supports this recommendation to continue to evaluate effective approaches to promote conservation and rate structures. | Goal 3 | Chapter 3 (Urban Water Use Efficiency), Recommendation 1 |
| 3 | The Energy-Water Nexus: This section highlights the connection between urban water use, energy, and greenhouse gases. | The Commission supports additional work and research to promote energy savings through water conservation measures and to increase awareness of the water-energy nexus by the public and policymakers. This item, which has been discussed with the Commission in the context of the State Water Project energy use and production, as well as the October 2013 AB 32 update. Recognition of the Water - Energy Nexus is increasingly important as the state deals with the impacts of climate change. The Commission appreciates the good work of the Water Plan to highlight | Goal 3E | Chapter 3 (Urban Water), Box 3-13 |

| | | | | |
|---|--|--|---------|---|
| | | the need for action on this important issue. | | |
| 4 | Quantification of Benefits: This section stresses the importance of quantifying the benefits of system reoperation strategies. | The Commission's document Description and Screening of Potential Tools and Methods to Quantify the Public Benefits of Water Storage Projects provides guidance on economic methods for quantifying the public benefits of System Reoperation Projects. The California Water Plan may wish to reference the document in this section. | Goal 3B | Chapter 7 (System Reoperation), Body, Pages 7-8 and 7-9 |
| 5 | Water Transfers: The approval process of state and federal agencies for water transfers should be streamlined where approvals are required, while protecting water rights, the environment, and local economic interests. | At the Commission's joint meeting with the California Food and Agriculture Board in September 2013 and the November 2013 Commission meeting this issue has been discussed. The Commission will consider its role in assisting state, federal, and local agencies to manage water transfers while addressing economic, environmental, and third-party impacts. | Goal 3A | Chapter 8 (Water Transfers), Recommendation 3D |
| 6 | Bulletin 118: The Water Plan used the development of this Resource Management Strategy to fill the need for an updated Bulletin 118. Bulletin 118 has not been updated since 2003 due to funding constraints. | The Commission commends DWR on this collaborative approach to provide important data and information that will support sound groundwater management decisions, especially in light of funding constraints that have prevented DWR from updating Bulletin 118. Additionally, the Commission encourages DWR to ensure that data developed through this process is at a scale that will assist local water managers in making groundwater management decisions. | Goal 3C | Chapter 9 (Conjunctive Management), Body, Page 9-9 |
| 7 | Bond Funding: Projects will request bond funding from | While discussions on a revised statewide water bond continue, the Commission is | | Chapter 9 (Conjunctive Management), |

| | | | | |
|----|--|---|---------|---|
| | California Water Commission by 2016. | working with DWR on sound methodologies for quantifying public benefits of water storage projects, and strategies for effectively investing in the public benefits of water projects in California. However, the timeline for bond funding will only be finalized if or when the bond is passed. | | Recommendation 10F |
| 8 | Surface Storage Investigations: CALFED signatories and stakeholders should continue to prioritize work efforts to complete the feasibility and environmental studies of the surface storage investigations. | The Commission has been briefed on DWR's Surface Storage investigations as part of its overall work on water storage projects and supports the ongoing development of work that will inform future decisions and funding for projects to address the state's water management needs. | Goal 3B | Chapter 13 (Surface Storage – CALFED), Recommendation 1 |
| 9 | Drinking Water Standards and Costs: The cost of providing drinking water in compliance with all drinking water standards is steadily increasing due to increasing costs for energy and materials and increasing regulations requiring higher levels of treatment. | The Commission has identified this issue as one of great significance and importance. A greater understanding of the relationship between increasing treatment standards, costs for water management, and energy use is needed to fully understand the impacts of these changes on current and planned water management activities in communities throughout the state. | Goal 3E | Chapter 15 (Drinking Water), Body, Pages 15-8 and 15-9 |
| 10 | Disadvantaged Communities and Environmental Justice: This Resource Management Strategy contains a basic description of Environmental Justice issues and activities. | The Commission recommends that, in addition to the information already provided in this chapter, that inclusion of a stronger statement about the importance of Environmental Justice and access to safe drinking water would be beneficial. | | Chapter 15 (Drinking Water), Body, Page 15-16 |

| | | | | |
|----|--|---|---------|--|
| 11 | <p>Ecosystem Restoration: Multidisciplinary approaches to water, flood, and forest management should be promoted. Efforts should recognize the value of ecosystem services and meadow restoration.</p> | <p>The Commission has identified the issue of improved forest and meadow management activities as one which warrants further study and understanding for water supply and ecosystem benefits. Additionally, the Commission recognizes that ecosystem services are typically not valued in a traditional sense so considering how to best develop system of payments for ecosystem services may be an effective way to ensure they are appropriately valued in water management.</p> | Goal 3B | <p>Chapter 22 (Ecosystem Restoration), Recommendation 2 and Chapter 23 (Forest Management), Body, Pages 23-5 to 23-7</p> |
|----|--|---|---------|--|

Finally, the Commission would like to express its strong support for the Water Plan Update process. For more than 55 years, this document has served as a master plan for state water development to guide the activities of agencies in planning, construction, and operation of water management projects. Over the past decade, the Plan has broadened its scope to provide a comprehensive framework for a sustainable water management, including strategies to improve water supply reliability, to protect water quality, and to manage water in ways that more fully protect and restore the environment. The Plan's Resource Management Strategies, the Regional Reports, and the Reference and Technical Guides represent the most inclusive set of data and information available on California Water Management; its importance to the success and sustainability of our state's water future cannot be overestimated. The Commission is extremely concerned that the scope, quality, and quantity of work for the Water Plan not be compromised or limited due to funding reductions to the program. We strongly urge the Administration and the Legislature to provide the necessary financial resources to continue the excellent work of the Water Plan in future years.

On behalf of the California Water Commission, we thank you for the opportunity to provide these comments and look forward to working with you to address these compelling challenges.

Sincerely,



Joe Byrne
 Chairman
 California Water Commission

Mr. Paul Massera
December 2, 2013
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Cc: Mark Cowin, Director, Department of Water Resources
Gary Bardini, Integrated Water Management Deputy Director, Department of
Water Resources
Kamyar Guivetchi, Manager, Statewide Integrated Water Management,
Department of Water Resources

California Water Commission 2012-2013 Workplan

Introduction

Mission Statement:

The California Water Commission provides a public forum for discussing water issues, advises the Department of Water Resources, and takes appropriate statutory actions to further the development of policies that support integrated and sustainable water resource management and a healthy environment.

The California Water Commission consists of nine members appointed by the Governor and confirmed by the State Senate. Seven members are chosen for their expertise related to the control, storage, and beneficial use of water and two are chosen for their knowledge of the environment. The Commission advises the Director of the Department of Water Resources on matters within the Department's jurisdiction, approves rules and regulations, and monitors and reports on the construction and operation of the State Water Project. The roles and responsibilities of the California Water Commission are defined in the Water Code, sections of the Government Code, and the Civil Procedures Code.

Background

In September 2012, the California Water Commission adopted its Strategic Plan to guide the activities of the Commission for the next five years. The plan defines the mission of the California Water Commission, its major goals, and the broad strategies the Commission will use to achieve its goals. The purpose of this document is to further define those strategies and ensure accountability by outlining the specific actions that the Commission will take under each strategy in order to achieve its goals.

Actions Organized by Strategy

Goal 1: Serve as a primary public forum for the dissemination of information and discussion of statewide water issues and solutions.

A. Inform and Engage the Public on Water Issues

- Identify opportunities for members to participate in and present at conferences and workshops related to water policy and activities, publish or respond to media articles, and initiate communication with the stakeholders and the public.
- Hold public hearings on all facilities proposed to be added to the State Water Project on an as needed basis. This may take place as part of a regular public meeting.
- Hear specific and general comments from members of the public at all Commission meetings and in correspondence submitted directly to the Commission.

B. Promote Public Discourse on the Future of Water Storage in California

- Review topics and consider information about specific water storage projects and issues.
- Develop recommendations based on discussions of public benefits and/or identify issues for additional research and analysis; provide recommendations to the Department of Water Resources (DWR) and Delta Stewardship Council.
- Host public forums and workshops on issues related to water storage policy.

C. Provide Transparent Access to Information

- In December of each year, publish an annual report summarizing the key activities and accomplishments of the Commission that year.
- Post a written summary of meeting results to the Commission website following each Commission meeting.
- Continually update and improve Commission website to provide easy and transparent access to information.
- Respond to all telephone calls, emails, and written correspondence timely and efficiently.
- Webcast meetings when possible. If not possible, post recording of meeting to the Commission's website as soon as possible after each meeting.
- Develop a database of public interactions on water issues, allowing public to see what issues have been raised and Commission's response.

Goal 2: Ensure DWR decisions on key programs and activities are sound and sustainable by providing strategic advice, recommendations and oversight.

A. Ensure DWR Rules and Regulations are Clear, Fair, Useful, and Necessary

- Review and approve all regulations of DWR for submittal to the Office of Administrative Law, except for those expressly exempted.
- Provide a forum for the public to participate in the rulemaking process; give due consideration to all public comments.

B. Approve priority areas for the Delta Special Projects Program

- Review and approve the Delta Special Projects' Program investment priority areas on an as needed basis.

C. Review and Inspect the State Water Project

- Conduct site visits of State Water Project facilities.
- Receive briefings from State Water Project staff on critical issues.

- Advocate for policies, procedures, and legislative and administration actions to resolve critical issues and improve the operation of the State Water Project.

D. Ensure Eminent Domain Proceedings Initiated by DWR meet Legal Requirements

- Provide notice to affected landowners at least 21-days in advance of the Commission meeting and consider each property at a minimum of two Commission meetings in accordance with the Commission's Procedure for Eminent Domain adopted August 17, 2011.
- Ensure that DWR has met all of its statutory obligations and made its best efforts to negotiate with the property owner prior the use of eminent domain.

Goal 3: Develop and support integrated water management policies that result in sustainable water resources and a healthy environment statewide.

A. Establish the Commission's Role as a Policy Leader

- Participate in the exchange of ideas at water conferences and events, publish informative articles and reports.
- Receive regular briefings from DWR's programmatic, legislative, and budget offices, as well as other key program areas quarterly, or as necessitated by the legislative or budget process, or other events.
- Make recommendations to the Director on key policy issues as appropriate.
- Actively participate in the development of the California Water Plan Update 2013.
- Contribute to policy discussions as appropriate by writing letters, speaking at events, and conveying information to the public and to other organizations.
- Engage on a variety of water management and policy issues including groundwater and conjunctive management, conservation, integrated water management, storage, etc.

B. Develop Strategies for Effectively Investing in the Public Benefits of Water Projects in California

- Hold public workshops to gather background information, input and advice on the public benefits of storage projects. This may occur as part of the Commission's regular meetings.
- Work with stakeholders and other agencies to prepare information which could be used to evaluate the value of public benefits of water storage projects.
- Receive regular updates from DWR's staff and others involved with the regulations development team, provide feedback and direction, and consider public comments.
- Participate in the California Water Plan Update 2013 Finance Caucus.

C. Improve Coordination between Federal, State, Tribal and Local Public Agencies and Stakeholders

- Engage other agencies and non-governmental organizations on key water issues by attending meetings and inviting representatives to speak at Commission meetings. Provide support for sound water policies through collaboration with other agencies and organizations.

- Engage with organizations that have proposed statutory or administrative changes to the management of DWR and the State Water Project, water financing, and related issues. (e.g. Little Hoover Commission, State Legislature, Public policy organizations , etc.) Provide input and feedback on the development of these proposals.

D. Develop and Support Policies that Advance Integrated Resource Management

- Participate in the development of the California Water Plan 2013. The Commission will become an active participant in the California Water Plan State Agency Steering Committee, participating in monthly meetings.

E. Support Actions and Research to Mitigate and Adapt to Climate Change to Facilitate More Sustainable Water Management Policies

- Receive regular briefings on climate change activities and policies from DWR and other appropriate organizations.
- Support climate Change adaptation and mitigation through the Commission's federal advocacy, policy leadership, and public outreach activities.
- Review third party research from government and intergovernmental agencies, academia, non-profits and private parties on climate change and its impacts to California water.

F. Contribute to the Public Discourse and Body of Knowledge on Key Water Policy Issues

- Identify water policy subject areas for further research and discussion to inform the Commission's activities.
- From that list, research, analyze, and develop white papers on key policy issues.

G. Advocate to the Congressional Appropriations Committees for Federal Funding

- Work with DWR to develop a new federal advocacy program.
- Work with DWR staff, and other agencies including the Army Corps of Engineers, Bureau of Reclamation, and National Oceanic and Atmospheric Administration, to identify project funding needs.
- Receive regular briefings from DWR staff to stay apprised of the federal appropriations process; timing to be determined by the federal budget process and congressional hearings.
- Write to the Congressional appropriations committees informing them of California's funding priorities once each year. Members of the Commission may conduct an annual trip to Washington DC as necessary and if resources allow.

Actions Organized by Month (Timing is subject to change at the discretion of the Commission)

October 2012

- Briefing on California Water Plan (CWP) Update 2013 Plenary Session (3A)
- Briefing on DWR Groundwater Program and CWP Groundwater Enhancements (3A)
- Discuss public financing strategies for investments in water resources and environment (1B, 3B)
- Tour State Water Project Facilities (2C)
- Update on Priority Areas for Delta Levees Special Projects program (2B)
- CWP State Agency Steering Committee (3C, 3D)
- Participate in Workshop to Align Agency Conservation Plans and Programs (3C, 3D)

November 2012

- Discuss public financing strategies for investments in water resources and environment (1B, 3B)
- Presentation on Ecosystem Services by Department of Conservation (3B,3C)
- Briefing on SWP Power and Energy Issues (2C)
- Report on State Water Project tour (2C)
- Report on *A Framework for Regulatory Transition: Accommodating Projected Climatic Shifts at the Operational Level* (1B, 3E)

December 2012

- Discuss public financing strategies for investments in water resources and environment (1B, 3B)
- Election of Chair and Vice-Chair
- Briefing on CWP Forest Management Strategy (3C, 3D)
- Update on State Water Project Facilities (2C)
- Approval of Commission Workplan (1C)
- State Water Project Panel at AWCA Conference (1A, 2C, 3F)
- Post 2012 Summary of Activities to CWC Website (1C)
- Participate in CWP Public Advisory Committee Meeting (3C, 3D)

January 2013

- Approve 2012 Annual Report on the Construction and Operation of the State Water Project (1C, 2C)
- Discuss public financing strategies for investments in water resources and environment (1B, 3B)
- DWR Program Briefing (System Resiliency Metrics)(3A)
- Legislative Update (3A)

- Update on Status of Urban Water Management Plans (3A)
- Briefing on American Rivers Environmental Benefits Model (3A, 3B)
- Meeting with DWR's Deputy Director for Integrated Water Management (IWM) (3D)
- Participate in CWP State Agency Steering Committee Update (3A, 3C, 3D)

February 2013

- Briefing on Conceptual Alternative to Bay Delta Conservation Plan (1A, 3A)
- Legislative Update (3A)
- Briefing on California Statewide Groundwater Elevation Monitoring (CASGEM) (3A)
- Initial Consideration of revisions to Agricultural Water Measurement Regulations (2A)
- Update on Status of Resolutions of Necessity and Eminent Domain in support of Bay Delta Conservation Plan (2D)
- Approval of Revised Commission Procedures for Resolutions of Necessity and Eminent Domain (2D, 1C)
- Briefing on Draft Discussion Paper: BDCP and Delta Farmland (3A)
- Review DWR Regulation Calendar for 2013, approve for submittal to OAL (2A)
- Participate in CWP Public Advisory Committee Meeting (3A, 3B, 3C, 3D)
- Meet with Central Valley Flood Protection Board (3C)*
- Participate in Biodiversity Council Meeting (3A, 3C, 3D)
- Participate in Water Conservation Finance Committee Meeting (3A)*

March 2013

- WORKSHOP: Future State Investments in the Public Benefits of Water Projects (1B, 3B)
- Presentation on Bay Delta Conservation Plan (1B, 3A, 3B)
- Overview of Process to Amend Resolutions of Necessity (2D)
- Initial Consideration of Amendments to Resolutions of Necessity in support of Bay Delta Conservation Plan (2D)
- Update on CALFED Surface Storage Projects (1B, 3B)
- Attend WEF Executive Briefing (3A)

April 2013

- Hearing on State Water Project Recruitment and Retention Issues (1A, 2C, 3A)
- Update on Ronald B. Robie Thermalito Pumping-Generating Plant and Dos Amigos Pumping Plant (2C)
- Briefing on Biodiversity Council Proposal for Agency Alignment (3C, 3D)
- First Agency to endorse the resolution *Strengthening Agency Alignment for Natural Resource Conservation* (3C, 3D)
- Tour of Delta and Central Valley SWP Facilities (2C)

- Discuss public financing strategies for investments in water resources and environment (1B, 3B)
- Update on State Water Project Encroachment Regulations (2A)
- Participate in Integrated Water Management Summit and Workshop (1A, 3A, 3C, 3D)
- Participate in California Water Policy Conference (1A, 3A, 3F)
- Participate in 2013 Tribal Water Summit (3A, 3C)

May 2013

- State of the State Water Project Workshop (1A, 3C, 3F)*
- Discuss public financing strategies for investments in water resources and environment/Discussion of Public Benefits Definitions (1B, 3B)
- Legislative Update (3A)
- Briefing on SWP Tour Delta and Central Valley SWP Facilities (2C)
- Briefing on 2013 California Tribal Water Summit (3A, 3C)
- Briefing on Salton Sea (DWR Program Briefing)(3A)
- Briefing on Consumption Based Fixed Revenue Urban Water Rate Structure (3A)
- Review DWR Delta Levees Investment Priorities */or Update on Delta Programs (Subsidence Reversal/Carbon Sequestration) (2B, 3E)
- Commission identifies key subject areas for further research (1A, 3F)*
- Meet with Delta Vision Foundation (3C)* (Survey Evaluation)
- Participate in CWP Groundwater Caucus (3A, 3D)* (Meeting Rescheduled)
- Participate in CWP Finance Caucus (3A, 3D)
- Participate in IRWM Strategic Planning Workshop (3A, 3C, 3D)
- Meet with DWR's Deputy Director for Integrated Water Management (3A, 3C, 3D)

June 2013

- Release of Commission White Paper on Subject TBD (1A, 3F)*
- Discuss public financing strategies for investments in water resources and environment (1B, 3B)
- Briefing on Impacts of Recent Dry Conditions (3A)
- Initial Consideration of State Water Project Encroachment Regulations (2A)
- Briefing on DWR Coordination with NASA, Remote Sensing(3A, 3C) (DWR Program Briefing)
- Briefing on Golden Guardian Exercise and DWR's All Hazards Emergency Program (2C, 3A)
- Attend Bear River Watershed Tour (1A, 3C)

July 2013

- Discuss public financing strategies for investments in water resources and environment/Case Study: Options for Applicability of Public Benefits Guidelines to Potential Projects - Sites Reservoir (1B, 3B)

- Briefing from California Energy Commission on Desert Renewable Energy Conservation Plan (3C, 3D)
- Briefing by Delta Stewardship Council on Delta Plan (3A, 3C)
- Letter to House of Representatives in support of Water Resources Development Act of 2013 (3G)* (Postponed to August)
- Briefing on Subsidence and the SWP*/Facilities Update/ SWP Resiliency* (2C)
- Briefing on the Effects of Fracking on Water in California (1A, 3A)
- Stakeholder Panel Discussion: Implementation of 20x2020 (1A, 3A)*
- Reservoir Site Tour (as suggested by Friends of the River) (3B)*
- Region Office Visits with DWR Deputy Director for Integrated Water Management (3C, 3D)

August 2013

- Discuss public financing strategies for investments in water resources and environment/
Review Staff Working Draft Regulations (1B, 3B)
- Letter to House of Representatives in support of Water Resources Development Act of 2013 (3F, 3G)
- Presentation on SWP Water Supply Contract Extensions(2C)
- Update on Association of California Water Agencies' Water Finance Task Force and Statewide Water Action Plan (3B, 3C, 3D)
- Consideration of Amendments to Resolutions of Necessity in support of the Bay Delta Conservation Plan (2D) * (Postponed until further notice)
- Briefing by California Urban Water Conservation Council on Urban Water Rates Workshop (3A)*
- Update on 20x2020 Water Conservation Program (3A)
- Attend Little Hoover Commission Hearing on Climate Change Adaptation (1A, 3C, 3E, 3F)
- Staff Revisions to Public Benefits Regulations (1B, 3B)
- Chairman Byrne featured speaker at ACWA's Regulatory Summit on Groundwater (1A, 1B)

September 2013

- **Joint Meeting with the State Board of Food and Agriculture (3C, 3F)**
- **On Site Meeting at Oroville Field Division (1A, 2C)**
- Update on SWP key issues and activities including: SWP Organizational Structure, Facilities and Operations, Thermalito Fire Update, FERC Relicensing, Community Relations (2C)
- Presentation on Public Benefits in the Central Valley Flood Protection Plan (3B, 3C)*
- Tour of State Water Project Oroville Facilities (2C)
- Attend/Participate in the Floodplain Management Association 2013 Annual Conference (3A)*
- Attend/Participate in CWP State Agency Steering Committee Meeting (3A,3C,3D)

October 2013

- Legislative Update (3A)
- Discuss public financing strategies for investments in water resources and environment/
Review of Staff Draft Regulations and Guidelines (1B, 3B)
- Review Federal Appropriations for Flood Control Projects in California, Review Draft Letter
to Federal Appropriations Committees of Congress (3G)*
- Consideration of Revisions to Agricultural Water Measurement Regulation (2A)
- Update on the status of previously approved Resolutions of Necessity (2D)
- Commission FY 2013/2014 Budget Update (1C)*
- Overview of Water Sector Recommendations in the 2013 Update to the AB 32 Climate
Change Scoping Plan (3C, 3E)
- Participate in/attend Groundwater Resources Association Annual Conference (3A)
- Participate in California Water Plan Plenary Session (3A, 3C, 3D)
- Begin Public Comment Period on Public Benefits Regulations (1B, 3B)
- Staff begins drafting 2013 SWP annual report for approval in December 2013(1A, 2C)
- Provide information regarding the Commission's activities , state water planning and water
storage for a hearing of the House Committee on Natural Resources Subcommittee on
Water and Power (3C, 3G)
- Provide comments to the Little Hoover Commission to inform their Climate Change
Adaptation Study (3A, 3E)
- Provide Comments on the CWP Update 2013 Strategic Plan (3A, 3D)
- Staff participate in Urban Drought Workshop (1A, 3A)
- Members and Staff meet with Association of California Water Agencies (3B, 3C)

November 2013

- Presentation on Objectives and Resource Management Strategies in the Public Review Draft
of California Water Plan Update 2013 (3A, 3D)
- Briefing on San Joaquin River Restoration Program (3A)
- Update on Delta Special Projects Program (2B)
- Update on the Status of Water Transfers in California (3A)
- Update on State Water Action Plans and Priorities (3C, 3D)
- Public Comment Period on Public Benefits Regulations (1B, 3B)
- Prepare and submit comments on the Objectives Resource Management Strategies of the
California Water Plan Update 2013 (3A, 3D)
- Staff works with DWR, ACWA and other agencies to develop near-term water project
inventory survey (3A, 3C)
- Staff attend State Board of Food and Agriculture Meeting (3C)
- Staff meet with Little Hoover Commission regarding Climate Change Adaptation and
Integrated Water Management (3D, 3E)

- Staff meet with Central Valley Protection Board (3C)
- Commissioner Curtin featured speaker at USA Week Europe (1A, 1B)

December 2013

- Staff post 2013 Summary of Activities to CWC Website (1C)
- Participate in ACWA Conference (1A, 3C)
- Near-term water project inventory survey announced at ACWA Conference (1A, 1B, 3B, 3C)
- Participate in CWP State Advisory Committee Meeting (3A, 3D)
- Participate in Informational Meeting on the Proposed BDCP for the California Tribal Community (3C)

*Planned Action Not Completed
Non-Agenda Items in Blue

Adopted: August 17, 2011
 Revised: February 20, 2013
 Page 1



Procedures for Resolutions of Necessity and Eminent Domain

Overview

The Department of Water Resources (DWR) may acquire property for constructing, maintaining, or operating State Water Project facilities but it may not commence an eminent domain proceeding until its governing body has adopted a resolution of necessity. The governing body is the California Water Commission. Code of Civil Procedure Section 1245.210.

California Water Code Section 11575 gives DWR the authority to acquire land for the purpose of constructing, maintaining or operating the State Water Project.

CWC §11575. For the purpose of constructing, maintaining, and operating the project and for the purpose of providing and substituting new facilities for facilities to be taken or destroyed, the department may acquire for and in the name of the state, by gift, exchange, purchase, or eminent domain proceedings, within or without the state, any and all water, water rights, rights-of-way, easements, land, electric power, power resources and facilities, and property or appurtenances thereto of every kind and description and any appurtenances to any such property as the department determines to be required and necessary for the proper construction, maintenance, and operation of the project and for effectuating the purposes and objects to be accomplished by the construction, maintenance, and operation of the project, and for providing and substituting new facilities for facilities taken or destroyed.

Water Code Section 11580 gives DWR the ability to exercise the power of eminent domain if DWR cannot acquire the necessary property through an agreement with the owner and if the project for which the property is being acquired has been authorized and funds are available.

CWC §11580. When the department cannot acquire any necessary property by agreement with the owner, the department may exercise the power of eminent domain to acquire the property in the name of the state if the project for which the property is being acquired has been authorized and funds are available therefore.

Before DWR may commence any eminent domain proceeding, it must obtain a resolution of necessity from the California Water Commission:

CCP 1245.220. A public entity may not commence an eminent domain proceeding until its governing body has adopted a resolution of necessity that meets the requirements of this article.

CCP 1245.210. As used in this article, "governing body" means: (h) In the case of a taking by the Department of Water Resources, the California Water Commission.

Procedures for Consideration of Resolution of Necessity

This document describes the California Water Commission’s procedures for considering a resolution of necessity. It is the intent of the Commission to provide a transparent and well-defined process in order to ensure all legal requirements have been met, and affected and interested parties are provided due process.

1. Notification of Commission Consideration of a Resolution of Necessity

DWR shall inform the Commission it intends to request a resolution of necessity. The Commission will notice the item on its meeting agenda and send a notice to the landowner of the property for which the resolution of necessity is being considered at least 21 days prior to the meeting. The notification to the landowner will include the date, time, and location of the Commission meeting, information about the proposed resolution of necessity, a copy of the Commission’s procedures, and an explanation of opportunities to provide written and oral public comments.

In addition, DWR will notify the Commission if additional interests in any of the properties for which it intends to seek a resolution of necessity have already been appropriated for another public use. The Commission will inform these additional interest holders of the Commission’s intent to consider a resolution of necessity at least 21 days prior to the meeting.

2. Consideration of Evidence in support of Resolution of Necessity

At a public meeting, the Commission will consider evidence in support of the specific findings required for a resolution of necessity pursuant to Section 1245.230, which states:

In addition to other requirements imposed by law, the resolution of necessity shall contain all of the following:

(a) A general statement of the public use for which the property is to be taken and a reference to the statute that authorizes the public entity to acquire the property by eminent domain.

(b) A description of the general location and extent of the property to be taken, with sufficient detail for reasonable identification.

(c) A declaration that the governing body of the public entity has found and determined each of the following:

(1) The public interest and necessity require the proposed project.

(2) The proposed project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.

(3) The property described in the resolution is necessary for the proposed project.

(4) That either the offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record, or the offer has not been made because the owner cannot be located with reasonable diligence.

In addition, in the event a property (or recorded interest in a property) that is the subject of a resolution of necessity has already been appropriated for public use, the Commission must follow the procedures outlined in this document to make determinations that the new use is either compatible with or more necessary than the existing use as required under CCP 1240.510 and 1240.610:

CCP 1240.510. Any person authorized to acquire property for a particular use by eminent domain may exercise the power of eminent domain to acquire for that use property appropriated to public use if the proposed use will not unreasonably interfere with or impair the continuance of the public use as it then exists or may reasonably be expected to exist in the future. Where property is sought and the resolution of necessity if one is required, shall refer specifically to this section.

CCP 1240.610 Any person authorized to acquire property for a particular use by eminent domain may exercise the power appropriated to public use if the use for which the property is sought to be taken is a more necessary public use than the use to which the property is appropriated. Where property is sought to be acquired pursuant to this section, the complaint, and the resolution of necessity if one is required, shall refer specifically to this section.

DWR will prepare and provide a Staff Report to the Commission for the agenda that includes the information necessary in order to ensure that all applicable requirements for a resolution of necessity have been met (CCP 1245.230 and 1240.510 and 1240.610). The report shall include the following:

- A description of the project.
- An explanation of why the project is necessary and in the public interest.
- An explanation of the legal authority for the project and the availability of funds for the project.
- A description of any findings required under CCP 1240.510 and 1240.610.
- The status of other parcels required for the project: Total parcels; number of parcels acquired; number or parcels under right of entry; number of other owners expected to request appearance before the Commission.
- Detailed Parcel Description.

- Maps (index map, project title sheet, appropriate plan sheets and parcel maps) covering the project and its relationship to the full parcel must be provided.
 - A listing of the owner's primary concerns (compensation, design features, timing of the acquisition, lack of replacement housing, etc.).
 - A description of any design or right of way modifications suggested by the owner, including DWR's opinion on the feasibility of these suggestions and the basis for DWR's opinion (why they are or are not feasible).
 - A description of alternatives to the proposed taking that have been considered by DWR.
 - A description of official contacts or attempted contacts with the property owner (or representative) involving acquisition and formal offers, as well as a summary of each of the owner's concerns.
 - Identification of the appropriate contact persons within DWR that can provide additional detailed information.
- Copy of Notice to Landowner
 - Copy of CEQA Compliance
 - Copy of correspondence between the Department of Water Resources and the landowner only if provided by the landowner to the Commission

All affected landowners and any other members of the public may appear and speak to the Commission. Written comments may also be submitted to the Commission prior to the meeting or at the meeting.

The Commission will consider all information and comment provided. The Commission will not take action on the proposed resolution of necessity at this meeting, but will schedule potential action for a subsequent meeting as described in No. 5 below. The Commission may also request additional evidence or information from DWR for consideration.

3. Consideration of Authority

As part of its deliberations, the Commission shall consider the authority of DWR to exercise eminent domain for the project, as specified in California Water Code Section 11580. If the Commission determines that DWR has not provided sufficient information to make a finding of the facts, it may request further evidence or legal analysis.

4. Site Visit

Commission staff may contact the landowner to request a site visit for one or more members of the Commission to view the property in question. This visit will only take place if agreed to by the landowner. However, a site visit is not required prior to Commission consideration of the matter or prior to action on the resolution of necessity.

5. Consideration of Action on Resolution of Necessity

The Commission will schedule action on the proposed resolution of necessity for a subsequent Commission meeting and will notify the affected landowner at least 21 calendar days prior to

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Adopted : August 17,2011

Revised: February 20, 2013

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the meeting. Code of Civil Procedure §1245.235. In addition, the Commission will inform any holder of a recorded interest in the property that has been appropriated for public use, as identified in part one of this document, of the Commission's intent to consider a resolution of necessity at least 21 days prior to the meeting. The Commission will consider additional information, if any, and determine if there is enough evidence to satisfy CCP 1245.230 and 1240.510 and 1240.610.

At this Commission meeting, DWR staff will provide responses to questions and review the Staff Report. Staff will provide the following additional materials in the agenda packet:

- Copy of Proposed Resolution
- Deed
- Proposed Commission Notice of Determination
- Relevant CEQA Document

The Commission will accept public testimony from the landowner and any other member of the public who appears at the hearing.

The Commission may choose to take action at this meeting. To adopt a resolution of necessity requires a two-thirds vote of all members, which is a minimum of six votes in favor of the resolution of necessity regardless of the number of Commission members present at the meeting.

California Water Commission**Signed Resolutions 2013**

| Number | Subject | Adopted |
|---------------|--|------------------|
| 2013-01 | Adopt Revisions to the Permanent Agricultural Water Measurement Regulation | October 16, 2013 |

Commission Activities by Subject

Administration

- Approval of Revised Commission Procedures for Resolutions of Necessity and Eminent Domain – February 20, 2013

Agricultural Water Measurement Regulations

- Initial Consideration of Amendment to Agricultural Water Measurement Regulation – February 20, 2013
- Consideration of Revisions to Agricultural Water Measurement Regulation – October 16, 2013

Delta

- Briefing on Portfolio-Based Conceptual Alternative for the Bay Delta Conservation Plan – February 20, 2013
- Briefing on Draft Discussion Paper: *BDCP and Delta Farmland* – February 20, 2013
- Briefing on Bay Delta Conservation Plan by California Natural Resources Agency Deputy Secretary, Dr. Jerry Meral – March 20, 2013
- Briefing on DWR's Subsidence Reversal and Carbon Sequestration Program on Sherman and Twitchell Islands – May 15, 2013
- Update and Briefing on the Delta Plan by Delta Stewardship Council – July 17, 2013

Eminent Domain/Resolutions of Necessity

- Update on the Status of Resolutions of Necessity and Eminent Domain in Support of the Bay Delta Conservation Plan – February 20, 2013
- Overview of Process to Amend Resolutions of Necessity – March 20, 2013
- Initial Consideration of Amendments to Resolutions of Necessity in Sacramento and Contra Costa Counties – March 20, 2013
- Update on the Status of Previously Approved Resolutions of Necessity in Support of the Bay Delta Conservation Plan – October 16, 2013

Integrated Water Management

- Update on Integrated Water Management Summit – January 16, 2013
- Water 360 Integrated Water Management Summit – April 3, 2013
- Briefing on Biodiversity Council Proposal for Agency Alignment – April 17, 2013
- Letter Supporting Biodiversity Council Proposal for Agency Alignment – April 23, 2013
- Update on State Water Action Plan – August 21, 2013
- Discussion of Recent State Water Action Plans and Priorities – November 20, 2013
- Presentation and Consideration of Comments on the Objectives and Resource Management Strategies in the California Water Plan Update 2013 – November 20, 2013

Public Benefits of Water Storage

- Discussion of Issues Regarding Public Benefits of Water Projects: Recreation Benefits – January 16, 2013
- Workshop: Strategies for Future State Investments in the Public Benefits of Water Storage Projects – March 20, 2013
- Follow-up Discussion on Public Benefit Cost Share and Eligibility – April 17, 2013
- Discussion of Definitions of Public Benefits of Water Storage Projects – May 15, 2013
- Discussion of Issues Related to Guidelines for Funding Public Benefits of Water Storage Projects – June 19, 2013
- Case Study of the Public Benefits of a Proposed Water Storage Project – July 17, 2013
- Review of Updated Staff Draft of Proposed Regulations for Quantifying the Public Benefits of Water Storage Projects – August 21, 2013
- Review of Updated Staff Draft Proposed Regulations and Guidelines for Quantifying the Public Benefits of Water Storage Projects – October 16, 2013

State Water Project

- Update on State Water Project Facilities: Ronald B. Robie Thermalito Pumping-Generating Plant and Dos Amigos Pumping Plant – April 17, 2013
- Briefing on State Water Project Recruitment and Retention Issues – April 17, 2013
- Initial Consideration of State Water Project Encroachment Regulations – April 17, 2013
- Tour of State Water Project Facilities in the Delta Field Division and San Luis Field Division – April 24, 2013
- Briefing on State Water Project Tour – May 15, 2013
- Initial Consideration of State Water Project Encroachment Regulations – June 19, 2013
- Update on State Water Project Issues – July 17, 2013
- Update on State Water Project Water Supply Contract Extensions – August 21, 2013
- Briefing on State Water Project Organizational Structure – September 18, 2013
- Update on State Water Project Facilities and Operations, including Ronald B. Robie Thermalito Pumping-Generating Plant – September 18, 2013
- Briefing on Oroville FERC Relicensing Process and Community Relations Activities – September 18, 2013