

Meeting Minutes - Draft

Meeting of the California Water Commission

Wednesday, March 16, 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 9:32 a.m. Before roll call, Commission Vice-Chair Joe Del Bosque introduced Carol Baker, who was appointed to the Commission on March 11.

2. Roll Call

Executive Officer Paula J. Landis called roll. Commission members Carol Baker, Daniel Curtin, Paula Daniels, Joe Del Bosque, Maria Herrera, David Orth, and Armando Quintero were present, constituting a quorum. Commission members Andy Ball and Joe Byrne were absent.

3. Approval of February 2016 Meeting Minutes

A motion was made to approve the February 17, 2016 minutes. A vote was taken and the motion passed unanimously.

4. Executive Officer's Report

On February 24, Commission and Department of Water Resources (DWR) staff, joined by Commissioners Orth and Herrera, attended a Tribal roundtable discussion on the Water Storage Investment Program (WSIP) in Jackson, CA. On March 2, Chris Orrock joined Commission staff as a full-time Information Officer for the Commission. Mr. Orrock is a welcome addition to the Commission staff.

Commissioner Curtin and Ms. Landis attended an event at the San Joaquin Valley Water Infrastructure Authority where they gave a briefing on the WSIP.

5. Commission Member Reports

Commissioner Quintero gave a presentation at the annual meeting of the California Agricultural Council, and Commissioner Orth gave a presentation at the American Pistachio Growers' Conference on February 18. Commissioner Daniels attended the Water Education for Latino Leaders conference on March 4.

6. Public Testimony

There were no public comments at this time.

7. Sustainable Groundwater Management Act Implementation: Update on Draft Final Groundwater Sustainability Plan Regulations and Public Comment Received

DWR staff updated the Commission on the implementation of the Sustainable Groundwater Management Act (SGMA). They began with an informational update on formation of Groundwater Sustainability Agencies (GSAs). As of March 11, DWR has received sixty-nine

separate (GSA) formation notices. Forty-four of those GSAs have overlapping boundaries that local agencies will need to reconcile by June 30, 2017. The State Water Resources Control Board will only intervene if the overlapping areas are not reconciled by that deadline.

On February 18, DWR released the draft Groundwater Sustainability Plan (GSP)/Alternative Emergency Regulations. This began a public comment period, which will end April 1. Five written comments have been received to date. DWR is conducting outreach through statewide public meetings, legislative oversight hearings, stakeholder advisory group meetings, and a webinar in order to maximize opportunities for members of the public to make comments. Several comments identify specific sections of the regulations as unclear. Other comments stated DWR's definition of substantial compliance was vague and made it difficult for local agencies to self-monitor their progress. Several comments expressed concern about role of a "coordinating agency." Other comments supported the substantial compliance approach and expressed interest in further defining undesirable results, minimum thresholds, and measurable objectives.

Meeting SGMA's requirement of statewide sustainability by 2040 will require a series of ongoing and incremental improvements starting as soon as possible. DWR is currently developing a best management practices document and statewide data sets that will assist local agencies as they develop and define their standards for minimum thresholds and significant and unreasonable impacts. Staff discussed some of the methods for measuring and defining measurable objectives and minimum thresholds. Although the regulation allows for local flexibility, it is crucial for GSAs to use a standardized measuring system throughout the state in order to objectively assess impacts from basin to basin.

Staff provided some examples of undesirable results, metrics, and effective existing management practices. A Commission member asked if DWR is offering guidance or baselines to GSAs as they develop their standards. Staff answered that some universal standards; however, some critical parameters, such as overdraft levels, cannot be universally dictated because these factors are unique from basin to basin. Staff discussed the GSP evaluation process and the requirements for coordination among GSAs. A Commission member noted that it is important for GSAs to remember the SGMA timeline and the WSIP solicitation deadlines if they intend to submit applications for WSIP funding.

The Commission took public comments. A representative from Clean Water Action stated that the GSP evaluation criteria needs to be more clearly defined. A representative from the Educational Water Usage Association distributed his comprehensive plan that covered water storage, groundwater, and alternative sources of water. A representative from the Sierra Club stated that minimum thresholds should be based on a representative average precipitation year. He also stated that the regulations should better define significant and unreasonable impacts to allow members of the public to more easily understand the contents of GSPs. A representative of the Wheeler Institute for Water Law and Policy at Berkeley Law stated that designing robust GSAs is one of the most important things that local entities can do to achieve sustainability. He

presented his report on GSA formation and governance to the Commission. A representative from the California Farm Bureau Federation stated that they support local flexibility but also believe that statewide and federal standards should be employed when possible. A representative from the Union of Concerned Scientists agreed that greater specificity is needed in the compliance and evaluation criteria, adding that all basins must be held to consistent standards because each basin's ability to achieve sustainability is impacted by neighboring basins.

8. Public Hearing on Regulations Regarding the Water Storage Investment Program and Commission Guidance to Staff on Proposed 15-day Changes to the Regulation

In order to capture complete testimony given during the public hearing portion of the agenda, a court reporter transcribed the proceedings. A transcript of the hearing has been posted at https://cwc.ca.gov/Documents/2016/03_March/March2016WSIPHearingTranscript.pdf

Ms. Landis opened the public hearing by presenting a brief overview of the WSIP. The public hearing marks the close of the 45-day public comment period on the draft WSIP quantification regulations. Comments received during the public hearing will become part of the official record and be addressed in the Final Statement of Reasons.

Staff briefly summarized the comments received during the 45-day comment period and presented a series of proposed minor changes to the draft regulations. The minor changes were created in response to input received at the previous Commission meeting and did not reflect any suggestions made during the 45-day comment period. The Commission chose to wait to approve the minor changes until they had more time to review them. There will be a discussion of those changes at a later date.

The formal hearing was opened. There were 15 speakers representing project applicants, habitat and farming coalitions, environmental and conservation groups, Non-Governmental Organizations, and members of the public. Complete public testimony can be reviewed in [hearing transcript](#).

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

At the next meeting DWR staff will present the remaining comments received on the Draft GSP Regulations. Commission staff will present an update on program and administrative activities for the WSIP and a briefing on WSIP concept papers. The meeting is scheduled for April 20, and if necessary, may carry over into the next day.

The meeting adjourned at 12:28 p.m.