



## **Meeting Minutes**

Meeting of the California Water Commission

Wednesday, November 18, 2020

Remote Meeting

Beginning at 9:30 a.m.

In order to establish a quorum, Executive Secretary Kimberly Muljat called the roll. Commission members Teresa Alvarado, Samantha Arthur, Daniel Curtin, Alexandre Makler, and Matthew Swanson were present, constituting a quorum.

Executive Officer Joseph Yun entertained a motion to elect a temporary Chairperson. Commissioner Swanson nominated Commissioner Alvarado. Commissioner Curtin seconded. All Commission members present voted in favor.

### **1. Call to Order**

Temporary Chairperson Alvarado called the meeting to order at 9:33 a.m.

### **2. Election of Commission Officers**

Temporary Chairperson Alvarado entertained a motion to elect a Chairperson for the remainder of the open term, which ends with the calendar year. Commissioner Swanson nominated Temporary Chairperson Alvarado. Commissioner Curtin seconded. All Commission members present voted in favor.

Chairperson Alvarado entertained a motion to elect a Vice Chairperson for the remainder of the open term, which ends with the calendar year. Commissioner Makler nominated Commissioner Swanson. Commissioner Curtin seconded. All Commission members present voted in favor.

### **3. Closed Session**

The Commission did not hold a closed session.

### **4. Approval of October 21, 2020 Meeting Minutes**

Vice Chair Swanson moved to approve the October 21, 2020 meeting minutes. Commissioner Curtin seconded the motion. All Commission members present voted in favor.

### **5. Executive Officer's Report**

Executive Officer Yun reported that the registration for the Commission's regional water conveyance workshops are open. Staff is working to make the early funding regulations, from August, permanent. The adoption of the permanent regulations for early funding will be an action item on the January agenda.

### **6. Commission Member Reports**

Chairperson Alvarado attended the Water Education for Latino Leaders virtual conference.

## **7. Public Testimony**

There was no public testimony.

## **8. Conveyance Projects Panel Discussion**

Laura Jensen, the Commission's Assistant Executive Officer, presented an overview of the day's presentation, which includes one panel to discuss resilient conveyance projects that meet the needs of a changing climate, and a second that discusses the human right to water.

The first panel began with Kelly Rogers, Director of the San Diego County Water Authority's Colorado River Program, who talked about the Colorado River Supply Project Study, building an aqueduct from Imperial Valley to San Diego County, potential habitat projects at Salton Sea, renewable energy opportunities, and potential for additional resiliency. Jennifer Pierre, General Manager of the State Water Contractors, talked about the need to repair damage to the State Water Project (SWP) as a result of subsidence, the public benefits the SWP operations provide, how operations are adapting to a changing climate, and how state water project contractors pay for the SWP. Scott Hamilton, Chairman of the Technical Committee for the Water Blueprint for the San Joaquin Valley (Blueprint), talked about the offset impacts of SGMA, subsidence, flood risk, possible new sources of water, fish-friendly diversions, concepts for conveyance, expanded recharge, and how the Blueprint is a process to evaluate and address the challenges in the Valley. Jay Ziegler, Director of External Affairs and Policy for The Nature Conservancy, suggested some critical principles he believes the Commission should evaluate, including infrastructure investment, the balance between surface and groundwater management, the beneficiary pays principle, ecological preservation, groundwater stabilization, and multi-benefit investments, and said how the Commission can be a critical catalyst for smart water investments that provide a pathway for a more durable future for people and the ecosystem.

Vice Chair Swanson asked Ms. Pierre what has physically happened to the aqueduct because of subsidence that has affected its capacity, and he asked Mr. Ziegler about the exchange of water rights. Commissioner Makler asked Ms. Rogers about their proposed alternate conveyance system and what will happen with any additional capacity, and he asked Dr. Hamilton to further explain the fish-friendly diversion concept. Commissioner Curtin talked about the need for integration of water systems beyond the local scale and the importance of looking at public partnerships. Commissioner Arthur asked Ms. Pierre and Dr. Hamilton how they tie together the infrastructure needs with holistic management. Mr. Ziegler made a comment about investing in science and upper watershed management.

The second panel began with Jonathan Nelson, Policy Director for the Community Water Center, who talked about the criteria for integrating the human right to water into project selection, and the funding of capacity-building efforts. Ed Pattison, General Manager of the Tuolumne Utilities District, talked about the strains on rural utility districts, fund water management, and a tenuous rural infrastructure. Maria Elena Kennedy, President of Kennedy Communications, Inc. talked about water contamination in disadvantaged communities and outreach efforts for engagement. Sherri Norris, Executive Director of the California Indian Environmental Alliance, talked about Delta conveyance, solution development, impacts to tribes, and the mismanagement of water.

Commissioner Curtin talked about support for a bottled water tax. Commissioner Makler asked Mr. Pattison and about his experience with high permitting costs. He also asked Mr. Nelson and Ms. Kennedy what the Commission can do to help satisfy the mandate for human right to water. Discussion included Proposition 218 as a barrier to water affordability subsidies, low income rate assistance, and the Sustainable Groundwater Management Act's (SGMA) impacts on a community.

Assistant Executive Officer Jensen concluded the agenda item by going over the guiding questions for conveyance work from the policy brief and considerations to explore. Commissioner Makler talked about redundancy as opposed to inefficiency, and ways to maximize capability. Commissioner Arthur talked about where the state should appropriately put its funding for public benefits. Chairperson Alvarado talked about intentional efforts to address partnerships with disadvantaged communities with disproportionate need and underserved urban communities. Commissioner Curtin asked about financial resources to help projects. Commissioner Makler talked about deferred maintenance. Commissioner Curtin talked about public-private partnerships' ability to incorporate the full life cycle of a project, tax incentives and loan guarantees, and the counter intuitiveness of asking people to save water while asking them to pay more.

#### **9. Water Storage Investment Program: Options for Available Funding**

Amy Young, Program Manager with the Water Storage Investment Program (WSIP), provided an overview of the Commission's options for utilizing \$171 million of available program funding due to the withdrawal of the Temperance Flat Reservoir Project from WSIP. Ms. Young reviewed a March 2019 resolution by the sitting Commission regarding their preferences for the use of future available funding and further information about possible steps to explore new projects. She described options to use available funding for those projects whose Maximum Conditional Eligibility Determinations (MCEDs) are below the requested amount, for projects whose MCEDs are below their eligible amounts, for all projects to offset inflation, and for future projects. She laid out a screening process to consider future projects.

Chairperson Alvarado asked for clarification on the March 2019 resolution. Ms. Young explained in March of 2019, the Commission's objective was to pass on its thinking regarding how future Commissions could proceed in the event of unused funding or a project withdrawal. Commissioner Curtin encouraged the Commission to consider all options when moving forward with additional funding and new projects. Commissioner Arthur asked about the screening timeline. Ms. Young stated any project would have to meet the January 2022 deadline, with a finding of feasibility by the Commission, to be eligible. Ms. Stout, Legal Counsel to the Commission, clarified that the Commission would have to decide to open a screening process soon to ensure they meet the January 2022 deadline. Commissioner Curtin asked if the Commission does not proceed until January 2022, can they entertain new projects. Ms. Young stated they could not. Executive Officer Yun said they would like to return in December to explain what the screening would look like.

The Commission took public comment. Tal Eslick, with the Temperance Flat Reservoir Authority (TFRA), hopes the Commission will consider another review of projects so that funding can be directed to critically over-drafted basins. Antonio Alfaro, Santa Clara Valley Water District,

expressed his thoughts on project cost inflation and feels the money should be redistributed to existing projects. Katherine Fowler, citizen, asked if the withdrawal of Temperance Flat Reservoir Project from the WSIP means the project has ended. Ms. Young said TFRA is no longer being considered in this program, but TFRA is looking to work on the project in the future.

**10. Adjourn**

The Commission meeting adjourned at 2:57 p.m. The remaining agenda items were considered in a workshop format without a quorum of the Commission. The remaining items on the agenda can be viewed on the webcast at the following link: <https://vimeo.com/481751608>.