California
WATER COMMISSION

Meeting Minutes - Draft

Meeting of the California Water Commission
Thursday, November 19, 2015

State of California, Resources Building
1416 Ninth Street, Room 1131
Sacramento, CA 95814
Beginning at 9:30 a.m.

1. **Call to Order**
   The meeting was called to order at 9:30 a.m.

2. **Roll Call**
   Executive Officer Paula Landis called roll. Commission members Daniel Curtin, Paula Daniels, Joe Del Bosque, Joe Byrne, Maria Herrera, David Orth, and Armando Quintero were present, constituting a quorum. Commission member Andrew Ball was absent.

3. **Approval of October 2015 Meeting Minutes**
   A motion was made to approve the October 21, 2015 minutes upon incorporation of minor edits proposed by a Commission member. A vote was taken and the motion passed unanimously.

4. **Executive Officer's Report**
   The Executive Officer began by noting that the Department of Water Resources (DWR) is moving forward with hiring an Information Officer whose primary responsibility will be to handle media, communications, and outreach for the Commission. She also discussed several of her past and future speaking engagements pertaining to the Water Storage Investment Program (WSIP).

5. **Commission Member Reports**
   Commissioner Quintero participated in a discussion with Ashley Boren, Executive Director of Sustainable Conservation, about innovations in agriculture and recharge opportunities in the San Joaquin Valley. He would like for Ms. Boren to give a presentation to the Commission at a later date. Commissioner Curtin spent a week in Australia discussing strategies for managing droughts and new ways to measure and distribute environmental water.

6. **Public Testimony**
   There were no public comments at this time.

10. **Discussion and Decisions regarding WSIP**
    This item was taken out of order.
    At previous meetings, Commission members requested further discussion on several issues, including multiple solicitations, a small project set-aside, and funding water quality as a public benefit for disadvantaged communities, climate change technical analysis and review, and environmental mitigation and compliance mitigation.

    Staff provided background on the topics of multiple solicitations and a small project set-aside. The current intention is that all of the funds for qualified projects shall be awarded in a single

solicitation. Staff has several concerns about the practicality and ramifications of having multiple solicitations or a set-aside. Counsel then discussed the legal implications of having multiple solicitations and advised the Commission that section 79750 (c) of Proposition 1 implies that all projects will be compared to each other in a single solicitation. The Commission discussed options for how to compare or categorize projects and the feasibility of having multiple solicitations Staff next discussed the possibility of funding water quality as a benefit for disadvantaged communities (DACs). The WSIP regulations include priorities and relative environmental values that address water for DACs. Water supply for DACs is not considered emergency supply because the water shortages are ongoing. The Commission discussed how it can incorporate the Human Right to Water and how it is addressed by other agencies and programs. The Commission and staff agreed that benefits to DACs are better suited for documents other than the regulations, such as the evaluation criteria and technical guidance.

The Commission took public comments. A representative of Contra Costa Water District supported a single solicitation. A representative of the U.S. Bureau of Reclamation suggested the Commission be flexible about how it defines a project. A representative of Clean Water Action supported multiple solicitations and suggested Commission staff work with DWR's Integrated Regional Water Management staff to address Human Right to Water concerns.

Staff presented the climate change analysis requirements in the draft regulations and noted that it is important to use a consistent set of climate change scenarios and not put an unreasonable burden on project proponents. The Commission discussed how staff selected the proposed method and whether there are other important climate change considerations.

The Commission took public comments. Representatives of the Union of Concerned Scientists and Sierra Club California thanked staff for including climate change scenarios in the regulations but expressed concern that they do not consider an adequate range of potential future scenarios. A representative of the U.S. Bureau of Reclamation noted that the Sacramento and San Joaquin Basins Study by DWR and Reclamation may provide useful information. A representative of the Natural Resources Defense Council advocated for a longer climate change projection, and noted that the analysis should take place at a watershed level.

On the topic of environmental mitigation and compliance obligations, staff noted that two sections were deleted from the draft regulations and highlighted changes regarding without-project future conditions. The Commission took public comments. A representative of the Natural Resources Defense Council flagged three concerns with the changes. Representative of the Association of California Water Agencies and Contra Costa Water District supported the changes made. A representative of American Rivers supported comments by the Natural Resources Defense Council.

11. Review of WSIP Draft Regulations

The Commission took public comments on the draft regulations. A representative of Defenders of Wildlife outlined several changes to section 6007 that the organization views as problematic. A representative of Clean Water Action thanked staff for making changes to language regarding confidentiality.

The Commission discussed how staff should proceed and staff agreed to provide the Commission and public with an updated draft the week following the meeting.

7. Sustainable Groundwater Management Act Implementation: Update on Development of Groundwater Sustainability Plan Regulations

This item was taken out of order.

DWR staff provided an update on the Sustainable Groundwater Management Act (SGMA) and the development of the Groundwater Sustainability Plan (GSP) emergency regulations. Under SGMA, all high and medium priority groundwater basins must be managed under a GSP or Alternative Plan, and DWR must adopt regulations for both by June 1, 2016. DWR staff provided an overview of potential regulation components and stakeholder comments. DWR staff will provide a more in-depth presentation at the Commission's December 2015 meeting.

During the public comment period, a representative of Clean Water Action expressed concern about whether Groundwater Sustainability Agencies will include stakeholder input when developing GSPs.

12. Consideration of Items for the Next California Water Commission Meeting

This item was taken out of order.

At the next meeting, the Commission will consider whether to begin the formal rulemaking process for the WSIP regulations. Staff will present a flow chart that outlines how the Commission will make funding decisions for the WSIP. The Commission will also hear an update on the Groundwater Sustainability Plan regulations.

8. Update on Program and Administrative Activities for the Water Storage Investment Program (WSIP)

This item was taken out of order.

Commission staff provided an update on the activities of the WSIP project team and the status of its various work groups, including information on the WSIP regulations and outreach.

9. Review of the WSIP Decision Making Process

This item was postponed to the December 2015 Commission meeting.

A final public comment period was opened. A representative of Clean Water Action requested that staff provide guidance on what topics will be addressed in documents other than the regulations. A representative of American Rivers asked if the concept paper is a new addition to the application process. Staff replied that it is, but it will not be required.

Chairman Byrne adjourned the meeting at 1:21 p.m.