

Topics for Issue Working Sessions

Updated: August 3, 2015

Note: The “regulations package” includes the regulations, guidelines, and statement of reasons.

Topic	Issue Summary	Status	Meeting First Presented	Meeting Topic Lead	Resolution/Direction
RESOLVED ISSUES					
Definition of “state water system”	Staff will provide two options for defining “the state water system” (§79750 (b)). Staff will ask for tentative approval of one option for developing the content of the regulations package.	Resolved	April	Jenny Marr	Use broad definition - The state water system is all of the state’s water systems collectively, including local, regional, state and federal systems that provide water resources benefits within California. (April 2015)
Application Review Process Flow Chart (Part 1)	Staff will provide the Commission members proposed process and anticipated timeline for the application review process. Staff will ask for tentative acceptance of the process for planning the program and developing the regulations package.	Resolved	May	Joe Yun	Tentative acceptance of review process received. Staff will add/consider discussed revisions. (May 2015)
Definition of tributaries to the Delta	Staff will provide the Commission members a proposed draft definition* of “tributaries to the Delta” for comment. Staff will bring back a revised definition, with input from the SAC. Staff will ask for tentative acceptance of the definition for developing the regulations package.	Resolved	May	Jenny Marr/Paula Landis	Directed staff to use proposed definition. “Tributaries to the Delta” include all river systems that make up the Sacramento River and San Joaquin River watersheds. (June 2015)
Funding for Environmental Documents and Permitting	At the March meeting, Commission requested staff to develop a process that allows for flexibility for funding environmental documentation and permitting. Staff will develop several proposals. Staff will ask for Commission direction on: <ul style="list-style-type: none"> How would the Commission prefer funding related to section 79755 (c) for Environmental Documentation and Permitting of a project be distributed? How much funding will be available related to section 79755 (c) for Environmental Documentation and Permitting of a project? Does the 10% funding cap in 79704 apply? Should there be a maximum, if it is not 10%? 	Resolved	March	Tracie Billington	Fund permitting only. Do not fund completion of environmental documentation. Directed staff to develop funding criteria with preference to smaller projects or projects in economically challenged areas. Limit amount of funding for this purpose. Reduce the risk of funding projects that may not be completed. (June 2015)
CEQA Responsible Agency	Staff will discuss with the Commission members legal requirements for being a responsible agency under CEQA.	Resolved	June	Maureen King / Tracie Billington	Directed staff to work with DWR to ensure appropriate staffing for review of environmental documents. (June 2015)
Grant Program Constraints	Staff will explain to Commission members legal requirements for state grant programs. Further, staff will discuss: <ol style="list-style-type: none"> Balancing the spreading of funding to many projects (funding a portion of many) against making a smaller number of viable investments (funding greater portion of request of fewer projects) Implications of considering multiple projects options within an application (Consideration requested by Commissioner Curtin at May meeting) Implications of applicants submitting 1 separate and 1 joint application (i.e., multiple applications packages) (Consideration requested by Commissioner Curtin at May meeting) 	Resolved	March	Maureen King / Tracie Billington	Directed staff to develop a flexible process that maximizes the use of grant funds by giving consideration to projects that provide larger non-state cost shares. In addition to using the return on investment as measured by the magnitude public benefit, cost –effectiveness and leveraging of public dollars, also give consideration to the infrastructure investment perspective. Look at project scalability issues when evaluating the State’s cost share level. (June 2015)
Outline of Guidelines	Staff will present to the Commission an outline of the Guidelines and provide a verbal description of what will be included in each section. (Requested by Commissioner Daniels at May meeting)	Resolved	June	Tracie Billington	Overview presented. Directed staff to start providing blocks of meaningful content for review and consideration. (June 2015)
Definition of public benefits	Staff will provide the Commission members proposed draft definitions of all the eligible public benefits for comment. Staff will ask for tentative acceptance of the definitions for developing the regulations package.	Resolved	May	Jenny Marr	Directed staff to use proposed definitions. Provided guidance to consider emergency response water (i.e., water from dedicated emergency storage) supplied to customers for human health and safety purpose during declared emergencies to be a public benefit. (July 2015)

Timing Need: 1 – Highest, next meeting or sooner; 2 – Medium, need to discuss within next 2 meetings; 3 – Low, can wait or staff not ready to discuss

*Staff draft definitions/proposals are presented as starting points for Commission discussion only. Presentation of staff drafts does not imply review or acceptance of the Commission.

**Tentative acceptance by the Commission is intended to provide guidance to staff as they develop a proposed draft regulations package. No decisions are final until the Commission adopts the final regulations through the rulemaking process.

Staff Draft – For Discussion Purposes Only

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Definition of eligible projects types	Staff will provide the Commission members proposed draft definitions of all the eligible project types for comment. Staff will ask for tentative acceptance of the definitions for developing the regulations package.	Partially Resolved	June	Jenny Marr	Directed staff to work with SAC to determine clear definitions for conjunctive use and groundwater storage projects. (July 2015)
Options for Independent Technical Review	Staff will provide the Commission members options for providing independent technical review of projects. Staff will ask for tentative acceptance of one proposal for developing the content of the regulations package.	Resolved	July	Jenny Marr / Tech Team	Directed staff to recruit independent peer reviewers through a request for qualifications process. (July 2015)
Finalizing Goals, Objectives, and Principles Document	Staff will provide the Commission members a redline strikeout version of the Goals, Objectives, and Principles Document. Staff will present changes resulting comments received: <ul style="list-style-type: none"> Recycled water comment letter Input from climate team Staff will request acceptance of proposed changes and approval to finalize the document. The document will be used to guide development of the regulations package and proposal solicitation package, particularly project selection criteria and metrics.	Resolved	July	Jenny Marr	Approved adoption of Final Goals, Objectives, and Principles Document. (July 2015)
Quantification of Public Benefits/Development of Common Assumptions and Unit Values	Staff will provide the Commission members the proposed methods for quantifying public benefits. This will include a summary of the work being conducted to develop common assumptions and unit values. Staff will ask for tentative acceptance of the methods for developing the content of the regulations package.	Partially Resolved	July	Jenny Marr / Tech Team	Requested staff to discuss quantification of recreation benefits with the SAC. (July 2015)
Measurable Improvements in Delta/Tributaries	Staff will provide the Commission members a proposal for determining measurable improvements to the ecosystems of the Delta or tributaries to the Delta. Staff will ask the Commission for tentative approval of the proposal for developing the content of the regulations package.	Resolved	July	Jenny Marr / Agency Team	Provided staff general approval of proposal to determine measurable improvements to the ecosystems of the Delta or tributaries to the Delta. (July 2015)
Applying Priorities and Relative Value in Application Review Process	Staff will provide the Commission members proposals for considering and applying the priorities of CDFW and State Water Board during application review and evaluation. Staff will also provide a proposal for determining relative environmental value. Staff will ask the Commission to select a preferred proposal for developing the content of the regulations package.	Resolved	July	Jenny Marr / Agency Team	Provided staff general approval of proposal for applying priorities and evaluating environmental relative value. Environmental relative value will be determined for both water quality and ecosystem benefits. (July 2015)
AUGUST					
Eligibility Criteria	Staff will provide the Commission members proposed/revised eligibility criteria, if revised based on SAC and public input. Staff will ask for tentative acceptance of the eligibility criteria for developing the content of the regulations package.	Open	June	Jenny Marr	
Evaluation Criteria/Metrics	Staff will provide the Commission members proposed project selection criteria and project evaluation metrics to be used for project evaluation and selection. Staff will ask for tentative acceptance of the criteria and metrics for developing the content of the regulations package.	Open	August	Jenny Marr	
Common & Preferred Assumptions	Staff will provide the Commission members the proposed common assumptions. Staff will ask for tentative acceptance of the assumptions for developing the content of the regulations package.	Open	August	Jenny Marr	
Management and Monitoring of Public Benefits	Staff will provide the Commission members the proposed methods for managing and monitoring public benefits. Staff will ask for tentative acceptance of the methods for developing the content of the regulations package.	Open	August	Jenny Marr	
Options for Integration Study	Staff will provide the Commission members several options for conducting an operations study during the project selection phase. Staff will ask for tentative approval of one option for developing the content of the regulations package.	Open	August	Jenny Marr	
SEPTEMBER					
Upcoming Rulemaking Process	Staff will provide the Commission members a briefing on the steps and process for the formal rulemaking process. Staff will ask for approval of proposed plan.	Open	September	Jenny Marr	
First Admin Draft Review Walkthrough	Staff will provide the Commission members a briefing on the first Administrative Draft of the regulations package. Staff will ask for Commission member comments.	Open	September	Jenny Marr	
Decision-making Tools	Staff will provide the Commission members several options for developing and using various tools (e.g., software or spreadsheet models) for project evaluation and decision support. Staff will ask for tentative approval of one option for developing the content of the regulations package.	Open	September	Jenny Marr	

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Funding Contracts	Staff will provide options for developing funding contracts and payment mechanisms. Staff will ask for tentative approval of one option.		September	Monica Reis	

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