

Meeting Minutes

Meeting of the California Water Commission

Wednesday, January 20, 2016

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 J. Landis called roll. Commission members Andrew Ball, Daniel Curtin, Paula Daniels, Joe Del Bosque, Maria Herrera, David Orth, and Armando Quintero were present, constituting a quorum. Commission member Joe Byrne participated remotely.

3. Approval of December 2015 Meeting Minutes

A motion was made to approve the December 16, 2015 minutes. A vote was taken and the motion passed. Commission member Herrera abstained from voting, due to her absence at the December meeting.

4. Executive Officer's Report

At the Water 2.0 conference, hosted by the Association of California Water Agencies (ACWA) and the Governor's Office, state officials presented an update to the California Water Action Plan (CWAP) and discussed 2015 accomplishments implementing the CWAP. Copies of documents presented were provided to the Commission members. In February, Commission staff will brief the Assembly Water, Parks, and Wildlife Committee and Assembly Budget Subcommittee No. 3 on the Water Storage Investment Program (WSIP). On January 19, staff sent the WSIP draft quantification regulations to the Office of Administrative Law (OAL) to begin the formal rulemaking process. Elections for Commission Chair and Vice Chair will be held at the next Commission meeting.

5. Commission Member Reports

Commissioner Orth participated in a meeting with representatives from ACWA and the Sacramento Groundwater Authority where they discussed Groundwater Sustainability Plan (GSP) regulations. Commissioner Quintero attended the Water 2.0 conference. Commissioner Curtin attended the National Forest Foundation Summit. In December, Commissioner Herrera attended the ACWA Fall Conference. She also participated in a meeting with representatives from the Union of Concerned Scientists.

6. Public Testimony

There were no public comments at this time.

7. Action Item: Approval of the 2015 State Water Project Review

Commission staff presented an overview of the Commission's State Water Project oversight activities in 2015. They then presented the draft *Annual Review of the Construction and Operation of the State Water Project* for approval by the Commission. Following Commission approval, the document will be finalized, posted to the Commission's website, and sent to DWR and the State Legislature. A motion to approve the Annual Review was made and seconded. A roll call vote was taken and the motion passed unanimously.

8. Review of 2016 Work Plan

Commission staff provided the draft 2016 workplan and gave an overview of the Commission's planned activities. Staff reviewed regular meeting agenda items as well as the schedules for Sustainable Groundwater Management Act implementation and WSIP regulations. A Commission member stated that there appeared to be fewer opportunities for public input in the WSIP evaluation regulations than for the previous regulation and added that the Commission should consider options for increased public engagement including holding meetings outside Sacramento.

The Commission took public comments. A representative from ACWA stated that because there is a second set of regulations, there need to be more opportunities for public input. A representative from Clean Water Action agreed. She also stated that a walkthrough of the regulations as applied to an actual project may increase understanding of the process.

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

Commission staff gave a summary of the previous year's administrative activities, technical work, and communications and engagement activities for the WSIP. Plans for 2016 include continuation of the formal rulemaking process, the solicitation for concept papers, development of evaluation regulations and application instructions, and several workshops.

A Commission member asked if copies of the concept paper questions were available for review. Staff responded that they are still in the early draft stages and offered to share the draft. A Commission member asked if DWR is developing climate change models. Staff said three scenarios are included in regulation; two are required quantitative analyses and one is qualitative discussion of potential climate impacts. The technical team is developing CalSim modeling for the two quantitative analyses that will be provided to applicants. Another Commission member asked for a demonstration of the CalSim model.

10. Presentation by Sustainable Conservation on Groundwater Recharge Pilot Projects

A representative from Sustainable Conservation, a Non-Governmental Organization, gave a presentation on on-farm groundwater recharge in the San Joaquin Valley. This practice employs farm fields as recharge basins during winter months.

The presenter and members of the Commission had a substantive question and answer session. They discussed the flooding timeline and how it may be affected by the drought, the impact of subsidence, how participants can qualify, how water sources are determined, which crops are most amenable to the process, and program costs and benefits. The Commission also discussed how these types of projects might qualify for WSIP funding.

The Commission took public comments. A representative from Clean Water Action stated that it was important to remember the Sustainable Groundwater Management Act (SGMA) timeline and the WSIP solicitation deadlines since Groundwater Sustainability Agencies (GSAs) will need funding authority to provide matching funds.

11. Briefing on Department of Water Resources' and State Water Resources Control Board's Grant and Loan Programs benefiting Small Water Systems and Disadvantaged Communities

Staff from DWR's Integrated Regional Water Management program discussed their current grant and loan programs and gave an overview of their 2015 accomplishments related to small water systems and disadvantaged communities (DAC). Previously, DWR has funded projects for small and disadvantaged communities through Proposition 84 and Proposition 1E. Staff discussed Proposition 1 programs being implemented by DWR and the State Water Resources Control Board (State Board). These programs draw their funding authority from several chapters within the bond and focus on the safety and reliability of drinking water, water recycling, groundwater, and flood management. Staff discussed funding for small water systems and DACs within these programs.

A staff member from State Board discussed the work of the Office of Sustainable Water Solutions in assisting small and disadvantaged communities. She gave an overview of State Board's accomplishments for 2014 and 2015 and discussed the State Board's Proposition 1 programs, which total \$2.145 billion in funding.

Some Commission members requested further detail on DWR's DAC pilot projects, how the needs of small and disadvantaged communities compare to funding, and the geographic distribution of these communities.

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

DWR staff provided the update. Under SGMA, all high and medium priority groundwater basins must be managed under a GSP or Alternative Plan. DWR must adopt regulations for these plans by June 1, 2016. Staff presented the most recent GSP regulations outline and discussed some concerns from advisory groups on topics such as inter-basin coordination, water budgets, monitoring standards, stakeholder involvement, fringe areas outside adjudications, costs, depletions of interconnected streams, and plan implementation and evaluation.

A Commission member asked about SGMA's definition of interconnected surface and groundwater dependent ecosystems. Staff responded that the definition is still being developed, using both feedback from advisory groups and industry standard definitions. Another Commission member stated that it is critical that the Commission have adequate time to discuss and provide feedback on the draft regulations in the upcoming months. He added SGMA reinforces state policy that groundwater should be managed at the local level and cautioned against overly prescriptive regulations.

The Commission took public comments. A representative of Sacramento Groundwater Authority agreed, stating that local agencies must take ownership of groundwater management. A representative from Clean Water Action agreed, adding that where flexibility is allowed, transparency and public interaction must be required.

14. Briefing on Consideration of Climate Change in Water Resources Planning

This item was taken out of order.

DWR staff gave the presentation. The goal of DWR's climate change programs is to provide information to local water managers and to support all DWR programs, projects, and documents by providing access to the latest research, data, tools, and guidance. DWR staff briefed the Commission on the greenhouse effect, the effects of climate change in California, and observed historical changes and how they are used to calculate and project future impacts. DWR is developing a three-phase Climate Action Plan (CAP), a comprehensive response to climate change including a greenhouse gas reduction plan, a framework for consistent climate change analysis across DWR, and a vulnerability assessment and adaptation plan. They concluded their presentation by discussing climate modeling and how climate change scenarios can be incorporated into water resources planning efforts such as the WSIP.

Commission members asked questions on the topics of precipitation patterns, how to make long-term projections in an uncertain future, alternate storage methods, and whether or not extreme climate scenarios should be factored into funding decisions.

13. Legal Briefing: The Administrative Procedure Act, Bagley-Keene Open Meeting Act, and Public Records Act

Commission Legal Counsel gave the presentation. The California Administrative Procedure Act was designed to provide the public with a meaningful opportunity to participate in the adoption of regulations by State agencies. She discussed how to identify situations in which a regulation is required and provided a step-by-step overview of the APA process.

The California Public Records Act provides a general right of access to state and local government records. With the exception of exempt documents, all public records must be made available upon request. She discussed who is subject to the Act, what constitutes a public record, and exemptions.

The Bagley-Keene Open Meeting Act was designed to ensure state bodies provide adequate notice of meetings, conduct meetings in public, and provide an opportunity for public comment at meetings. Counsel discussed what does and does not constitute a "meeting," closed sessions, notice and agenda requirements, document disclosure, and the penalties for violations of the Act.

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

At the next meeting the Commission will vote on a Commission Chair and Vice-Chair. DWR staff will present a draft of the GSP regulations, and Commission staff will present program and administrative updates for the WSIP. Commission staff will also present some WSIP evaluation regulation concepts. Other potential items include a presentation on upper watershed forest management and a brief presentation on the CalSim-II model.

The meeting was adjourned at 3:42 p.m.