

July 15th Meeting

California Water Commission

Issue Working Session

Objectives

1. Get tentative approval from Commission members to use the proposed working definitions (Commission members may decide to revisit any definition at a later date. Definitions are subject to change until regulations package is submitted to Office of Administrative Law (OAL), hence, staff is requesting “tentative” approval).
2. In the absence of a tentative approval, get direction for modifying the proposed definitions.
3. Discuss items in highlighted text.

Issue Summary for Eligible Water Storage Projects

California Water Code Section 79751 states that water storage projects for which public benefits are eligible for funding under the Water Storage Investment Program (WSIP) consist of only the following types of projects:

- (a) Surface storage projects identified in the CALFED Bay-Delta Program Record of Decision, dated August 28, 2000, except for projects prohibited by Chapter 1.4 (commencing with Section 5093.50) of Division 5 of the Public Resources Code.
- (b) Groundwater storage projects and groundwater contamination prevention or remediation projects that provide water storage benefits.
- (c) Conjunctive use and reservoir reoperation projects.
- (d) Local and regional surface storage projects that improve the operation of water systems in the state and provide public benefits.

The definitions of these water storage projects within the statute are general. The definitions of the project types need to be more specific to:

- Help project applicants identify and classify their projects correctly
- Help the Commission determine whether projects are eligible
- Prevent applicants from misclassifying their projects that may make ineligible projects eligible and vice-versa

The tables that follow provide a summary of how the statute defines the water storage types, what clarification should be provided in the WSIP regulations or guidelines, and the proposed definition of the water storage project types for inclusion in the regulations or guidelines.

Table 1. CALFED Surface Storage Projects

Section in Statute:	§79751 (a)
Language in Statute:	Surface storage projects identified in the CALFED Bay-Delta Program Record of Decision, dated August 28, 2000, except for projects prohibited by Chapter 1.4 (commencing with Section 5093.50) of Division 5 of the Public Resources Code.
Initial Clarification of Language in Statute:	<p>Although certain CALFED projects are deemed eligible under Section 79751 (a), the exception in this Section incorporating by reference prohibitions in the Wild and Scenic Rivers Act, including Section 5093.542(c) of such Act, would preclude the enlargement of Shasta Dam from being an eligible project under current law.</p> <p>Section 5093.542(c) of the Wild and Scenic Rivers Act , codified as Section 5093.542 of the Public Resources Code provides as follows: <i>Except for participation by the Department of Water Resources in studies involving the technical and economic feasibility of enlargement of Shasta Dam, no department or agency of the state shall assist or cooperate with, whether by loan, grant, license, or otherwise, any agency of the federal, state, or local government in the planning or construction of any dam, reservoir, diversion, or other water impoundment facility that could have an adverse effect on the free-flowing condition of the McCloud River, or on its wild trout fishery.</i></p>
Additional Considerations:	<p>Eligible projects identified in the CALFED ROD include:</p> <ul style="list-style-type: none"> ○ Los Vaqueros Reservoir Expansion ○ In-Delta Storage Project ○ Sites Reservoir ○ Additional storage in the Upper San Joaquin River Watershed through enlargement of Millerton Lake at Friant Dam or a functionally equivalent storage program in the region <p>Temperance Flat Reservoir would be an eligible project under the CALFED surface storage project type as the “functionally equivalent storage program in the region.” U.S. Bureau of Reclamation evaluated enlargement of Millerton Lake and other potential surface storage options, including Temperance Flat Reservoir, in the eastern San Joaquin Valley as part of the Upper San Joaquin River Basin Storage Investigation. Temperance Flat Reservoir was selected as the preferred reservoir location alternative.</p>
Proposed Clarification to Definition:	<p>Surface storage projects identified in the CALFED Bay-Delta Program Record of Decision, dated August 28, 2000, except for projects prohibited by Chapter 1.4 (commencing with §5093.50) of Division 5 of the Public Resources Code, which are the following:</p> <ul style="list-style-type: none"> ● Los Vaqueros Reservoir Expansion ● In-Delta Storage Project ● Sites Reservoir ● Temperance Flat Reservoir

Table 2. Groundwater Storage Projects and Groundwater Contamination Prevention or Remediation Projects

Section in Statute:	§79751 (b)
Language in Statute:	Groundwater storage projects and groundwater contamination prevention or remediation projects that provide water storage benefits.
Initial Clarification of Language in Statute:	<ul style="list-style-type: none"> • Groundwater storage projects • Groundwater contamination prevention or remediation projects that provide water storage benefits
Additional Considerations:	In most contexts, the definitions of “groundwater storage projects” and “conjunctive use projects” have significant overlap. For the purposes of identifying the project type for funding under the WSIP; however, distinct definitions are required. Per Water Code §79756 (a), the cost sharing formula can be different for conjunctive use and reservoir reoperation projects than for the other project types. The exception in Water Code §79756 (a) gives the Commission discretion to award more than 50% of the total cost of conjunctive use and reservoir reoperation projects.
Proposed Clarification to Definition:	<ul style="list-style-type: none"> • Groundwater storage projects • Groundwater contamination prevention projects that provide water storage benefits • Groundwater contamination remediation projects that provide water storage benefits <p>Groundwater storage Projects – For the purposes of the WSIP, groundwater storage projects are those that bank water for the project sponsor and/or for external customers in an aquifer for later withdrawal by the project sponsor or external customers. Such projects shall include contractual arrangements with the external customers that detail the water supply accounting and withdrawal obligations and conditions.</p> <p>Groundwater contamination prevention projects – Projects that prevent groundwater contamination by eliminating contamination sources from point sources (landfills, leaking gasoline storage tanks, leaking septic tanks and accidental spills) or non-point sources (naturally occurring contaminants such as iron, sulfates, radon, and arsenic and runoff from parking lots, pesticides and fertilizers that infiltrate the soil) or projects that prevent seawater intrusion or migration of contaminants into groundwater basins through the use of seawater or hydraulic barriers.</p> <p>Groundwater remediation projects – Projects that remove constituents or contaminants that have degraded water quality of the groundwater and restore the capacity of the groundwater basin storage for beneficial uses.</p>

Table 3. Conjunctive Use and Reservoir Reoperation Projects

Section in Statute:	§79751 (c)
Language in Statute:	Conjunctive use and reservoir reoperation projects.
Initial Clarification of Language in Statute:	<ul style="list-style-type: none"> • Conjunctive use projects • Reservoir reoperation projects
Additional Considerations:	<p>In most contexts, the definitions of “groundwater storage projects” and “conjunctive use projects” have significant overlap. For the purposes of identifying the project type for funding under the WSIP; however, distinct definitions are required. Per Water Code §79756 (a), the cost sharing formula can be different for conjunctive use and reservoir reoperation projects than for the other project types. The exception in Water Code §79756 (a) gives the Commission discretion to award more than 50% of the total cost of conjunctive use and reservoir reoperation projects.</p> <p>To clearly differentiate conjunctive use projects and groundwater projects for the purposes of the WSIP, conjunctive use projects would only include projects in which a water management agency or agencies that manage their water supplies (regardless of the sources: surface water, recycled water, groundwater) in a coordinated manner in order to optimize their portfolio of water supplies.</p>
Proposed Clarification to Definition:	<ul style="list-style-type: none"> • Conjunctive use projects • Reservoir reoperation projects <p>Conjunctive use projects – Projects that allow for the coordinated and planned management of both surface water and groundwater resources in order to maximize the efficient use of both resources. Water supplies regardless of whether the source of water is surface water, recycled water, or groundwater, are stored in the groundwater basin through intentional recharge for planned use later.</p> <p>Reservoir reoperation projects – Projects that involve the modification of the operations of existing surface storage reservoirs to improve operational efficiencies or respond to changing conditions. Reoperation projects may involve modification of flood operations to allow encroachment into the flood reservation space using improved flood forecast information such as forecast-based operations. Reoperation projects may include construction of appurtenant infrastructures such as spillways, radial gates, tunnels, conveyance facilities, etc. Reoperation projects must result in long-term operational changes that support public benefits and operational changes must be documented in a facility’s operations document (e.g., a Water Control Manual for a reservoir).</p>

Table 4. Local and Regional Surface Storage Projects

Section in Statute:	§79751 (d)
Language in Statute:	Local and regional surface storage projects that improve the operation of water systems in the state and provide public benefits.
Initial Clarification of Language in Statute:	<ul style="list-style-type: none"> • Local surface storage projects that improve the operation of water systems in the state and provide public benefits. • Regional surface storage projects that improve the operation of water systems in the state and provide public benefits.
Additional Considerations:	No additional considerations at this time.
Proposed Clarification to Definition:	Local and regional surface storage projects that improve the operation of water systems in the state and provide public benefits. Local and regional surface storage projects provide water deliveries within a more limited geographic area when compared to the CALFED ROD surface storage projects or other components of the SWP or CVP. Such projects primarily address increasing local or regional self-reliance, improving the operations of the local or regional water system, or improving integrated regional water management.