Meeting Minutes

Meeting of the California Water Commission
Wednesday, June 21, 2017
State of California, Resources Building
1416 Ninth Street, First Floor Auditorium
Sacramento, CA 95814
Beginning at 9:30 a.m.

1. **Call to Order**
   Chairman Quintero called the meeting to order at 9:32 a.m.

2. **Roll Call**
   Executive Officer Joe Yun called roll. Commission members Carol Baker, Andy Ball, Joe Byrne, Maria Herrera, Cathy Keig, Dave Orth, and Armando Quintero were present, constituting a quorum. Commission member Byrne participated by phone. Commission member Joe Del Bosque was absent.

3. **Approval of May 2017 Meeting Minutes**
   Commission member Keig moved to approve the May 18, 2017 meeting minutes. All members present voted to approve the minutes.

4. **Executive Officer’s Report**
   Mr. Yun reported that staff is still working to fill the Commission’s vacant Executive Secretary position.

5. **Commission Member Reports**
   Commissioner Orth and Mr. Yun met with the General Manager of the Water Replenishment District of Southern California to discuss the general purposes and programs of the district.

6. **Public Testimony**
   Michael Hurley, Water Resources Manager for the California Water Service Company, expressed support for the Sites Reservoir.

7. **Update on Water Storage Investment Program (WSIP)**
   *This item was taken out of order.*
   Hoa Ly, WSIP Program Manager, updated the Commission on staff activities related to the WSIP. Staff hosted the third WSIP application assistance webinar which addressed monetizing ecosystem benefits. Approximately 40 people participated in the webinar. Staff is continuing to meet with and answer questions for potential applicants and is also...
continuing to prepare for the application review process. Staff posted updated
Frequently Asked Questions and Application Instructions on the Commission’s website.

Commissioner Orth asked when staff will brief the Commission on the application
review process. Mr. Yun stated that staff intends to brief the Commission on the WSIP
process during upcoming Commission meetings.

The Commission took public comments. Jim Watson, General Manager of the Sites
Project Authority, said it would be helpful for applicants to better understand the
application review process, particularly if the Commission chooses to visit the sites of
proposed projects. Marguerite Patil, Special Assistant to the General Manager of Contra
Costa Water District, agreed with Mr. Watson’s comments and supported having
applicants present their projects during public meetings. Mario Santoyo, Executive
Director of the San Joaquin Valley Water Infrastructure Authority, supported Mr.
Watson’s and Ms. Patil’s comments.

7. Presentation of ACWA Scholarship Recipient’s Winning Essay

This item was taken out of order.

Lauren Hartogh, a recent graduate of Rancho Cucamonga High School, presented the
essay she submitted to win a scholarship from the Rancho Cucamonga Water District,
which was also read during the opening session of the Association of California Water
Agencies (ACWA) 2017 Spring Conference. Ms. Hartogh’s essay addresses the
importance of clean water and her appreciation for clean, abundant water after moving
from South Africa to California. Ms. Hartogh hopes to one day help bring clean water to
people throughout the world.

The Commission thanked Ms. Hartogh for her thoughtful essay, praised its universal
message, and discussed how some communities in California do not have clean and
affordable water.

9. Briefing on State Water Project

Tracy Pettit-Polhemus, Supervising Engineer with DWR’s State Water Project (SWP)
Operations Control Office, provided an overview of the SWP. The SWP system begins at
Lake Oroville in the north and extends to Lake Perris in the south, with several
extensions that serve communities in coastal regions. Approximately 70% of SWP water
supply goes to urban water suppliers and the remaining 30% goes to agricultural water
suppliers. Water supply and flood control are the primary purposes of the SWP, but it
also provides benefits related to fish and wildlife mitigation and enhancement, Delta
water quality and outflow, power generation, and recreation. There are a variety of
operating agreements and standards that govern how DWR operates the SWP. These
include standards set by the U.S. Army Corps of Engineers, the Federal Energy
Regulatory Commission, and both State and Federal fish and wildlife agencies. In order
to meet all the required standards DWR can adjust flows from its reservoirs, the amount
of water being pumped from the Delta, and operation of the Delta Cross Channel Gates.
DWR uses a network of gauges and models that measure and predict Delta conditions to
make decisions about SWP operations. Many variables, such as inflow and tidal conditions, affect conditions in the Delta.

Ms. Pettit-Polhemus discussed the SWP water allocation process and operational challenges. The SWP is contracted to deliver approximately 4.2 million acre-feet of water annually, but contractors typically receive a partial allocation of their contracted amounts. DWR’s allocations are updated monthly based on hydrology, storage conditions, demands, and environmental constraints. Operational challenges include hydrologic uncertainty and variability, competing project objectives, and conflicting standards.

Commissioner Orth noted that the presentation provided context for the Commission’s upcoming task of evaluating the public benefits of proposed projects under the WSIP and suggested that the Commission receive a similar briefing on the Central Valley Project.

The Commission took public comments. Marguerite Patil, with Contra Costa Water District, noted that the presentation was useful for project proponents as they will need to address coordination with the SWP.

10. Action Item: Consideration of Ex Parte Communication Policy

Jennifer Ruffolo, the Commission’s Assistant Executive Officer, provided a summary of options for ex parte communications and site visits related to the WSIP. The purpose of adopting a policy for ex parte communication policy and site visits is to maintain fairness and transparency throughout the decision-making process for the WSIP. Staff proposed that the Commission continue their current practice of allowing and disclosing ex parte communications and meetings with potential applicants until applications are submitted. Once applications are submitted and pending before the Commission, staff proposed that the Commission only act as a body and therefore not engage in ex parte communications related to WSIP applications.

The Commission may choose to engage in a program of site visits or invite applicants to present their projects at Commission meetings. The Commission should consider how information obtained during site visits or applicant presentations will be used. The process the Commission chooses must be consistent with the WSIP regulations governing the application review. If the Commission chooses to conduct site visits they would be conducted as public meetings.

Commissioner Curtin asked what constitutes an ex parte communication and Ms. Ruffolo replied that this policy will apply to any communications regarding specific WSIP applications. Commissioner Byrne requested that the draft policy be updated to reflect that specificity. Commissioner Baker pointed out that the draft policy included the Commission determining the consequences, possibly including recusal, of engaging in prohibited communications during the application review period until the Maximum Conditional Eligibility determinations, but not between the Maximum Conditional...
Eligibility determinations and the final awards. Commissioners Ball and Baker suggested that the language regarding consequences should be included for both phases, so the same provisions apply to the entire period between the end of the application period and the final awards. The Commission did not make a decision regarding whether or not to conduct site visits, but will make a decision at a future public meeting.

The Commission took public comments. Jim Watson, with the Sites Project Authority, stated that it is important for the Commission to visit the sites of large projects and requested clarification regarding the Commission’s ability to conduct site visits before applications are received. Mr. Yun replied that the Commission can accept site visit and meeting requests before applications are received, but should notify staff and disclose those activities publicly.

Mr. Yun summarized the proposed changes to the draft policy: clarify that the policy is limited to communications regarding WSIP applications and ensure that the same provisions apply from the end of the application period through the final award. Commissioner Ball moved to adopt the *ex parte* communication policy pending those changes. All members present voted to adopt the policy.

11. Consideration of Items for Next California Water Commission Meeting
   The next California Water Commission meeting was planned for Wednesday, July 19. That meeting was subsequently cancelled.

12. Adjourn
   The meeting was adjourned at 11:11 a.m.