

**Meeting Minutes - Draft**

**Meeting of the California Water Commission**

Wednesday, February 17, 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, Joe Byrne, Daniel Curtin, Joe Del Bosque, Maria Herrera, David Orth, and Armando Quintero were present, constituting a quorum. Commission member Paula Daniels arrived during agenda item 8.

**3. Approval of January 2016 Meeting Minutes**

A motion was made to approve the January 20, 2016 minutes. A vote was taken and the motion passed unanimously.

**4. Executive Officer's Report**

In early February, Ms. Landis briefed the Assembly Water, Parks, and Wildlife Committee and Assembly Budget Subcommittee No. 3 on the Water Storage Investment Program (WSIP). On February 24, select members of the Commission and staff will attend a Tribal roundtable discussion in Jackson, CA.

Commission staff, in conjunction with staff from the Department of Water Resources (DWR) and State Water Resources Control Board, is planning to participate in workshops to provide an opportunity to meet with representatives from Disadvantaged Communities (DACs) to discuss Proposition 1 programs. The DWR Assistant Director for Legislative Affairs is assisting Commission staff as they prepare to brief interested members of the Legislature on the WSIP.

**5. Commission Member Reports**

Commissioner Quintero participated in a meeting with representatives from the Marin Conservation League where they discussed the current activities of the Commission. Commissioner Del Bosque gave a presentation on the WSIP at the Pacific Region Water Users Conference in Reno.

**6. Public Testimony**

There were no public comments at this time.

**7. Action Item: Election of Commission Chair and Vice-Chair**

A motion was made to nominate Chairman Byrne and Vice-Chairman Del Bosque to continue serving in their current positions. A vote was taken and the motion was passed unanimously.

**8. Sustainable Groundwater Management Act Implementation: Presentation of Draft Groundwater Sustainability Plan Regulation Concepts**

DWR staff gave the presentation. DWR will release the draft Groundwater Sustainability Plan (GSP)/Alternative Emergency regulations as early as February 18, and must adopt final regulations by June 1, 2016. DWR has sought to design a regulation that prescribes a process for the development of GSPs, but is not prescriptive about how individual basins should be managed.

Staff provided a timeline of SGMA implementation and gave a high-level presentation that covered the general principals of the draft GSP regulations. They reviewed key definitions such as critical parameters, minimum threshold, undesirable results and measurable objectives. The presentation described key articles and sub-articles of the regulation and explained how the statutory requirements are being incorporated within the overall process framework.

Staff reviewed the four phases of the GSP process as outlined in the regulation. Phase one begins with the formation of GSPs and coordination within and between basins. The next two phases cover the preparation and submission (including notification, public and advisory input, and adoption of plans) and GSP review and evaluation by DWR. The final phase, expected to begin in 2020, is implementation and reporting. During phase four, Groundwater Sustainability Agencies (GSAs) will be required to submit annual reports describing their progress towards implementing their GSP.

DWR will begin accepting public comments on the draft GSP regulations following their release later this week. DWR will also hold public meetings and provide additional opportunities for feedback. Staff will present a synopsis of comments received. DWR will seek approval of the regulations from the Commission in May 2016.

The presenters and members of the Commission had a substantive question and answer session. They discussed methods for mapping conditions within a basin, how individual GSAs will define minimum thresholds for their specific basins, and how DWR will measure success and enforce their agreed-upon standards.

The Commission took public comments. A representative from the Union of Concerned Scientists stated that statewide consistency is important when local agencies are performing their modeling. She supported the Commission holding additional meetings to review necessary information prior to approving the regulations. A representative from the Sierra Club stated that they did not support the idea of allowing individual agencies to define “significant and unreasonable” for themselves, explaining that there needs to be a system to allow for public input on such matters. A representative from Clean Water Action stated that the depth of detail required when members of the public are commenting on GSPs is prohibitively excessive and may hinder their ability to make meaningful contributions to the discussion.

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

Commission staff gave a summary of administrative activities, technical work, and communications and engagement activities for the WSIP. The highlight of the presentation was a discussion of the quantification rulemaking package, which was submitted to the Office of Administrative Law on January 29. A public comment period is currently underway, and so far over 4,200 public comments have been received. The public comment period will end on March 14 and will be followed by a public hearing on March 16.

**10. Modeling as a Tool for Water Resources Planning Decisions**

Commission staff gave the presentation. Modeling and analysis must support the decisions the Commission must make for the WSIP. The Commission must decide what projects are selected and how much funding they will receive. Per statute, the Commission must make four findings prior to funding a project (Water Code §79757(a)(2)). Staff reviewed the four findings, and how staff will organize and evaluate information from project applications to provide the Commission the information they need to make decisions.

A crucial component of the WSIP process is the use of modeling and analysis tools. Models will allow project applicants to quantify the physical and monetary benefits of projects and help the Commission decide if they want to allocate funding to a project. Some of the challenges of using models are that different models may yield different results based on their assumptions and data, and that no single model is going to work for all projects. It is also important to keep in mind that models can help inform decision making but are not designed to choose what is “best,” since what is “best” is subjective.

Staff described some of the different types of models that are currently being used, and described some of the ways in which data inputs and sources of uncertainty can change the outputs. A wide array of variables affects model results and requires separate analyses. WSIP applicants will need to run most models at least twice to determine both without-project and with-project conditions. Applicants must choose models that are appropriate to their project and analysis, but any projects that will affect operations of the State Water Project or Central Valley Project will need to use the CalSim II model to determine impacts.

The Commission took public comments. A representative from the Union of Concerned Scientists stated that it was important to allow applicants to select an appropriate model, but applicants should be required to use consistent assumptions to allow for comparisons.

**11. Presentation of Draft Concepts for the WSIP Evaluation Regulations**

Commission staff gave the presentation. The purpose of the discussion was to present some of the initial concepts being used in the development of the second set of regulations for the WSIP, the evaluation regulations. These regulations will lay out the necessary steps for the Commission to make the four findings and two decisions required of them in statute (Water Code §79757(a)(2)).

Staff presented the draft framework for evaluating, scoring, and selecting projects. The technical team will evaluate each project using defined criteria and metrics, and evaluate each application’s quality of analysis, staff will provide the Commission a dashboard for decision making, and the Commission will identify the projects to be funded and determine the funding amount. The presentation went into detail on how criteria and metrics will be determined and how projects will be scored and presented to the Commission.

The Commission took public comments. A representative from the Sites Joint Powers Authority stated that it will be challenging to determine weighting criteria but supported the proposed process. He added that modeling is a good tool but stressed that models can only offer relational values and should not be used to determine quality.

A Commission member stated that it may be helpful for members of the Commission to weigh in on projects at the end of the selection process to maintain discretion. He also requested an in-depth discussion about adaptive management. Commission members asked staff to clarify their use of the terms “implementation complexity” and “acceptability.”

The Commission discussed three questions posed by staff about their preferences for the decision criteria. The Commission decided to include “implementation risk” in the decision criteria instead of “implementation complexity.” The Commission discussed how resiliency could be considered and agreed to include it in the criteria. After discussing the different way Delta benefits are considered in the review process, the Commission asked staff to include the magnitude of Delta benefits in the tradeoff analysis rather than as a separate decision criteria.

The Commission took public comments. A representative from Contra Costa Water District supported the inclusion of a complexity and risk analysis. She also encouraged Commission members to review full applications and not rely solely on staff-created dashboards. A representative from the Sites Joint Powers Authority added that it is important that the state water system be kept in mind when it comes to the calculation of benefits. A representative from the Union of Concerned Scientists cautioned against using a scoring system that may double-count some metrics and supported including resiliency in the decision criteria.

A Commission member asked if applicants can provide short abstracts to summarize their applications. Staff agreed to add that requirement to the regulations.

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

At the next meeting DWR staff will present the comments received to date on the Draft GSP Regulations. There will also be a public hearing on the proposed WSIP quantification regulations.

The meeting was adjourned at 2:43 p.m.