

PUBLIC HEARING
STATE OF CALIFORNIA
DEPARTMENT OF WATER RESOURCES

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In the Matter of:)
)
Regulations regarding the)
Water Storage Investment Program)
and Commission Guidance to Staff)
on Proposed 15-day Changes to the)
Regulation)
)

RESOURCES BUILDING
FIRST FLOOR AUDITORIUM
1416 NINTH STREET
SACRAMENTO, CALIFORNIA

WEDNESDAY, MARCH 16, 2016

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Reported By: Danielle Dzioba, CSR No. 13923

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- Mr. Daniel Curtin
- Mr. Joe Del Bosque (Vice-Chair)
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- Ms. Maria Herrera
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- Ms. Paula J. Landis (Executive Officer)
- Ms. Holly Stout (Legal Counsel)
- Ms. Brianna Shoemaker

PRESENTERS:

- Agenda Item 8: Jenny Marr

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P R O C E E D I N G S

1
2 COMMISSIONER DEL BOSQUE: We'll have a public
3 hearing on Regulations regarding the Water Storage
4 Investment Program.

5 MS. LANDIS: This is not a regular commission
6 meeting. I recognize many of you in the audience, but
7 I'm still going to walk through an overview of the
8 program because this is a formal hearing. So forgive me
9 for those of you who are familiar with this information,
10 but I think it's important that we tee up what it is
11 we're here to talk about which is the draft regulations.
12 The formal comment period opened on January 29th. It
13 closed on Monday, and this is the hearing on the
14 follow-up to that. So let me open this open and then
15 jenny will give some specifics and then we will have our
16 public comment. Okay. Thank you, Jenny.

17 So this is the breakdown of Proposition 1. We
18 are talking about the \$2.7 billion for storage, which is
19 Chapter 8 of that proposition. And Chapter 8 says that
20 the Commission has continuously appropriated 2.7 billion
21 associated with water storage projects. They improve the
22 operation of the state water system, are cost-effective,
23 and provide a net improvement in ecosystem and water
24 quality conditions.

25 Specifically, what the state can pay for is

1 only the public benefits. There are five clearly
2 identified public benefits. They're ecosystem, water
3 quality, flood control, emergency response, and
4 recreation. The statute also clearly lays out eligible
5 applicants. Those are -- eligible projects. Excuse me.
6 Surface storage projects identified in the CALFED ROD
7 with some exceptions, groundwater storage projects,
8 groundwater contamination prevention or remediation
9 projects with storage benefits, conjunctive use,
10 reservoir reoperation, local surface storage projects,
11 and regional surface storage projects.

12 And now any eligible applicants are public
13 agencies, nonprofit organizations, public utilities,
14 federally recognized Indian tribes, state Indian tribes
15 listed on the Native American Heritage Commission's
16 California Tribal Consultation List, and mutual water
17 companies. Projects must provide measurable improvements
18 to the Delta ecosystem or its tributaries. The
19 Commission can only pay up to a maximum of 50 percent of
20 the public benefits of any project. And of that
21 50 percent, 50 percent needs to be for the ecosystem. It
22 is a competitive process. Projects shall be selected by
23 the Commission through a competitive public process that
24 ranks potential projects based on the expected return for
25 public investment as measured by the magnitude of public

1 benefits provided pursuant to criteria established under
2 this chapter.

3 The program that we have implemented to carry
4 out our mandates in the statute is called the Water
5 Storage Investment Program. The program will help
6 achieve the desired outcomes of the Water Action Plan --
7 that is the governor's Water Action Plan, implement the
8 goals, objectives, and principles established by the
9 Commission. And the Commission will adopt the
10 regulations by December -- mid-December of this year, as
11 required in statute.

12 The regulations also state that the Commission,
13 in consultation with Department of Fish and Wildlife, the
14 State Board, and Department of Water Resources shall
15 develop and adopt by regulations methods for
16 quantification and management of public benefits. The
17 regulations shall include priorities and relative
18 environmental value of ecosystem benefits provided by
19 Department of Fish and Wildlife and relative water
20 quality value benefits as established by the State Water
21 Resources Control Board. The regulations are laid out in
22 Section 6000 through 6007. The comments we receive today
23 will go into the final statement of reason. Changes that
24 are proposed today will appear in a public draft that
25 will be circulated and a formal 15-day comment period

1 similar to the 45-day comment period we just completed.

2 For this agenda item today, there are actually
3 two parts. This first part, I laid out what it is we're
4 here to look at and why and what we're trying to
5 accomplish. During the 45-day comment period, we
6 received a number of comments. We'll be receiving more
7 from presenters today. But initially some of the changes
8 that we have realized can be made are minor changes. So
9 Jenny is going to walk-through some proposed minor
10 changes to the regulations, and then we'll start taking
11 public comment on the draft regulations, and if anyone
12 would like to address the minor changes as well. The
13 process will be that at the end of the meeting today, we
14 would like the commissioners to weigh-in on the minor
15 changes that are proposed so we can go ahead and make
16 those minor changes. The objective is to keep nudging
17 these regulations forward, and if we can take care of
18 some easy actions, it would help us so that next time we
19 meet, we can work with the more immediate actions.

20 So following Jenny's presentation, the public
21 can provide comments on the draft regulations. This is a
22 formal hearing. Comments are being captured by a court
23 reporter. The commissioners are going to listen to the
24 public comments and ask for clarifying questions -- ask
25 clarifying questions. Staff will review the comments

1 received today, along with written comments received
2 during the 45-day comment period, and bring proposed
3 changes back to the Commission for consideration in
4 April. Vice-Chair Del Bosque is going to go through some
5 ground rules. But I would say, right of the bat, please
6 wait for your name and number to be called, silence all
7 electronics, and be mindful of time limits.

8 So, Jenny, why don't you go ahead and walk
9 through the minor changes that were being proposed, and
10 then Commissioner Del Bosque can officially kick off the
11 public comment period by walking through the ground
12 rules.

13 MS. MARR: Thank you, Paula.

14 Good morning, members of the Commission, and
15 welcome, Commissioner Baker. I would just like to say
16 that, Commissioner Baker, if there's anything that the
17 Water Storage Investment Program staff can do to help get
18 you up to speed, please don't hesitate to give us a call
19 and let us know.

20 So I will be brief today. I know we're all
21 very anxious to hear public comment. And so I --
22 although I might not hit three minutes, I'll try to be as
23 brief as possible. So as Paula indicated, our public
24 comment period for the 45-day initial public comment
25 period ended on March 14th; so Monday at 5:00. So we

1 haven't had the time that we would have liked to go
2 through all the comments. I can say that I've skimmed
3 and read most of them, but we did receive quite a number
4 between 4:50 and 5 o'clock. So those I can say I've
5 skimmed. We've received almost 6,000 form letters. They
6 looked like accurate tallies, but there's probably a few
7 that are still being counted. And we received over 40
8 nonform letters. So pretty needy substantive comments.
9 There were some common themes that were emerging. You're
10 probably not surprised by these common themes.
11 Requirements in the application, what documentation and
12 analysis sees were required, there was a number of
13 comments on those; the length of the technical and peer
14 review process; climate change and sea level rise
15 analysis, that continues to be an area of a lot of
16 comment. And also, the inclusion of early funding of
17 environmental documentation or the completion of
18 environmental documentation. Right now the regulations
19 just have permitting -- the statute allows permitting and
20 environmental documentations. So there is support for
21 including completion of environmental documentation back
22 in. I should also have included on this list the
23 definition of mitigation and compliance obligation is
24 still an area that's receiving a number of comments.
25 So while the 45-day public comment area was

1 going on, staff was also reviewing the regulation -- the
2 draft regulation, and so not only were we responding to
3 comments and making changes, we were making changes in
4 response to our own comments. And because we haven't had
5 this hearing and heard from the public during the
6 hearing, and we were just now getting through our written
7 public comments, we thought it would be prudent to
8 develop a proposed process for you all in hearing for the
9 staff comments, and hearing from the public, we wanted to
10 do a multi-step process to address comments that Paula
11 had alluded to. We want to present some of the
12 relatively minor or clarifying changes today, get
13 direction to move forward with those changes. And then
14 we wanted to take some of the meatier comments and do a
15 workshop in early April. And at this workshop, we
16 present staff recommendations, summary of comments, and
17 then a potential resolution for your consideration. I
18 think there's an option there to provide direction at the
19 meeting or consider things a little bit longer and come
20 to the April 20th meeting with more defined staff
21 recommendation, more defined Commission recommendation,
22 and receive at that April 20th meeting direction to
23 submit a 15-day notice of change to OAL and start that
24 15-day public comment period on changes. Really hitting
25 that April 20th day of getting direction, will help keep

1 this program on the schedule we've laid out.

2 So just stepping through some of the changes,
3 I'm going to go section by section by slide. There were
4 not any staff recommended changes on 6000 and 6001. So
5 I'm starting with 6002, the general selection process.
6 Just a few of what we consider minor changes to this
7 section, we are recommending inclusion in the
8 preapplication and the application. And that 6002(b) is
9 a list of requirements for the preapplication, and
10 6002(c) is a list of requirements for the application.
11 We're recommending inclusion of a summary and potential
12 impacts to existing facilities and their operations and
13 environmental and cultural resources. We know these are
14 things that will be considered in the CEQA documentation,
15 but we're recommending having a summary in the
16 application so it's easy to grab this information and
17 find this information.

18 The second bullet is related to the first.
19 We're also asking that in the application that the
20 applicant describe how they are coordinating or
21 consulting on those summarized impacts. And lastly, as a
22 response to what we heard at the last meeting, we are
23 requiring the applicant to submit a maximum four-page
24 project abstract or executive summary that describes the
25 project, its facilities, its operations, public benefits,

1 non-public benefits, and any other information deemed
2 appropriate by the applicant to inform the commission.
3 So we had -- I'll let you all know that, as part of our
4 process, you would be receiving dashboards of information
5 from commission staff. But it was requested to receive
6 some summary information directly from the applicant, so
7 we thought this would be a good response to that.

8 So moving on to Section 6003, which summarizes
9 the process the Commission to make to a funding
10 commitment. We've added a first bullet that's similar to
11 the additions that added for the application and
12 preapplication. And this is further documentation in
13 consideration of project impacts to operations or
14 cultural resources or environmental resources. And we
15 want to have some sort of proof of a bilateral
16 communication between the applicant and those who may be
17 impacted, so operators -- owners and operators, for
18 example, of existing facilities. We also wanted to
19 clarify in Section 6003 where we're talking about
20 additional commitments and what needs to be completed
21 before entering into a funding agreement with a
22 commission. We had all required permits. We suggest
23 revising the all-required permits to exactly the language
24 that's in the statute; that is all federal, state, and
25 local approval certifications and agreements required.

1 And the last two bullets are in response to
2 comments that we received at the February 12th tribal
3 round table. We were asked to clarify what a limited
4 waiver of sovereign immunity would cover. And that was
5 very specific to the operations in management of the
6 proposed projects and its public benefits, so we tried to
7 clarify that. The time the limited waiver of sovereign
8 immunity would have to be in place, and that's until the
9 end of the project's planning horizon. And also, clarify
10 at what point in time that limited waiver of sovereign
11 immunity has to be provided. And that would be at the
12 time that the commission is entering into the funding
13 agreement. So we've tried to add some clarifying
14 language into Section 6003 in response to those comments.

15 Section 6004 is the quantification of benefit
16 section. And there's a number of minor text
17 modifications to improve clarity. We know this is kind
18 of the meaty, technical section of the regulation. And
19 so we went through and tried to clarify some of the
20 language that was in there. Most of changes are very
21 similar to the example that was provided; that instead of
22 quantify the magnitude, we clarified that it's physical
23 and economic because we're asking applicants to provide
24 both.

25 We also made some changes to the uncertainty

1 analysis. We've received a number of comments regarding
2 the uncertainty -- future uncertainty analysis. And so
3 we've added qualitative description of extreme hydrologic
4 conditions to a consideration of future uncertainty and
5 describing how a project would perform under those
6 extremes. We also modified the language to include a
7 quantitative or qualitative. So if anyone just did a
8 qualitative analysis, that would be sufficient for the
9 section on uncertainties. And we've also asked them to
10 not just describe how the uncertainties impact their
11 project benefits, but describe how those impacts could be
12 mitigated or how the operations of the project could be
13 modified to reduce those potential trends or those
14 potential impacts by future uncertainty.

15 So the remaining section -- Section 6000, -5,
16 -6 and -7 -- at this point in time, staff did not
17 identify any recommended changes or modifications. Of
18 course, we are still going through comments, and we may
19 hear comments on those sections today, but on staff
20 review, we had no recommendations on those sections. And
21 just kind of teeing up potential topics for the workshop.
22 You'll notice some of the common themes from our public
23 comments -- some of the meatier topics -- were not
24 included in our summary of minor changes. They would be
25 topics for the workshop. So that definition of existing

1 environmental mitigation and compliance obligation; some
2 potential modifications to the general selection
3 process -- and that includes the technical review, the
4 peer review, and the commission's decision-making
5 process; so early funding for completion of environmental
6 documentation -- we'll tee that up as another discussion
7 topic; inclusion of a current conditions analysis and
8 some potential modification to the climate change and sea
9 level rise analysis -- those are somewhat related, so
10 we'll tee up a proposal for modifications to the
11 quantification section.

12 So with that, any questions or we can open up
13 the hearing.

14 COMMISSIONER DEL BOSQUE: Commissioner Daniels.

15 COMMISSIONER DANIELS: Thank you. I have two
16 minor, you know, this -- hearing points and then I just
17 have a very simple question, I think. One is just for
18 the members of the public who are watching. The
19 three-minute limit does not apply to staff. So staff
20 reports -- even though Jennifer said that, just so
21 there's no confusion -- staff reports do not have a time
22 limit. The time limit is for public comment only.

23 And then the other thing is, at some point in
24 time -- having been an attorney in litigation for
25 25 years -- I know the court reporter is going to need a

1 break. So I just wanted to put that out there that we
2 should probably do that sooner rather than later.

3 So the question that I have for you is I've
4 been trying to track -- I wasn't aware that we were going
5 to be reacting to these changes today that you're
6 proposing. I'm trying to track them. I appreciate your
7 summary, but are they in the draft regulation or the
8 regulations that are provided in our packets?

9 MS. MARR: No. We did not provide a red line
10 strikeout comment package, but we thought just a summary
11 and presentation could be sufficient to describe some of
12 these changes.

13 COMMISSIONER DANIELS: It's a little hard for
14 me to wrap my head around it. So I'm not sure I'll be
15 able to comment on it. It's easier for me to see it then
16 write, but that's just a general statement; one of those
17 things.

18 COMMISSIONER QUINTERO: Jenny, are all of the
19 comments already posted, or -- that you received, or --

20 MS. MARR: I know staff were working very
21 diligently yesterday to get them posted. I believe most
22 of them are. The form letters are a little bit harder to
23 sift through, log, and post, but we're very close to
24 getting all of them posted.

25 COMMISSIONER QUINTERO: And for everybody,

1 where are they?

2 MS. MARR: There is on the Commission's website
3 a link to the Quantification Regulations, and they're all
4 listed at the bottom of that page.

5 COMMISSIONER QUINTERO: Okay. Thank you.

6 COMMISSIONER DEL BOSQUE: Are we ready? Okay.
7 Your time's up, Jenny. Thank you. Got all that in in
8 three minutes.

9 Okay. At this time I'd like to open the formal
10 public hearing on the Water Storage Investment Program
11 Quantification Regulations. So I'm going to read some of
12 ground rules here. Would you please observe these,
13 follow the process for public comment. Use the speaker
14 cards if you would like to comment during the public
15 hearing. Please wait until your name and number are
16 called to approach the podium. Be respectful of
17 presenters and commentors by avoiding side conversations
18 while others are speaking. Use electronic courtesy.
19 Please turn off or silence cell phones or other
20 communication devices. Honor time limits. To follow
21 sufficient time -- to allow sufficient time for everyone
22 wishing to comment, it will be important to follow time
23 guidelines and procedures. Allotted speaker limits are
24 nontransferable -- as we've heard this before -- in an
25 effort to ensure that everyone attending has the ability

1 to address the Commission. If your comments are similar
2 to a previous speaker, a simple response of "I agree with
3 Speaker 5 or Speaker 10 has expressed the same concerns
4 that I was going to express, and I agree with their
5 comments." That will allow us to maximize the number of
6 speakers.

7 Okay. Staff, if you will please call the first
8 speaker.

9 MS. SHOEMAKER: Speaker Number 1 is Jim Watson.

10 JIM WATSON: Good morning, Commissioners and
11 staff. I would like to start off with first
12 acknowledging the daunting task of taking the will of the
13 voters and turning them into regulations that can be used
14 by us applicants to apply. I know that's a very
15 difficult process, and we do appreciate the effort that
16 you made to allow all stakeholders to participate in that
17 process.

18 So, Director Daniels -- excuse me, Paula,
19 Executive Officer, we appreciate your overview because it
20 really ties in some of the themes we have in terms of our
21 facility. Chapter 8 starts off with -- it's about
22 storage projects improving the state water system.
23 Assuming those projects are cost effective and feasible,
24 that really requires integrated operations by the
25 applicant with the state water system, which really is

1 about partnership between the applicant and those
2 operators. And that's plural for the state water system
3 given how integrated it is and the system's
4 interconnected. Secondly, Chapter 8 requires local
5 sponsorship, which also requires partnership between the
6 applicant and the local communities and water agencies
7 willing to invest in the project. For Sites, were
8 planning to raise over 7.2 million just for the Prop 1
9 application process. That's pretty sizable when you're
10 coming off drought and some of the agencies that are
11 participating at zero water allocations for the last two
12 years. The third is when you get to the public benefits,
13 given the complex nature of the biological systems and
14 their response to water dedicated for ecosystem or water
15 quality, and you look at future with uncertainty with
16 climate change. Again, it requires partnership between
17 the applicant and those agencies -- Department of Fish
18 and Wildlife, State Board, and Department of Water
19 Resources -- in order to make this accomplished. But the
20 draft regulations really do not facilitate the need for a
21 partnership. They really are written more as an arm's
22 length where the risk is borne by the applicant and it
23 asks for guarantees in terms of modified benefits that
24 are for items outside of the applicant's control. For
25 example, the cold water pool benefits for salmon. How do

1 those apply when the salmon go to the ocean and then come
2 back? So the regulations need to be looked at not as
3 returning both materials like a roof of -- foot of water
4 with a public benefit attached. We really need to focus
5 on this partnership and develop the benefits so that we
6 can have them cost-effective for both applied public
7 benefits and consumptive uses. We ask that the
8 regulation be written to facilitate this partnership so
9 we get durable solutions, expedited implementation of
10 projects to maximize return on investment. And I thank
11 you for your time. Thank you.

12 MS. SHOEMAKER: Speaker Number 2 is
13 Nadine Bailey.

14 NADINE BAILEY: I'm waiting. I don't want to
15 use my three minutes. Okay. I'm ready. My name is
16 Nadine Bailey. I'm the chief operations officer for the
17 Family Water Alliance and the Sacramento Valley Fish
18 Stream Program. We have about 20 years of helping fish
19 in the Sacramento valley. Last year, because of the
20 drought, we took 1600 gallons of water down to east
21 Porterville. You'll see that in your first picture. And
22 I learned a lot at that trip. Water is heavy, and it's
23 not easy to transport and I'm really glad we have the
24 Central Valley system to do it because that was not an
25 easy process. I even learned more after I got there when

1 I saw the impacts of drought firsthand with citizens of
2 east Porterville that couldn't have cooling for their
3 homes. They didn't have portable drinking water. When
4 they turned on the tap, nothing came out. And that's why
5 the Sites project is so important to Family Water
6 Alliance. This Sunday I took a little drive up to Shasta
7 Lake. That's the first picture you see. As you see that
8 narrow band around there, that's some really good news.
9 Usually I'm giving bad news; this is the good news.
10 Shasta Lake is almost full. And for those of you that
11 are wondering what's coming out, that Sacramento Lake --
12 that shows how little water is coming out of the dam.
13 Then if you go down to the next picture, Sacramento --
14 below the Cottonwood Creek shows a majorly bigger river
15 than what's coming out of the damn. And that's because
16 Cottonwood Creek, Battle Creek, Stillwater Creek are all
17 coming in, and they were all almost at flood stage. And
18 that water could have been captured and put in the Sites
19 reservoir.

20 So as we talked about climate change and
21 abstract, we really need to talk about what this does,
22 what this project could do right now in the current
23 climate change that we have. We have an antiquated
24 system that was designed to catch heavy snowpack, and we
25 no longer have that. This system meets that climate

1 change goal by -- the size project meets that climate
2 change goal by upgrading the system to allow us to
3 capture some of this water that went down the river this
4 week and is actually passing by here right about now.

5 So as we talk about these issues and we talk
6 about legal codes and we ask that everything is perfect,
7 I would remind all of us that if we took a shower today
8 or ate some asparagus, we probably did so with the
9 benefit from the Central Valley Project. And food
10 production, healthy fish populations, wildlife are all
11 dependent on these projects being successful, early
12 funding, and acknowledging that they meet these public
13 benefits for climate change and helping out local water
14 sheds is very important to all of us that live and work
15 in the Sacramento Valley. Thank you.

16 COMMISSIONER DEL BOSQUE: Thank you,
17 Ms. Bailey.

18 MS. SHOEMAKER: Speaker Number 3 is
19 Tim Johnson.

20 TIM JOHNSON: Hello, members of the Commission
21 and Dave. Tim Johnson with California Rice Commission.
22 Our organization represents the state's rice farmers.
23 The majority of which are located in the Sacramento
24 Valley. We grow about 500,000 acres of rice a day -- or
25 a year and without drought. We also represent all the

1 state's rice marketers. So I'm here today to comment a
2 little bit on the project as a whole and specifically on
3 these regulations. And I'll refer you to comments of
4 what we have provided.

5 We are very supportive of Sites reservoir, as
6 you would expect. We think it is a unique project that
7 provides significant benefit to urban users of the
8 environment, certainly, and also to agriculture. We
9 can't afford any more delays for storage, as Nadine had
10 noted. With this improved rainfall, DWR has provided us
11 some day that we will be publishing, along with you all,
12 a 500,000 acre fee plus could have been stored inside the
13 reservoir just this operating year. We always think that
14 Sites is well researched, provides more benefit really
15 than any other new storage project that has likely to
16 come before this commission.

17 With regard to the draft regulations, and,
18 again, I would refer to comments made by the Northern
19 California Water Association, as well as the California
20 Rice Commission detailed comments, and also the detailed
21 written comments provided by the Sites GAPAs. I would
22 note that since David Guy was in charge of the NCWA/CRC
23 Comments, that may well have been those that came in
24 between that last ten minutes -- right between 4:50 and
25 5 o'clock. Those of you who know David, you know of

1 which I speak.

2 Really, a couple of things that we would focus
3 on in those comments. The first is that we think that
4 some of the regulations would unnecessarily delay funding
5 for partial -- all the project for several more years.
6 We have concerns about that. Especially for how the
7 funding for different elements is considered. We also
8 are concerned about the delays in some of the approval
9 process, right, all the projects have to be reviewed,
10 approved, and considered at the same time; significant
11 delay before any project can move forward. So I would
12 just like to conclude in saying thank you very much. I
13 would refer you to those comments. I think they're
14 well-thought -- or well-thought and also provide you the
15 technical detail for you, as a Board, and also for you as
16 a staff. The takeaway is we really think we need this
17 project. To move forward with all haste, we think that
18 the water commission would agree that we need additional
19 storage. We just would hate to see these regulations, as
20 well-intended as they are, to additionally delay that
21 project being considered and ultimately constructed.
22 Thank you very much.

23 COMMISSIONER DEL BOSQUE: Thanks, Tim.

24 MS. SHOEMAKER: Speaker Number 4 is David Guy.

25 TIM JOHNSON: I rest my case.

1 MS. SHOEMAKER: I guess we'll move on the
2 Speaker Number 5, Donald Brumfield.

3 DONALD BRUMFIELD: I want to thank the chairman
4 for saying that this hard to speak now to water storage.
5 So I want to just confirm a few things real quick. One
6 is that we can only manage the water that we get. God
7 gives us the water through evaporation. It comes really
8 fast. We get either rain, hail, sleet, or snow. And
9 once we capture that, now we can dispute it throughout
10 the year as we need it. We have something to manage. So
11 we can do all the data collecting. We've got to think --
12 move up and down with how we percolate in the system.
13 Some of the things that I think are really important. I
14 want to mention, again, this idea of taking the already
15 deeded bypass waste that we have that lets water, when
16 it's flooding, access down through canals and down
17 through the Fresno River, and this type of thing, and out
18 through the Delta. And we can put some Concord-Dams in
19 there. We can also run tubes down, put bullheaded at the
20 front end of those things, and run water down pipes that
21 we put off into casings -- well casings are perforated
22 and charge the aquifer. Anything they tell me that comes
23 from the east side going west, when it hits the drainage
24 system from the San Joaquin River does not cross that.
25 So you can take these systems and run pipe flies out into

1 the west side a little bit, and then drop it in the
2 ground. And now you have it where it belongs to
3 recharge. If we could recharge those systems, we can let
4 the farmers recirculate those because they have nitrates
5 in them. And we can take the surface water and we can
6 put that into the drinking water that we need. So I
7 think that the dams -- I want to sanction what he said --
8 I think those two dams are really important. Sites and
9 the tempest flat. I think you can move on that without
10 having all the other studies go. And then you have the
11 studies that the reporting to track that on these levels
12 that they say need to be sustained. So I just wanted to
13 get that to you. Thank you, again, for letting me come
14 and talk to you. I'd like to meet with some of you if I
15 could a little bit, go into a little more depth of how
16 that can happen, and how we can power that up to make it
17 work with the plants and things that are connected with
18 it.

19 COMMISSIONER DEL BOSQUE: Thank you.

20 MS. SHOEMAKER: Speaker Number 6 is Kyle Jones.

21 KYLE JONES: Good morning, again. Kyle Jones
22 of Sierra Club California. We submitted eight pages or
23 so of comments, so I'll just be brief today and bullet
24 point what we focused on. Throughout this regulatory
25 process, we were really concerned about whether or not

1 there would be a level playing field for all types of
2 projects. And that we hope that -- if you look at our
3 changes, we're trying to ensure that there's a an even
4 playing field that can recognize the need for more
5 groundwater storage in the state and the benefits that it
6 will provide. You know, I think, as noted, it would be
7 beneficial to work with forming GSAs now to see if we can
8 work on the time frames between SGMA and this process to
9 coordinate them and really see what better investments we
10 can get and what time they would need to form these
11 projects. \$2.7 billion is a significant chunk of public
12 funding. And, well, there's many calls to build
13 something now and build something shovel ready, I don't
14 think that that's how we should treat state investments.
15 We need to look at the science, the facts, and determine
16 what really is the best bang for the buck.

17 In these regulations, we also just want to make
18 sure there's a proper climate analysis to ensure the
19 benefits will continue for the life of the project and
20 that public funds aren't wasted and also to recognize
21 that the needs for consistency with the Governor's
22 Executive Order B-30-15 requiring a lifecycle analysis of
23 climate impacts for projects, as well as Assembly Bill
24 1482. We want to ensure that there's adequate public
25 oversight over the management and public benefits

1 throughout the application process and for the life of
2 the projects. And also ensure that there's consistency
3 with the water bond to prevent these projects from
4 satisfying -- from being used to satisfy existing
5 mitigation and compliance. Thank you.

6 COMMISSIONER DEL BOSQUE: Thank you, Kyle.

7 MS. SHOEMAKER: Speaker Number 7 is
8 Miriam Gordon.

9 MIRIAM GORDON: We have props. Thank you,
10 Commissioners, for the opportunity to comment. My name
11 is Miriam Gordon. I'm the California Director of Clean
12 Water Action. Over 1,300 of Clean Water Action's members
13 have written to let you know that they believe California
14 has enough dams and that you should be acknowledging the
15 elephant in the room on storage -- groundwater. And by
16 the way, 420 of those letters were handwritten letters by
17 people who took time out from their busy lives to write
18 to you. They were not form letters. There were more
19 than 1,400 dams, fueling 1,300 reservoirs in California,
20 every major river is dammed and some have two or more are
21 dams. Enough is enough.

22 State-borne policies favor projects like
23 groundwater recharge, conjunctive use, and sediment
24 removal projects. Specifically, the Water Code requires
25 special consideration be given to projects that support

1 the integration of multiple jurisdictions, like
2 integrated water and conjunctive use projects.
3 Furthermore, the California Water Action Plan is for
4 integrated water management and groundwater storage as
5 priorities for water management in the state. The draft
6 regulations currently discourage such projects in a few
7 ways.

8 First, by insisting on a single round of
9 funding. This decision was made by staff without a vote
10 taken by the Commissioners. Few groundwater projects
11 will be able to qualify this timeline because the GSAs
12 now being formed won't have time to generate the
13 necessary matching funds through their new fee authority
14 within the 2017 time frame.

15 As we have stated throughout the process, the
16 Commission should disburse the funds via multiple
17 solicitations. You could have as many as three rounds of
18 funding and still meet the 2022 deadline for encumbering
19 these funds. Another way the draft regs discourage
20 groundwater projects is their failure to provide guidance
21 on the methodologies for quantifying public benefit,
22 despite clear language in the bonds stating that the
23 regulations must do this. The commission has shifted the
24 burden to project proponents to develop methods for
25 quantifying public benefit and remove transparency in the

1 process. The Water Code also states that the regulations
2 must clearly identify how projects will be cost-effective
3 and ranked to provide the least cost alternative of
4 providing the maximum public benefits. The draft regs
5 are designed so that the Commission will fail to do this.
6 Groundwater storage provides significant benefits at a
7 much lower cost than surface water. According to
8 Stanford University, dams and reservoirs cost six times
9 as much as groundwater projects to build. The 2.7
10 billion in Chapter 8 funds could provide of 8.4 million
11 acre-feet of groundwater storage, compared to just 1.4
12 million acre-feet of surface water storage; Sites, the
13 most viable surface water project for funding, alone
14 could use up the entire amount of the money set aside in
15 Chapter 8 and deliver a municipal acre-feet.

16 Finally, to conclude with a revised set of
17 regulations that allow multiple rounds of funding so
18 groundwater projects identified in the SGMA process could
19 qualify. With clear guidance as to how to quantify
20 public benefits and how to measure cost-effectiveness,
21 the Commission could enable much higher yield of water
22 projects at much lower costs to the public. Thank you.

23 COMMISSIONER DEL BOSQUE: Thank you.

24 MS. SHOEMAKER: Speaker Number 8 is Adam Robin.

25 ADAM ROBIN: Good morning, Commissioners. And

1 welcome, Commissioner Baker. My name is Adam Robin. I'm
2 with the Association of California Water Agencies, and we
3 appreciate this opportunity to comment on the draft of
4 Quantification Regulations for the Water Storage
5 Investment Program.

6 Upward of those 434 public water agencies that
7 collectively supply approximately 90 percent of the water
8 that's delivered in the state of California for
9 agriculture, industrial, and municipal uses, our
10 organization actively participated in the development of
11 Proposition 1 and advocated for the inclusion of
12 \$2.7 billion for the public benefits of water storage
13 projects that improved the operation of the state's water
14 system, are cost-effective, and provided net improvement
15 in ecosystem in water quality conditions.

16 I'm going to briefly provide some highlights in
17 this testimony of the detailed written comments which we
18 submitted to the staff already. As you know, Chapter 8
19 sets the stage for the most significant investment in
20 California water storage in a half-century. And while
21 the Commission has been charged with the critical task of
22 overseeing the investment bond funds consistent with
23 Chapter 8, it's critical to note, as already has been
24 this morning, that any project that will be funded in
25 part through the program must also secure substantial

1 local and regional funding and support in order to
2 advance. Accordingly, as the Commission advances for
3 timely adoption of all required regulations, we believe
4 that the focus should be on twin objectives of ensuring
5 compliance with the requirements of Chapter 8 and of
6 providing a workable framework for projects for funds to
7 utilize when presenting the public benefits to their
8 project for potential funding.

9 With those objectives in mind, we propose a
10 number of suggested amendments to the draft regulations
11 in our detailed comment letter which can be broken into
12 three general categories: First, we provided suggested
13 amendments to selective provisions of Section 6002 and
14 6003 of the regulations which would ensure that the
15 Commission's application, selection, and funding
16 processes include clear and achievable requirements and
17 timelines that are consistent with Chapter 8. Secondly,
18 we've also provided suggested amendments to provisions in
19 Section 6004 that are related to climate change analysis.

20 State law requires, and the Commission project
21 proponents to the public, have shared interest in
22 ensuring that the Water Storage Investment Program fund
23 storage projects that provide a -- resilient public
24 benefits under a wide range of future climate conditions.
25 Our suggested amendments are intended to ensure that the

1 Commission and project proponents can account for the
2 changing state of the best available science when
3 preparing their applications as required under
4 Proposition 1, as well as account for the need for
5 flexible and adaptable approaches for the cross-sectors
6 when preparing for an uncertain future.

7 Third and finally, we've identified various
8 revisions which are intended to ensure that the
9 Commission retains the maximum allowable flexibility of
10 the types of project costs that are fundable of the time
11 in which those funds are made available with projects.
12 By preserving the Commissions to stress on these
13 important points, we feel that you will be able to
14 maximize the return on your investments in public
15 benefits.

16 In closing, I'll just note that we actively
17 participated on all elements of the public process to
18 date on this program including the Stakeholder Advisory
19 Committee. We actively -- I'm sorry. We very much
20 appreciate the attention of the Commissioner staff has
21 paid various issues here including the resolution that's
22 been reached on the critical points. We stand ready to
23 continue working with you as we move forward with the
24 process. Thank you.

25 COMMISSIONER DEL BOSQUE: Thank you, Adam.

1 MS. SHOEMAKER: Speaker is Steve Rothert.

2 STEVE ROTHERT: Good afternoon, Commissioners
3 Thanks for the opportunity to provide these comments. I
4 just want to highlight three points from the comments
5 that American Rivers joined with a number of other
6 conservations groups in submitting just on Monday, and I
7 also want to say that I support the comments submitted by
8 the Natural Resources Defense Council and Defenders of
9 Wildlife, I think, last Friday.

10 First, the statute claiming requires -- or
11 prohibits, rather, funding for existing environmental
12 compliance and mitigation requirements, yet the Chapter 8
13 draft regulations are a little bit unclear on that and
14 actually would allow for the funding of existing
15 environmental compliance and mitigation. So we have
16 asked that those changes be made to prohibit that
17 funding -- the use of that funding. The statute requires
18 funds go to the net benefits to support the net benefits
19 project, but the draft regulations are not clear in
20 pointing that out. There are a number of places that
21 need to be revised to ensure that only the net benefits
22 of projects are eligible for funding and that the
23 negative impacts to the environment are accounted for in
24 quantification of benefits.

25 The third is that the climate change

1 regulations addressing the climate change don't make
2 sense. The climate change consideration is held at 2050,
3 whereas the project life and the benefits are supposed to
4 run to 2099. And to accurately understand the quantified
5 benefits the quantified benefits of projects, the climate
6 change consideration should run coterminous with elective
7 projects. We either run those out to 2099 as existing
8 modeling that is available to the Commission and staff,
9 provides information for, or shorten the life of the
10 projects to 2050 where the climate change consideration
11 is stopped.

12 Those are the three things I wanted to bring up
13 and thank you for consideration of the rest of the
14 comments. Thank you.

15 COMMISSIONER DEL BOSQUE: Thank you.

16 MS. SHOEMAKER: Speaker Number 10 is
17 Jason Gianquinto.

18 JASON GIANQUINTO: Good morning. I'll be
19 brief. First off, I want to, like I say, make sure that
20 we get our records endorsed with counsel, Mr. Jim Watson.
21 Besides, I think he made some really good comments.
22 We've also submitted a more detailed comment letter and
23 endorsed the ACWA comment letter.

24 Today, specifically, I want to address 6007,
25 paragraph (e). And what's concerning here is that -- the

1 note regarding conditions precedent for rescinding
2 program funding. On this, we would like to seek
3 additional clarification regulations what would those
4 conditions be. And we want to make sure that is not an
5 inappropriate guarantee by a public agency for things
6 outside of its control. As a project proponent -- or a
7 potential project proponent -- we can only do certain
8 things. We can identify the project. We can come up
9 with our best estimation of future project benefits. But
10 we don't control hydrology, and we don't control future
11 regulations and, therefore, I like to see additional
12 clarification for that one section.

13 COMMISSIONER DANIELS: I'm sorry. Could you
14 state the section again?

15 JASON GIANQUINTO: 6007(e), it's actually the
16 last sentence of the regulation.

17 COMMISSIONER CURTIN: 6000?

18 JASON GIANQUINTO: 6007. Actually, the last
19 sentence talks about the funding agreement shall also
20 describe the conditions under which the commission may
21 rescind the program funding if the project does not
22 provide the identified public benefits. As a project
23 proponent, we provide infrastructure, flexibility,
24 opportunity to integrate with the systems, but I can't
25 guarantee an uncertain future. So I just want to make

1 sure that's on the record. Thank you.

2 COMMISSIONER DEL BOSQUE: Thank you.

3 MS. SHOEMAKER: Speaker Number 11 is
4 Danny Merkley.

5 DANNY MERKLEY: Thank you, again.

6 Danny Merkley representing California Farm Bureau. I'd
7 like to, first of all, thank you and thank staff for a
8 very deliberate, open, and transparent process over the
9 last year or so with the Stakeholder Advisory Group.
10 There was good representation there from all
11 stakeholders.

12 So many of the things we're looking at here
13 were not created in a vacuum or created by staff alone.
14 I would like to say, you know, I haven't been working on
15 this as long as some people have, but I have been working
16 on this a little over nine years. So let me summarize it
17 in -- commit it to the 20 seconds. And we feel that this
18 is a very good down payment -- this bond is a very, very
19 good down payment to get us started in upgrading our
20 infrastructure. Not only for new storage, whether it's
21 surface water storage, groundwater storage, but also for
22 drinking water issues that we're facing and many other
23 things that are in that bond. The voters made it very
24 clear that they wanted this moving. It was
25 overwhelmingly approved by the voters. These dollars

1 need to get out. They need to get out for these
2 projects. It's a shame we don't have some of these
3 things in place today.

4 Just speak very briefly to the difference
5 between groundwater and surface water by just painting
6 you a very quick little picture. And if you don't drink
7 coffee, I apologize, but maybe the picture will still
8 resonate. Take your coffee pot, fill it up, and dump it
9 as quick as you can into the sink. Fill it up again and
10 dump it as quick as you can into the coffee filter full
11 of coffee grounds and see what happens. That's why new
12 surface storage strategically located is so important for
13 us to be able to recharge our groundwater basins in the
14 state. So groundwater is good. Surface water storage is
15 very necessary to help that.

16 Let me close by mentioning section -- get your
17 pencil, Mr. Curtin -- 79753(b). This addresses the
18 funding mitigation measures in connection with public
19 benefits. It's been mentioned a little bit earlier. We
20 believe that that is very clear -- the languages is very
21 clear. We believe the draft regs got it right. And it
22 was very much a significant topic of discussion during
23 the Water Storage Investment Program Stakeholder Advisory
24 Committee meetings. So that is, again, something that
25 has been very thoroughly vetted, and we would hope that

1 you respect that. Thank you.

2 COMMISSIONER DEL BOSQUE: Thank you, Danny.

3 MS. SHOEMAKER: Speaker Number 12 is
4 Juliet Christian-Smith.

5 JULIET CHRISTIAN-SMITH: Hello, again. Right
6 now, there should be a letter coming around to all of
7 you. I just wanted to point out that over 4,200 letters
8 were sent in for -- from folks who were not writing in
9 about their self-interests, project, locally, or any kind
10 of local benefit, but just because they care that we get
11 the science right on this. And over 400 of those letters
12 were unique, and since they took the time to write
13 individual letters to you, I thought I'd share a couple
14 of their comments.

15 Karen Tracey from Joshua Tree said, "Create a
16 system using our money that will be responsible and
17 resilient into the future when my grandchildren will need
18 that storage capacity." Michael Butler from Clayton
19 said, "Please only fund those projects that ensure
20 California has a water storage system that does not rely
21 on luck past 2050. Use climate science to protect our
22 grandchildren and their children."

23 And you can see that there's a common thread
24 through many of these comments that people -- when they
25 talked -- added their own sentiments about their children

1 and their grandchildren. Because when we're talking
2 about a lot of these projects, we're talking about
3 something -- is it really going to come online for a
4 decade or two? And surface storage space, maybe five or
5 ten years and other cases -- but it's going to be living
6 on beyond probably all of us in this room. And so we
7 really feel like it's important to get the climate
8 science right. And saying that climate impacts stop at
9 2050, just on its face, doesn't make any sense.

10 We work with a lot of the state's leading
11 climate scientists, and the letter that was just
12 distributed to you was from them. We shared with them
13 the Water Storage Investment Program draft guidelines,
14 and the letter comes to several conclusions. Basically,
15 that the draft regulations artificially truncate climate
16 impacts at mid-century while allowing projects to have
17 lifetimes that could be much longer. And that climate
18 projections must match project lifetimes in order to be
19 scientifically justifiable and defensible.

20 I just want to note that this is signed by
21 Hilda Blanco, the director of Center For Sustainable
22 Cities at the University of Southern California Price
23 School; Dick Norgaard, professor emeritus at UC Berkley;
24 Alex Hall, who actually runs a lot of the downtown
25 climate projections for California Energy Commission,

1 he's a professor at Department of Atmospheric of Oceanic
2 Sciences at UCLA; Peter Moyle, who you might know due to
3 his fish work, Department of Wildlife Fish Conservation
4 Biology and Center for Watershed Scientists here at
5 UC Davis; Gary Griggs, director of the Institute of
6 Marine Sciences at UC Santa Cruz; Matt Kondolf, professor
7 of Environmental Planning -- Landscape Architecture and
8 Environmental Planning, UC Berkeley; Max Moritz, he's an
9 associate of Cooperative Essentials specialist out of
10 Santa Barbara County; David Purkey, US Water Group leader
11 of the Stockholm Environment Institute in Davis; and
12 myself. Thanks.

13 COMMISSIONER DEL BOSQUE: Thank you.

14 MS. SHOEMAKER: Speaker Number 13 is
15 Michelle Denning.

16 MICHELLE DENNING: Good afternoon. Thank you
17 for giving us the opportunity to provide comments at this
18 hearing. I submitted comments on behalf of the Bureau of
19 Reclamation back in December. They were fairly detailed
20 but with the focus on trying to bring the federal process
21 and state process together and also to encourage the use
22 of existing information for projects that have been doing
23 their studies and due diligence even before the bond was
24 passed.

25 I want to share with you -- I had mentioned

1 awhile back that reclamation and Department of Water
2 Resources were working on a joint Sacramento and San
3 Joaquin river water basin climate study. It was released
4 yesterday, and I brought a copy for you. I would
5 encourage -- and particularly with the recommendation to
6 maybe for some projects to use this -- a qualitative
7 discussion of this risk; that this study could form the
8 basis for such a qualitative discussion to use this. It
9 would bring some unity across the topic for the projects,
10 and it goes much later into the 21st century than 2050.
11 So hopefully, that will be with helpful.

12 I'd -- also having been through a couple of the
13 federal feasibility studies, one of our struggles is
14 financial feasibility financial capability of your
15 project partners. You'll be relying on others to carry
16 the weight of the project, particularly since operations
17 and management funding does not come along with the
18 construction funding. And that has been a challenge for
19 us in determining the financial capabilities of the
20 partners. So the regulations are not robust in that
21 area, and it might be something to think about it.

22 And also, again, about the value judgments.
23 You're going to have a lot of data, a lot of
24 information -- well-done -- and then what? There's going
25 to be value judgments made, and it would be good to be

1 thinking about how you're going to weigh and balance when
2 you have more really good projects than you could
3 possibly fund. So, again, I would encourage you not to
4 require a lot of rework just because it would cost a lot
5 of money and might affect applications. So I will give
6 this to Jenny. Thank you.

7 COMMISSIONER DEL BOSQUE: Thank you.

8 MS. SHOEMAKER: Speaker Number 14 is
9 Doug Obegi.

10 DOUG OBEGI: Good afternoon, Commissioners and
11 staff, and welcome, Commissioner Baker. I'm Doug Obegi
12 with the Natural Resource Defense Council. As you know
13 NRDC and the environmental community -- many in the
14 environmental community supported Proposition 1, and we
15 helped work to get it enacted because we believe that
16 storage, both surface and groundwater, can play an
17 important role in helping to protect and restore our
18 environment and improve water supply.

19 That said, we did submit detailed comments. I
20 don't think you'll see any surprises in our comments.
21 These are many issues, some of which are on the list of
22 workshop topics, a couple others that we hope will be a
23 part of that workshop discussion. Because I think
24 getting these regulations right is critically important,
25 and I would hate to see us go through this process, get

1 the regulations rejected by OAL, and have to redo this as
2 we've done in the past. It's really, really -- of time
3 and resources for all of us.

4 So in that spirit, there were five issues that
5 we focused on in our comments. One is on funding for
6 existing mitigation and compliance obligations. We
7 believe that Proposition 1 clearly prohibits doing so,
8 and unfortunately, the regulations as drafted are not
9 consistent with that mandate. And that effectively means
10 that the public is paying for obligations of others
11 rather than they paying for their own obligations.

12 Second is quantifying net benefits as the
13 section requires. In section 6004 and several subparts,
14 the quantification of -- looks at the quantification of
15 benefits, but fails to adequately account for the
16 negative impacts of storage. As we know, storage
17 projects are going to have both positive and negative
18 impacts on ecosystems, and we need to make sure that
19 we're getting an actual accounting of those negative
20 impacts when we quantify the benefits so that we're
21 paying for really what those net improvements are as the
22 statute requires. Third is cost-effectiveness and paying
23 for the least cost alternative. I think the way that the
24 regulations are written right now really does a bit
25 of a -- it's very confusing. I think really what we want

1 to make sure is that we're paying for projects that are
2 cost-effective and that we're paying for the least
3 cost-alternative. If putting a temperature control
4 device on an existing dam can provide the same public
5 benefits a fraction of the cost of a new dam in terms of
6 ecosystem benefit, we should be limiting what the public
7 is paying for to the cost of that temperature control
8 device. It's simple sound economic theory. Fourth, I
9 make sure -- I wrote these down so I that don't have my
10 2012 presidential nomination moment -- is climate change
11 and making sure that we accurately account for the
12 effects of climate change through the life of that
13 project. We can't freeze the effects of climate change
14 when we have data running out past 2050. One idea is to
15 actually limit the scope of the period for the projects
16 to 2050 or 50 years, and we think that actually has a
17 better level playing field for both groundwater and
18 surface storage. And finally on managing public
19 benefits, we believe that there is a lot more detail that
20 needs to go in in terms of how you revise the contracts
21 and the public's role. Thank you.

22 COMMISSIONER DEL BOSQUE: Thank you.

23 MS. SHOEMAKER: Speaker Number 15 is
24 Marguerite Patil.

25 MARGUERITE PATIL: Good afternoon,

1 Commissioners, and welcome to our newest commissioner.
2 Good to see you. I'm Marguerite Patil with Contra Costa
3 Water District. We're the project proponent for the Los
4 Vaqueros Reservoir Expansion Project, which is one of
5 CALFED surface storage projects. We've already submitted
6 comments. I won't repeat those here. But I did identify
7 a few items I wanted to mention.

8 First off, the benefit of going near the end,
9 as you can say, I agree with Jim Watson from the Sites
10 JPA, Adam Robin from ACWA, and Jason Gianquinto from
11 Semitropic. I think their comments were right on target.

12 A few really -- these are much more minor
13 issues, since my colleagues, I think, raised really
14 excellent points. I really appreciate that you included
15 the idea of an executive summary with the application. I
16 think that's fantastic; however, I would like to request
17 you consider allowing maybe up to ten pages. We're doing
18 the concept paper right now, which is limited to four
19 pages, and finding it very difficult to include even that
20 level of information. So having ten pages would allow us
21 to give, I think, better summary, graphic, maps, things
22 that -- let's just say, if a member of the public if this
23 is the only thing they see, it would be nice to even
24 complete the story even at a high level.

25 Next item is no issue with providing

1 documentation of bilateral communications as long as
2 those are public records. I just want to caution you,
3 given the types of correspondence you're asking for when
4 you're in conflict with say a landowner of some other
5 water user, some of this may be protected by
6 attorney-client privilege or confidentially agreement.
7 So as long as it can be clear that this is limited to
8 public records, I think that's fine.

9 And just last off, thank you for all of your
10 work and the staffs work. They're doing an excellent job
11 on it. I just want to recognize staff, and looking
12 forward to the workshop. Thank you.

13 COMMISSIONER DEL BOSQUE: Thank you.

14 MS. SHOEMAKER: Speaker Number 16 is
15 Jennifer Clary. And that is the final comment card I
16 have for this item.

17 COMMISSIONER CURTIN: Can we have a rule that
18 Jennifer must sit on the end?

19 JENNIFER CLARY: I'll make it up by only
20 speaking for two minutes.

21 Jennifer Clary, Clean Water Action. I'm
22 passing around some documents. The first one is a copy
23 of the letter that we submitted for multiple environment
24 groups, and they're -- it's already kind of switched.
25 You can just take a bundle and pass it on. I just wanted

1 you to get a copy of that letter because it took me
2 forever to get all those logos on it, so -- and it also
3 summarizes a lot of the issues that my colleagues have
4 brought up.

5 The second item is an item that I submitted in
6 December discussing the legality of multiple
7 solicitations around this proposition. I wanted to be
8 sure it was submitted for the record.

9 And the third item is you guys are so nice to
10 approve language around the human right to water, but
11 last month the State Water Board adopted a human right to
12 water resolution, and they've changed how they're going
13 to be tracking small water systems that don't have
14 adequate drinking water. They're going to create a human
15 right to water web page. So I'm suggesting some more
16 generic language for that section, and I haven't
17 submitted that before. So that's new, and I'll submit it
18 electrically to staff as well.

19 And I agreed with everything my director said,
20 as you know, I really want you to fund groundwater with
21 this. You could wait until January -- December 31st,
22 2021 to obligate groundwater funding. It would still be
23 online before your dam's online. So if you want a quick
24 bang for your buck, you need to fund those groundwater
25 projects. Thanks.

1 COMMISSIONER DEL BOSQUE: Thank you, Jennifer.

2 JENNIFER CLARY: A minute and a half.

3 COMMISSIONER DEL BOSQUE: Very good. Is that
4 all the comments? That's it. Okay. Shall we go to
5 Item 9?

6 MS. LANDIS: We can do that -- I would like to
7 see if we could get some lead from the Commission on the
8 minor changes that Jenny walked through earlier and if
9 there's any guide for us to go ahead and make those
10 changes to the regulations?

11 COMMISSIONER DANIELS: Sorry. I don't feel
12 that I can. I just saw them. So it's a little hard for
13 me to consider them. So I don't think I can provide any
14 direction. And for me, it's always better to see the
15 actual language and then to see it in context of other
16 changes that might be made.

17 MS. LANDIS: Okay. We are anticipating that
18 workshop first week in April.

19 COMMISSIONER QUINTERO: Is there a date?

20 MS. LANDIS: No. We're still waiting between
21 April 6, 7, and 8.

22 COMMISSIONER ORTH: Would it be appropriate --
23 I mean, I appreciate, as I heard the presentation from
24 staff, nothing jumped out at me as issues that we
25 shouldn't direct them to develop language for -- continue

1 to develop language for and bring back into the workshop.
2 I think it's difficult for us to -- I think -- I think
3 it's unclear what you are asking for, frankly. If you're
4 asking for us to agree to amendments to regs that we
5 haven't seen amendments for, then I appreciate the
6 difficulty and reluctance. On the other hand, if you're
7 asking us for a signal that, you know, those areas are
8 areas that could be defined with some clarity, I'm
9 willing to say, yes. I think every one of those
10 suggested -- changes align with a good direction. So --

11 COMMISSIONER QUINTERO: So it will be -- what
12 you are saying, David, they'll be included with the
13 workshop when we go to the workshop; is that right?

14 COMMISSIONER ORTH: Right.

15 MS. LANDIS: That's helpful. Thank you.

16 COMMISSIONER DANIELS: I'd like to hold my
17 comments until then.

18 (Ending time: 12:26 P.M.)

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