



Meeting Minutes

Meeting of the California Water Commission
Wednesday, February 20, 2019
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 9:30 a.m.

2. Roll Call

Executive Secretary Kimberly Muljat called the roll. Commission members Carol Baker, Andy Ball, Danny Curtin, Maria Herrera, Cathy Keig, and Armando Quintero were present, constituting a quorum. Commission member Joe Del Bosque arrived during agenda item 9. Commission member Joe Byrne was absent.

3. Closed Session

The Commission did not hold a closed session.

4. Approval of January 16, 2019 Meeting Minutes

Commissioner Baker moved to approve the January 16, 2019 meeting minutes. All Commissioners present voted in favor.

5. Executive Officer's Report

Executive Officer Joe Yun reported that staff is working on the Commission's Strategic Plan and will conduct a follow up meeting with the Director of the Department of Water Resources (DWR) to define the Commission's relationship with DWR.

6. Commission Member Reports

There were no Commission member reports.

7. Public Testimony

Morning Star Gali, with Save California Salmon, expressed several areas of concern with the Sites Reservoir Project in the Water Storage Investment Program (WSIP). Ms. Gali believes there are issues with the process, including the environmental documents for the Sites project, which she felt should be recirculated, and the meeting on February 15, 2019, between the Commission staff, State Agency staff, and Sites JPA representatives. She commented that Save California

Salmon was discouraged from attending the February 15th meeting and that was a violation of the Brown Act.

8. 2018 State Water Project Annual Review

Assistant Executive Officer Jennifer Ruffolo made a brief presentation on the State Water Project (SWP) Annual Review. Staff is organizing the 2018 review around the themes of aging infrastructure and climate change. Ms. Ruffolo summarized DWR's work on climate change in relation to the SWP, progress on the Oroville Dam spillways, dam safety improvements, and asset management. Commission staff will present a draft of the SWP Annual Review at the March Commission meeting and use Commission feedback to develop findings and recommendations.

Commissioner Curtin asked for clarification regarding the effect of climate change on dams. Ms. Ruffolo stated that models predict higher inflows in short bursts during wet seasons.

9. The Climate Registry: Water-Energy Nexus

John Andrew, DWR Assistant Deputy Director for Climate Change, provided a brief introduction. Peggy Kellen, Director of Policy for The Climate Registry, discussed the Water-Energy Nexus (WEN) Registry, which was designed to be a voluntary greenhouse gas (GHG) reporting program to build capacity for calculating carbon footprints, document emissions baselines and reductions, support communications, and promote GHG emissions reductions. The Climate Registry worked with a large group of stakeholders to develop the WEN Registry program. WEN Registry guidance includes general reporting protocols for basic methodologies, a specific WEN Registry module, and companion guidance documents. Key issues in implementation include performance metrics and recognition opportunities. Performance metrics are broadly categorized into efficiency and delivery metrics. The Climate Registry is also developing a recognition program to encourage agencies to build a bigger and better inventory over time. Ms. Kellen provided an overview of resources and the public comment process for draft elements of the WEN Registry program.

Commissioner Baker asked for clarification on barriers to reporting. Ms. Kellen stated it is a voluntary program that may require effort in collecting additional data and costs for third party assessment. Commissioner Baker, Commissioner Keig, and Ms. Kellen briefly discussed the composition of the stakeholder group.

10. Action Item: Consideration of Annual Fee Regulations

Sharon Tapia, Chief of DWR's Division of Safety of Dams (DSOD), presented and requested Commission approval of the DSOD Annual Fee Regulations. Senate Bill 6307 requires DWR to adopt a schedule of fees to cover reasonable costs of supervising dam safety. DSOD has been operating under emergency regulations which will expire March 26, 2019, and is completing the process to make the regulations permanent. Ms. Tapia provided an overview of the draft regulations, including the proposed billing cycle and proposed changes to the formula for determining fees. Some public comments were incorporated in the proposed regulations,

including concerns regarding supplemental billing, requests to include a factor other than height in the annual fee, and requests to provide advanced notice of fees and increases. Other comments regarding enhanced owner outreach were addressed outside the regulation. Ms. Tapia summarized the differences between the existing emergency regulations and the proposed regulations.

Commissioner Ball asked for clarification on DSOD's budget and revenue needs. Ms. Tapia provided an overview DSOD's costs, budget, and funding sources. Commissioner Curtin asked about costs for problems found during inspections and who pays those costs. Ms. Tapia responded that DSOD informs dam owners of problems and it is the dam owner's responsibility to correct those problems.

The Commission took public comment. Herb Smart, with Turlock Irrigation District, expressed concern with the supplemental fee section of the regulations. Ms. Tapia suggested that DSOD can address some of those concerns in the Final Statement of Reasons for the regulation. Jonathan Young, with California Municipal Utilities Association, expressed appreciation to DSOD staff for meeting and answering questions about the regulation.

Commissioner Keig moved to approve the Annual Fee Regulations, and Commissioner Ball seconded the motion. All Commissioners present voted in favor. Commissioner Curtin was not present at the time of the vote.

11. Action Item: Water Storage Investment Program – Future Available Funding

Amy Young, WSIP Program Manager, provided an overview of the issue of potential future WSIP funding. Last September, the Commission and staff discussed what action should be taken if additional funds become available through the WSIP. This could happen if a project drops out or fails to meet regulatory requirements. The Commission could pass a resolution addressing its preferences for how to handle such situations. Commission staff wrote a draft resolution including preferences expressed by the Commission in September.

Commissioner Quintero clarified the resolution is just a recommendation and would not hold a future Commission to any particular actions.

Commissioner Keig asked for clarification on the two tables included in the draft resolution. Mr. Yun stated that Table 1 lists the Rank 3 projects, which could not be fully funded. This resolution says that if additional money comes available, preference should be given to increasing the Rank 3 projects' funding to their full requests. If that cannot be done or there is additional funding, consideration should be given to the projects in Table 2, whose requests were lower than their eligible amounts. The Commission had an extensive discussion about the contents of the draft resolution and their preferences.

The Commission took public comment. Vernetta Marsh, a farmer in Colusa County, stated clarity from the Commission on the decision-making process would be helpful for stakeholders and applicants.

The Commission decided to table this item until the next meeting.

12. Water Storage Investment Program Update

Amy Young updated the Commission on staff and applicant activities for the WSIP. The WSIP applicants submitted their second quarterly reports and all indicate progress. Staff from the Commission, DWR, Department of Fish and Wildlife, and State Water Resources Control Board are currently holding orientation meetings with applicants on the contracts for the administration of public benefits. The meetings are available to the public to listen in, but there is not an opportunity for comment. The general purpose of these meetings is to understand the applicants' schedule, permits, and how permits will affect the contracts for public benefits; discuss communication and coordination; and understand the informational needs of the administering agencies.

Commissioner Quintero asked if any applicants have requested their early funding. Ms. Young said staff has received one invoice and it is being processed; another applicant is close to submitting its first invoice.

13. Consideration of Items for Next California Water Commission Meeting

Agenda items at the next meeting will include a panel discussion on Flood-Managed Aquifer Recharge, a presentation on DWR's Model Water Efficiency Landscape Ordinance, and discussion of the Draft Annual Review of the State Water Project.

Commissioner Keig was concerned about transparency issues regarding the comment from Save California Salmon. Holly Stout, Chief Legal Counsel, suggested staff brief the Commission on all of the applicant meetings regarding contracts for administration of public benefits, and conduct outreach to the commenter.

The Commission discussed how to address commenters with concerns on transparency and inclusion.

14. Adjourn

The Commission adjourned at 12:06 p.m.