



Meeting Minutes

Meeting of the California Water Commission
Wednesday, December 18, 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 9:31 a.m.

2. Roll Call

Executive Secretary Kimberly Muljat called the roll. Commission members Teresa Alvarado, Andy Ball, Carol Baker, Armando Quintero, and Matt Swanson were present, constituting a quorum. Commissioner Danny Curtin arrived during agenda item 8.

3. Closed Session

The Commission did not hold a closed session.

4. Approval of November 20, 2019 Meeting Minutes

Commissioner Ball moved to approve the November 20, 2019, meeting minutes. All Commissioners present voted in favor.

5. Executive Officer's Report

Executive Officer Joe Yun reported that four items from the December agenda were deferred to future meetings. He also reported that the Water Storage Investment Program (WSIP) projects that received early funding awards have received more than \$7 million in reimbursement for planning costs, and staff is currently processing invoices totaling approximately \$3 million. Staff will also soon begin drafting the Commission's 2019 annual review of the State Water Project.

6. Commission Member Reports

Commissioner Alvarado had lunch with Nancy Vogel, director of the Governor's Water Portfolio Program. Commissioners Alvarado and Swanson visited the Oroville Dam complex, including the reconstructed spillway, the Edward Hyatt Powerplant, and the Feather River Fish Hatchery. Commissioner Ball attended a Bay Area Council water committee meeting where he discussed Commission business. Commissioners Quintero and Baker attended a Department of Water Resources (DWR) Flood-Managed Aquifer Recharge (Flood-MAR) workshop. Commissioner Baker also attended a Public Policy Institute of California presentation on priorities for California's water.

7. Public Testimony

There was no public testimony.

8. Action Item: Consideration of Regulations for Water Infrastructure Improvements for the Nation (WIIN) Act Determinations

California Water Commission Legal Counsel Holly Stout provided an overview of proposed regulations that would document the Commission's process for making a determination of consistency for projects seeking federal WIIN Act funding. The Commission heard four requests for determinations in 2019. The proposed regulations codify the process the Commission used for these four projects. The draft regulations were posted on the Commission's website on November 1, 2019. The 45-day comment period closed on December 18, 2019. Two comment letters were received; the comments were outside the scope of the proposed regulations. If adopted by the Commission, staff will submit the regulation package to the Office of Administrative Law (OAL) for review, where they will have 30 working days to approve or disapprove the regulations. Commissioner Curtin arrived during Ms. Stout's presentation.

Commissioner Ball asked how much time, if approved, it will take for staff to complete the package for submission to OAL. Ms. Stout estimated four to six weeks, contingent upon obtaining an approval from the Department of Finance. Commissioner Swanson moved to adopt the regulations. Commissioner Ball seconded the motion. All Commissioners present voted in favor.

At this point, Commissioner Quintero excused himself to participate in a roundtable discussion on permit streamlining with California Natural Resources Agency Secretary Wade Crowfoot. Vice Chair Baker led the remainder of the meeting.

9. Action Item: Strategic Plan

This item was postponed.

10. Resilient Water Portfolio

This item was postponed.

11. Delta Conveyance

This item was postponed.

12. Priorities for California's Water

This item was postponed.

13. State Water Project Operations Update

State Water Project (SWP) Water Operations Executive Manager John Leahigh updated the Commission on joint operations of the State and Federal water projects, including Coordinated Operations Agreement (COA), state long-term operations, and the status of efforts to move toward Forecast-Informed Reservoir Operations (FIRO). The presentation included a brief history of the COA, and how the 2018 Addendum affects the sharing of water supply benefits between the SWP and Central Valley Project (CVP), including proportional shares to meet export constraints in the South Delta. Mr. Leahigh discussed the regulatory background of the SWP long-term operations incidental take permit (ITP), including how SWP operations under the California Endangered Species Act (CESA) are currently covered by Consistency

Determinations based on federal Biological Opinions for three species, plus one CESA ITP for Longfin smelt. DWR is pursuing a new approach to CESA coverage based on obtaining a separate ITP for each of four listed species, which provides for CESA authorization regardless of potential changes in federal policy. DWR released a draft Environmental Impact Report (EIR) for public review in November in support of the ITP application. Mr. Leahigh summarized the proposed operations and alternatives described in the EIR. DWR is partnering with multiple federal and local agencies to conduct a coordinated FIRO program on the Yuba and Feather Rivers in order to provide both flood risk reduction and water supply savings. The Yuba-Feather FIRO program was introduced as the third official FIRO program in the state and builds upon an existing forecast-coordinated operations program. The program will involve developing and conducting viability assessments for formal operations changes and will utilize ocean reconnaissance and land-based monitoring installations.

Commissioner Swanson asked Mr. Leahigh to discuss the disconnect between federal and state operating requirements. Mr. Leahigh stated that there will be a greater chance for divergence with state permits for all four state-listed species, but DWR has struggled to keep permits and requirements aligned because the CESA permits are based on federal Biological Opinions, which can change. Commissioner Baker asked how the interim flood control planning for the Yuba-Feather FIRO program relates to the efforts of other flood control agencies. Mr. Leahigh said DWR is fully engaged with the U.S. Army Corps of Engineers (USACE), the Federal Energy Regulatory Commission, Division of Safety of Dams, and the Flood Operations Center regarding the program.

14. Central Valley Flood Protection Plan (CVFPP) 2017 Update

Darren Suen, Principal Engineer and Policy Advisor for the Central Valley Flood Protection Board (CVFPB) briefed the Commission on the 2017 Update of the CVFPP and the CVFPB's role in obtaining federal funding for flood risk management, as well as the CVFPB's interest in flood-managed aquifer recharge. Mr. Suen provided an overview of the history of the CVFPB, its mission to reduce the risk of catastrophic flooding to people and property within the Central Valley, and its roles, responsibilities, and programs. Mr. Suen highlighted the CVFPB's role in USACE Section 408 coordination as an example of the Board's federal advocacy. Beginning in 2010, the CVFPB was required to develop and regularly update the CVFPP. The CVFPP 2017 update included partnership with DWR, extensive stakeholder outreach, Regional Flood Management Plans, and investment and conservation strategies. Mr. Suen summarized the eight key concepts of the CVFPP and two elements of implementation: the Sacramento-San Joaquin Drainage District Feasibility Study and Yolo Bypass/Cache Slough Partnership.

Commissioner Alvarado offered the Commission's help in developing the 2022 update. Commissioner Baker asked for an overview of governance and the different entities – state, federal and local – involved in Central Valley flood responsibilities and levee maintenance. Mr. Suen said that when the system of levees was built, the federal government assigned responsibility for maintenance to the state, which in turn delegated responsibility to local

districts. Some local districts are not able to do the work and so they request to be converted into a maintenance area to be maintained by DWR's Division of Flood Management. Ultimately the CVFPB is responsible for levees in the State Plan of Flood Control. Commissioner Baker then asked if the Delta area has a special focus. Mr. Suen confirmed that the Delta is a unique place, with many agencies engaged in its management, including the Delta Protection Commission, Delta Conservancy, Delta Stewardship Council, DWR, and the CVFPB. Mr. Suen briefly described some of the ways DWR and the CVFPB collaborate with other agencies in the Delta. Commissioner Baker asked if the state's cost share comes from the general fund or general obligation bonds, or other funding opportunities. Mr. Suen said that he would defer questions about funding sources to DWR.

15. Consideration of Items for Next California Water Commission Meeting

At the next Commission meeting, there will be election of officers for the coming year, consideration of adopting the final strategic plan, a WSIP update, a briefing on DWR's Headwaters to Floodplains project and a briefing on issues arising with DWR's review of Groundwater Sustainability Plans.

16. Adjourn

The Commission adjourned at 11:03 a.m.