

Meeting Minutes - Draft

Meeting of the California Water Commission

Wednesday, December 16, 2015

State of California, Resources Building

1416 Ninth Street, First Floor Auditorium

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 Andrew Ball, Daniel Curtin, Joe Del Bosque, Joe Byrne, David Orth, and Armando Quintero were present, constituting a quorum. Commission member Maria Herrera was absent, and Commission member Paula Daniels arrived shortly after roll call.

3. Approval of November 2015 Meeting Minutes

A motion was made to approve the November 19, 2015 minutes. A vote was taken and the motion passed unanimously.

4. Executive Officer's Report

There was no Executive Officer's report at this time.

5. Commission Member Reports

Commissioner Daniels participated in a meeting with the California Groundwater Coalition. Commissioner Orth attended the Association of California Water Agencies (ACWA) Fall Conference, where he gave a presentation the history of the Sustainable Groundwater Management Act (SGMA), the Commission's role in the SGMA rulemaking process, and the Water Storage Investment Program (WSIP). Commissioner Ball had a meeting with Steve Westly, former state controller, wherein they discussed California WaterFix. Commissioner Quintero had a meeting with Jim Watson of the Sites Joint Powers Authority.

6. Public Testimony

There were no public comments at this time.

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

Department of Water Resources (DWR) staff provided the update. Under SGMA, all high and medium priority groundwater basins must be managed under a Groundwater Sustainability Plan (GSP) or Alternative Plan. DWR must adopt regulations for these plans by June 1, 2016. DWR has been engaged in extensive outreach to prepare the public for adoption of the regulations.

Staff discussed governance considerations and coordination agreement requirements for both intra-basin and inter-basin coordination. DWR must evaluate GSPs for their ability to manage basins sustainably while preventing undesirable results. Staff discussed how DWR will assess

undesirable results and how groundwater conditions must be monitored. Several Commission members noted that minimum thresholds for undesirable results should be established over a long hydrologic cycle, since water levels fluctuate over the naturally occurring cycle of a basin.

The Commission took public comments. A representative of Sacramento Groundwater Authority stated that the draft regulations are overly prescriptive and may hinder progress. The Union of Concerned Scientists stated that there must be specific requirements in place to ensure consistency between jurisdictions.

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

Commission staff gave an update on administrative issues, technical work, and communications and engagement activities for the WSIP. Counsel discussed requirements for the WSIP evaluation process and noted that all evaluation criteria must be in regulations. Staff intends to draft a second set of regulations for the WSIP that will detail the evaluation process and criteria. This will ensure transparency and will allow for meaningful public participation. The addition of a second set of regulations will not affect the timing of the adoption of the first set of regulations.

During the public comment period a representative from Clean Water Action expressed concern that the new set of regulations will affect the WSIP timeline. She also noted that she did not agree with staff's conclusion on the legality of multiple solicitations. A representative of Contra Costa Water District asked several questions about the timeline and process for the second set of regulations.

9. Action Item: Begin Formal Rulemaking Process for WSIP Draft Regulations

The Commission reviewed a series of proposed changes to the draft regulations that were submitted in writing by members of the Commission, as well as issues raised by Commission members during the meeting. The Commission discussed the following issues:

- Existing environmental mitigation or compliance obligations
- Minor Technical Changes
- Language regarding the nature of the technical review
- Instructions to applicants regarding incorporating climate change into the without-project future conditions
- Project benefits
- Making mandated annual reports publically available and the mandated reporting period
- Asking applicants to provide information on how the project will affect the "long-term" provision of safe and affordable water supplies" to small water systems

The Commission held substantial discussion on each issue and took informal polls on issues as needed. Members of the public provided verbal comments on a variety of specific proposed edits throughout the discussion. Staff summarized the changes that were approved by the Commission.

Commission Member Orth made a motion to direct staff to incorporate the discussed changes into an updated draft and begin the formal Office of Administrative Law (OAL) rulemaking process. Commission Member Quintero seconded the motion. A roll call vote was taken; five Commission members voted in favor of the motion and one abstained. The motion passed.

Yes – Byrne, Curtin, Del Bosque, Orth Quintero

Abstain – Daniels

Absent – Ball, Herrera

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

At the next meeting, staff will present program and administrative updates for the WSIP and the 2015 State Water Project Review. Counsel will provide briefings on the Administrative Procedure Act, Public Records Act, and Bagley-Keene. DWR staff will provide a briefing on Climate Change. There will be a presentation on grant programs benefitting small water systems and disadvantaged communities and a briefing on climate change. The Commission will also hear an update on the Groundwater Sustainability Plan regulations and a presentation from Sustainable Conservation, a non-governmental organization.

Chairman Byrne adjourned the meeting at 1:56 p.m.