



## **Meeting Minutes**

Meeting of the California Water Commission

Wednesday, April 19, 2023

Warren-Alquist State Energy Building

1516 9th Street, Rosenfeld Hearing Room

Sacramento, California 95814

Beginning at 9:30 a.m.

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

Chair Matt Swanson called the meeting to order at 9:30 a.m.

### **2. Roll Call**

Commissioners Bland, Curtin, Gallagher, Matsumoto, Solorio, Steiner, and Swanson were present, constituting a quorum.

### **3. Closed Session**

The Commission did not hold a closed session.

### **4. Approval March 15, 2023, Meeting Minutes**

Vice chair Steiner motioned to approve the March 15, 2023, meeting minutes. Commissioner Solorio seconded the motion. All Commissioners voted to approve the minutes.

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

Executive Officer Joe Yun said on April 1 he participated in a panel at the Water Education for Latino Leaders conference in Van Nuys, and spoke about the Commission's work on drought and water storage. On April 18 he presented at the League of Women Voters Tulare Chapter in Visalia where he spoke about changing hydrology and the Commission's work on drought. He addressed the Commission's inquiry about a 30-day comment period for the draft contracts for administration of public benefits (CAPBs), and said staff can commit to a 14-day minimum, and work with the applicants and administering agencies to try for a 30-day comment period.

Assistant Executive Officer Laura Jensen has guest edited two editions of Impact Magazine, the second of which will be available April 20.

### **6. Commission Member Report**

Commissioners Curtin and Solorio need to leave the meeting early. Chair Swanson participated in the Water Infrastructure Networking Summit in Costa Mesa on April 14.

### **7. Public Testimony**

There was no public testimony.

**8. California Native American Tribal Leadership Comment Policy (Action Item)**

Mr. Yun presented the draft California Native American Tribal Leadership Comment Policy for the Commission's consideration and possible adoption. Tribes occupy a unique political status as sovereign nations, and the practice of having them wait for public comment does not recognize that sovereignty. There will be an item at the beginning of each agenda that would allow Tribal leadership to self-identify and say what item they would like to comment on. When that item comes up, the Chair can call on them first. The policy allows for the standard three-minute comment time, with the discretion of the Chair to modify.

Vice-chair Steiner asked if any Tribes besides Shingle Springs had offered comments, and was the policy circulated among other Tribes. Mr. Yun said they did not receive comments from any other Tribes, and that Shingle Springs said they might circulate the policy, but was uncertain if they did.

Commissioner Curtin asked if there was any state guidance on this, and was told that staff checked with different boards and commission and agencies, and said there is no standard policy. Commissioner Curtin suggested sending it to agency and department leads so that every board and commission does not have to go through the same effort.

Vice-chair Steiner motioned to vote on adopting the policy. Commissioner Gallagher seconded. Commissioners voted 7-0 to adopt it. Motion passed.

**9. Long-term Drought: Drought Working Group Report-out**

Assistant Executive Officer Laura Jensen provided an overview of potential drought strategies (concepts), informed by the Drought Working Group (DWG), that will be refined and expanded during further outreach to interested parties and the public, and with Commission input. The DWG consisted of interested parties and partner agencies. Concept 1 is to improve coordination and communication during drought and non-drought years. Concept 2 is to scale up groundwater recharge. Concept 3 is to reduce the ecosystem impacts of drought. It includes a dual approach of environmental water planning and physical habitat restoration and preservation at the watershed scale. Concept 4 is to better position communities to respond to drought emergencies by offering flexible funding that could be managed locally. Next steps will include a few months of public outreach, including workshops, with the presentation of a draft white paper planned for August.

Commissioner Curtin said we need more infrastructure for groundwater capture.

Commissioner Bland asked if there was discussion as to where the funds would come from, and was told there was conceptual discussion, but have not put a number to anything.

Commissioner Gallagher asked if any bold ideas were found to not be actionable, and was told that water rights was the only one. She said we need to look at surface water and groundwater hand in hand.

Vice-chair Steiner asked if both agriculture and disadvantaged communities (DACs) were among the original participants, and was told yes. She said drought as a chronic condition is right, but now, we have to add atmospheric rivers, which may be our future.

Commissioner Curtin said the real storage capabilities have always been in groundwater and connecting this work to climate change could open up avenues for financing.

Commissioner Gallagher asked Commissioner Matsumoto if she thought the environmental watering plan approach was a bold idea. Commissioner Matsumoto setting water aside for the environment and figuring out how to manage it would be a huge step forward for California.

Commissioner Solorio asked how the research, expert panels, and DWG all tie together, and was told that the topics that are discussed in the DWG were informed by early research and conversations. A lot of the ideas introduced at the expert panels were brought up as part of the DWG. He then said we need to focus on efficiency and infrastructure investments. He asked how capital expenditure will come into play, and was told this work is too preliminary to be having those discussions.

Commissioner Matsumoto said the state should have dedicated staff to work on drought response, instead of creating temporary emergency response teams. The state made great strides in their risk assessments around drinking water, and she would love to see the same thing happen on the ecological side. She asked for clarification from the state on how the work the Commission is doing relates to the work of the DRIP Collaborative, and could they help carry our recommendations forward. She was told staff is talking with the DRIP Collaborative, which has a specific statutory focus.

Chair Swanson we have a template built that the state can potentially use to improve its condition.

#### **10. Long-term Drought: Expert Panel on Wildfire and Forest Management**

The Commission hosted a panel of experts who addressed how forest management can help abate wildfires, one of the growing impacts of drought affecting communities and species. Dr.

Roger Bales, Professor of Engineering at University of California, Merced, discussed the relationship between drought and wildfire, framing his comments in the context of multi-benefit, sustainable management of forest headwaters. Forest thinning reduces drought-induced tree deaths by reducing the water demands of the forest. Removing small trees makes more water available for the remaining trees, for in-stream flows, and for food production and urban areas downstream. Vegetation grows back, so future prescribed fire, managed wildfire, or mechanical thinning is needed to maintain forest health. With costs upward of \$1,000 to \$2,000 per acre, and millions of acres needing fuels treatments, we are looking at a multi-billion dollar infrastructure investment, just in the headwater watersheds of California. State and federal contributions are important, but they are far from being enough. The aggregate benefits are much greater than the cost.

Dr. JoAnna Lessard, Watershed Resilience Program Manager at the Yuba Water Agency (YWA), shared her experiences in the Yuba Watershed, discussing why forest management is part of their approach, and sharing thoughts on forest management as a strategy for mitigating drought impacts. The Watershed Resilience Program (WRP) was established in 2018 to reduce risk of catastrophic wildfire, protect local communities, and safeguard water supply through collaborative projects. YWA has invested \$10 million to date in the WRP, leveraged more than \$157 million in external funds, collaborated with 19 partners, helped develop and fund nine projects, and treated more than 4,000 acres so far, with 280,000 acres of planned restoration underway.

Honorable Ron W. Goode, Tribal Chairman of the North Fork Mono Tribe, discussed impacts of drought on Tribal culture and how traditional ecological knowledge can be applied to forest management. Before 1850, Native Americans kept their villages burned and open. His Tribe puts fire on the land to restore grasses. His Tribe is one of the lead groups in the state doing meadow restoration and forest thinning. As part of the watershed, the water needs to be able to hit the floor, the roots systems need to be able to hold that water. The meadow is a sponge and releases that water all year long. "Good fire" restores the resources, habitat, and water table. Cultural burning is cyclical and requires technique. They have their own burn bosses, and the program takes years. Cultural burning returns the nutrient to the soil to reproduce the plants. The return is sparse and fresh, and the root systems will hold water.

Commissioner Curtin asked Dr. Bales if there was a way to involve the private sector and monetize the water benefits to create public/private partnerships, and was told that the private sector can find the investment dollars, but they do not have the guaranteed feedstock (the capacity to turn wood products into timber or hydrogen or liquid fuel or electricity) coming in, because of contract limitations and such.

Vice-chair Steiner said all three presentations showed partnerships are doing all this work. The government has a role but cannot be an impediment. Dr. Bales said the partnerships cannot prioritize one thing over another, but come up with a way that gives them multiple benefits. The water from our headwaters goes down to urban areas too.

Commissioner Gallagher asked if they have data that shows the amount of water availability in forest areas that have been treated. Dr. Bales said the university has estimates of the water used by the forest gridded across the state. There is no lack of data, it needs to be translated into useful decisions. Dr. Lessard said there is a lot of active research addressing the outcomes of these treatments, like evapotranspiration and changes in stream flow.

Commissioner Bland asked if NEPA and CEQA have been inhibitors and preclude them being able to plan as aggressively as possible. Chairman Goode said those doing NEPA are not looking to see who their partners were, but looking at themselves.

Commissioner Curtin suggested they start to talk about a forestry/water agency partnership in an effort to attract more private investment.

Chair Swanson said the Commission has benefitted from the information presented today.

Commissioner Solorio left the meeting at 12:13 p.m.

The Commission took a one-hour lunch break.

Commissioner Curtin did not return following lunch break.

### **11. California Water Plan Update 2023**

Kamyar Guivetchi, Manager of DWR's Division of Planning, provided an update on the progress made on the California Water Plan Update 2023. The 2023 update has three focus areas: climate vulnerability and adaptation, watershed resilience, and equity in water management. Objectives, recommendations, and actions include supporting watershed resilience planning and implementation; improving resiliency of natural and built inter-watershed infrastructure; advancing equitable access to planning, decisions, and allocations of benefits and impacts; investing in Tribal activities that support cultural connections with natural resources; and providing regulatory assistance and stable funding for water resource planning and implementation. An administrative draft of the Water Plan Update will be ready in July. A public review draft will have a 45-day comment period from October to November, with a final administrative draft expected in January 2024.

Chair Swanson said the work put into the plan is exhaustive, and the way they are working with Tribal nations is fantastic.

### **12. Panel on Groundwater Recharge Activities**

A panel of presentations explored the policy context for groundwater recharge, current on-the-ground recharge activities happening in different areas of the state, and opportunities and challenges associated with groundwater recharge.

Jenny Marr, Supervising Engineer at DWR, talked about the need for groundwater recharge, the ways in which groundwater can be recharged, the state role in advancing groundwater recharge, the process and information required to do a recharge project, and how DWR is working with partner agencies to expedite such projects. Flood-MAR is an integrated and voluntary resource management strategy that uses flood water resulting from rainfall or snow melt for managed aquifer recharge on agricultural lands, working landscapes, and managed natural lands, including refuges, floodplains, and flood bypasses. In a year like this, uncontrolled recharge, such as flooding, is going to occur. We want to maximize recharge in a controlled way as much as possible. If you are diverting water solely to reduce flood risk, you do not need a water right. The types of water rights permits include standard, streamlined, temporary 180 days, and temporary five years. The streamlined permit is targeted to groundwater sustainability agencies (GSAs) looking to capture high flows for groundwater recharge. There is an Executive Order in place to make Flood-MAR diversions simpler, allowing you to divert floodwaters and take intentional action to maximize recharge, providing relief from the water

rights process and CEQA. Temporary permit options are cheaper, and quicker to develop, review and issue.

Kristin Sicke, General Manager of the Yolo County Flood Control and Water Conservation District, talked about how they employ groundwater recharge, and the opportunities and obstacles they have encountered in their winter recharge program. The district's policy has been to retain unlined canals. This has provided a significant benefit to the community, as during irrigation season, on average, they lose about 25 percent of surface water deliveries to groundwater. A 2015 Executive Order streamlined and exempted the CEQA process for temporary water rights permits. One of the criteria for their permit is the Delta must be in excess, as theirs is a junior right. Since 2016, they have been able to divert flows in four of the eight years they have had the temporary water rights permit. They want to get more farmers involved in the program so they can spread the water out over a larger surface area. They want to work with the Nature Conservancy's to provide habitat for their Bird Return Program.

Sarah Woolf, President of Water Wise, shared on-the-ground examples of the appropriate water rights process in the San Joaquin Valley, in response to the Sustainable Groundwater Management Act (SGMA) and Flood-MAR projects, touching on what has and has not worked. The Triangle T Water District (TTWD) applied for a standard water rights permit in 2019. CEQA will begin after a water availability analysis has been done. Three temporary 180-day permits have been approved, but have not been able to utilize due to conditions of use, such as fish screens, monitoring sites, hourly meter reads, and limited months of diversion. This year they have been able to operate under Executive Order N-4-23, which streamlined the permitting process. The Arroyo Pasajero Mutual Water Company and City of Huron recharge project provides recharge for agriculture and DACs. Three temporary 180-day permits were approved and utilized, but faced opposition from local GSAs, who have counted the recharge activity that naturally occurs into their groundwater sustainability plan (GSP) and believe the diversion of water does not enhance the recharge.

Aaron Fukuda, General Manager of the Tulare Irrigation District (TID), talked about groundwater recharge in a very old conjunctive-use irrigation district. They developed an emergency ordinance that set groundwater pumping limits. The nine atmospheric rivers this winter allowed growers to gain credits for future year groundwater pumping. Water is going to field irrigation, with the majority going to groundwater, filling losses in the canal systems, and into 1,300 acres of recharge basins. So far this year they have diverted into the district 103,000 ace-feet, 90-95,000 of that in their groundwater system. As a conjunctive use irrigation district, they have a history of recharge, but have found that they can drastically improve. Allocations and limits, while not welcomed, are valuable tools and incentives. Growers can use these tools to ensure a good business plan.

Commissioner Bland asked Ms. Sicke what they do with the sediment-laden water, and was told their district takes daily samples until it gets to the place where the clarity looks good enough. Mr. Fukuda said they monitor their recharge basins. In 2017 they found a thin layer of sediment at the bottom and lifted it out after the water was used. Their regulatory basins have been

converted to sediment basins. Ms. Woolf said the siphon pump sucks from the top, and DWR cleans the bottom of the pond annually.

Commissioner Gallagher asked what the barriers were to landowners, and what can the state do to help. Ms. Woolf said there is a tangible physical benefit for moving this water onto farmland and improving the recharge. They would not be going after appropriative water rights permits if not for the need for a SGMA groundwater credit. If there was a way to take flood flows and receive a beneficial use and groundwater credit for that activity without a permit, we would be doing that. Mr. Fukuda said the only way they found success is by giving their growers credit for the groundwater recharge. Ms. Marr said Flood-MAR does not happen without willing landowners, so engagement is important. Mr. Fukuda said Airborne Snow Observatory flights are a helpful tool; if you know what you have in your watershed and plan for what is coming down, you can make better decisions on how to operate your flood release and maximize recharge.

Commissioner Matsumoto asked if there might be fields staying out of production this year to take advantage of the recharge window. Ms. Woolf said in her two areas, a number of acres are dedicated to recharge year in and year out. In addition to that, there are some land that is not being farmed and used for recharge instead. Recharge was then the result, not the reason. Mr. Fukuda said it is the same in his area. Ms. Sicke said because Yolo is not a critically over-drafted basin, they have not had to have these conversations yet.

Chair Swanson said groundwater recharge is the type of thing we need to be working on to preserve our place as a food producing leader for the world.

### **13. Legislative Update**

DWR Deputy Director Kasey Schimke provided an overview of the 2023 Legislative Session thus far, highlighting water-related legislation being tracked by DWR. He went over the legislative calendar, from them convening on January 4 up to September 14, the last day to pass bills for the year. On June 2, bills will move from one house to the other, though some bills will fail to move forward.

### **14. Water Storage Investment Program: Projects Update**

WSIP Manager Amy Young provided an update on the progress of projects being considered for funding. The Commission received a combined comment letter from the Natural Resources Defense Council (NRDC), Defenders of Wildlife, Sierra Club of California, Bay Institute, California Sports Fishing Protection Alliance, Friends of the River, and Golden State Salmon Association, related to the public comment process in reviewing the Harvest Water Program's CAPBs, the adaptive management process, and the possible reduction in the public benefits. The letter has been posted on the Commission website and shared with the administering agencies for their consideration. Staff is hopeful that Regional San will come to next month's meeting and make a request for a final award. The project proponents for the Willow Springs Water Bank will come to the June Commission meeting and provide an update on the status of their project. The

Commission received a comment letter asking them to request the proponents of the Pacheco Reservoir Expansion Project to come to a future meeting and provide a status update.

Public comment from Doug Obegi, senior attorney with NRDC, who hopes the public has an opportunity to review and comment on each project's draft CAPBs, with a minimum of 30 days of public review. There is growing concern that some of these public benefits are not on track to materialize and could jeopardize the success of this program, specifically ongoing disagreements about how to pay for the diversion and delivery of stored water for wildlife refuges. He asked that the Commission schedule at a future meeting a public conversation about these issues, and invite the state agencies, project proponents, and stakeholders to discuss how to ensure the delivery of these public benefits. The schedule identified is wildly optimistic for some of these projects.

Vice-chair Steiner said it would be good to have proponents of the Pacheco Reservoir Expansion Project come to a future meeting and address some of the issues raised by the letter.

Commissioner Matsumoto asked which projects are affected by the challenges with USBR. Ms. Young said Los Vaqueros and the Sites Project have wildlife refuge benefits. She then asked about the status of negotiations between the state agencies and USBR, and if there was anything the Commission could do to help move it along. Mr. Yun said USBR is involved in the Strike Team conversations around these projects, and he will update the Commission on those discussions at a future meeting. He said this issue is not the biggest obstacle.

#### **15. Consideration of Items for Next California Water Commission Meeting**

The next meeting of the Water Commission is currently scheduled for Wednesday, May 17, 2023, when the Commission will consider amended Resolutions of Necessity for the Big Notch Project, receive another update on the WSIP projects, consider a request for an early funding increase from the Sites Project Authority, and host a drought panel on the topic of desalination.

#### **16. Adjourn**

The Commission adjourned at 3:45 p.m.