



## **Meeting Minutes**

Meeting of the California Water Commission

Wednesday, November 19, 2025

Vista Del Lago Visitor Center

38500 Vista Del Lago Road

Gorman, CA 93243

Beginning at 9:30 a.m.

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

Commission Chair Fern Steiner called the meeting to order at 9:30 a.m.

### **2. Roll Call**

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

### **3. Acknowledgement of California Native American Tribal Governments**

This is an opportunity for elected Tribal leaders and formally designated Tribal representatives to identify themselves and to specify the agenda item(s) on which they will comment, as described in the Commission's California Native American Tribal Leadership Comment Policy. No Tribal leaders or representatives asked to comment.

Public Comment from Lana Weird, (undefined affiliation) encouraged the Commission to stop funding the Sites Reservoir Project and feels California needs safer smarter water management.

Public Comment from Sevi Toscano, (undefined affiliation) expressed opposition against Del Puerto Reservoir Project.

Commissioner Steiner stated many letters were received in opposition of the Del Puerto Canyon Reservoir Project, but the project is not participating in the Water Storage Investment Program.

Public Comment from Regina Chichizola, with Save California Salmon, urged the commission to cease funding for the Sites project and exclude it from the WSIP emergency rulemaking due to concerns that its claimed public benefits are inflated while potential environmental and cultural harms are severe.

Commissioner Steiner suggested individuals with comments pertaining to WSIP hold off until that item is called, as the current space was for Tribal Leaders comments.

#### **4. Approval of October 15, 2025, Meeting Minutes**

Commissioner Hurt motioned to approve the October 15, 2025, meeting minutes.

Commissioner Gallagher seconded the motion. All Commissioners present voted to approve the minutes.

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

Executive Officer, Laura Jensen, reported the engagement and participation numbers from the October Commission meeting, stating October saw lower participation numbers than in previous months and it was the lowest attended or viewed meeting since June of 2025, with a total participation of 65 individuals.

Executive Officer Jensen reported Commissioners Solorio and Hurt joined Commission staff for a tour, led by staff from the Department of Water Resources, of the Ira J. Chrisman Pumping Plant.

In October, Executive Officer Jensen gave a presentation on the future of water and shared the work of the Commission, to the San Diego chapter of Water for People, which was attended by water management professionals from water districts and consulting firms in the San Diego area.

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

There were no Commission Member Reports.

#### **7. Public Testimony**

Public Comment from Ben King, thanked the Commission for engaging with Jerry Brown and the Sites Authority regarding the inclusion of the Kletsel Dehe Wintun Nation in Zone 3. Mr. King stated their belief, based on Public Records Act documents, that the Kletsel Dehe Wintun were included in the Zone without their knowledge or consent, possibly at the suggestion of Sites Bond Council, to secure more favorable United States Environmental Protection Agency funding. Mr. King felt including them in a financing structure without consent would have been a major injustice, as much of their historical land was slated for inundation.

#### **8. Water Storage Investment Program: Update on Expected Timelines and Recommended Next Steps**

Water Storage Investment Program (WSIP) Manager Amy Young provided an update on the progress of projects in the WSIP.

Public Comment from John Bellperro, with the Northern California Carpenter's Union, expressed concerns regarding the selection of Montana-based Barnard Construction as the Construction Manager at Risk (CMAR) for the Sites Reservoir Project. The representative cited a lack of transparency in the selection process, questioning Barnard's ability to meet local hire

and "skilled and trained" provisions or a Project Labor Agreement due to their history with unions. The leader also noted concerns about the firm's regional experience and scale, stating their only completed CMAR project was significantly smaller than the Sites Reservoir.

Public Comment from Peter Van Dyke, of the Loma Prieta Resource Conservation District, stated that traditional reservoirs are an obsolete 20th-century technology because the West's development has outpaced its natural resources. Mr. Van Dyke maintained that reservoirs destroy habitats and cultural sites; suffer from evaporation that degrades water quality and increase alkalinity; and foster contaminants like algae and invasive mussels.

Public Comment from Mike Fuller, highlighted the Barnard's hundred years of experience in California, specializing in dam construction across the United States. The company is committed to collaborating with unions for craft labor on the project and will use a signatory subcontractor for concrete work.

Public Comment from Ben King, reiterated the stance of the Northern California Carpenters Union and stated he supports the water storage project as a state necessity but emphasizes that it must be built safely and transparently. Mr. King highlighted the severe flooding risks to Colusa County residents in the event of a dam failure and argued that union labor is essential to ensure the project is constructed to the highest standards.

Public Comment from Regina Chichizola, reiterated her statement that Sites Reservoir is not safe and not beneficial to the people of the State of California.

Commissioner Makler expressed concern regarding a 12-month delay in the Antelope Valley East Kern Water Agency contract for Willow Springs and the absence of an identified end-use customer and requested an update before the April 2026 meeting.

Ms. Young commented that Antelope Valley East Kern Water Agency is now joined by State Water Contractors, and there are agreements with other contractors, as well.

Commissioner Makler emphasized the importance of hearing from labor and potential contractors as the final funding award date for the Sites Project nears. Commissioner Makler requested a project execution plan, including details on contractor selection timelines and criteria, highlighting that taxpayer money is involved and safety for the workforce and community is paramount.

Commissioner Hurt posed two questions. First, what is the mechanism for the Commission to evaluate and act on public comments regarding construction, and second, what is the scope of its authority in that area? Commissioner Hurt requested more information on the necessity for the Sites Project to resubmit under Sections 401 and 404 of the Clean Water Act, and to clarify the process for the public.

Executive Officer Jensen responded, stating that staff can work with the project proponents to collect the information regarding construction. Also, while evaluating construction is not technically a requirement for a final award, the Commission may still ask projects pointed questions during meetings. These inquiries help Commissioners assess a project's overall progress and ongoing viability.

Ms. Young responded to Commissioner Hurt questions by stating the Sites project previously submitted applications for Section 401 and 404 certifications under the Clean Water Act, but the application for the Section 404 permit with the Army Corps of Engineers was deemed incomplete, which also caused the Water Board to issue a "without prejudice" notification and stop the Section 401 process. Both processes were paused until the Sites Project gathered and submitted the required additional information. Both applications have since been accepted as complete by their respective agencies.

Anthony Austin, Legal Counsel for the Water Commission, provided some clarification relating to the discussion around construction contracts. He stated the Commission ensures project proponents comply with all applicable laws, including labor codes, but the Commission cannot dictate specific construction contract terms, and doing so would shift legal responsibility to the Commission and trigger review requirements under the Department of General Services and the State Contracting Manual.

Commissioner Steiner commented that the Commission may ask project proponents for updates on potential labor issues and community benefits to ensure projects stay on schedule and prevent construction delays. Chair Steiner highlighted current tensions and suggested the Commission consider having proponents address these concerns sooner.

Commissioner Matsumoto asked staff to go over the Carriage Water Credit, as it pertains to Chino Basin Project.

Executive Officer Jensen provided a brief description of carriage water credit. Ms. Jensen explained that water that was delivered to southern California in the summer incurs transit losses known as carriage water. However, because this water is instead released as a "pulse flow" from Lake Oroville to create habitat directly below the dam, those losses are avoided. This saved volume will be finalized and added to the total water supply provided through the partnership between the Inland Empire Utilities Agency and the Metropolitan Water District.

Commissioner Matsumoto also inquired if issues with carriage water credit are causing concerns with the Willow Spring Project and Kern Fan Project regarding the projects' costs, size, investors, and permitting. Commissioner Matsumoto requested a detailed timeline by April to clarify when each project sizing will be finalized and to confirm whether the project has reached a threshold for financial viability.

Executive Officer Jensen stated each project will be separate to a certain extent, but Chino is the tip of the spear and Ms. Young stated we have heard positive feedback from the project they have been having good a good response to the call for interested contractors.

Commissioner Bland expressed concern about the Sites Project's viability, particularly regarding potential construction issues and stated it is incumbent upon the Commission to request that project representatives attend a meeting in the short term to provide a detailed update and in-depth analysis.

Commissioner Curtin expressed concerns that a shift in the Sites Project , may jeopardize project stability and transparency due to the unexpected proposal to use an out-of-state "construction manager at risk" (CMAR) contractor. Commission Curtin stated concerns on the Sites Project using a fixed-price contract, rather than a conventional union general contractor, is a high-risk approach for a multi-billion-dollar public works project. Commissioner Curtin also stated that this could complicate timely delivery and undermine critical local hiring and apprenticeship programs planned by local unions. Commissioner Curtin stated the Commission has a responsibility to ensure timely project completion under the coequal goals legislation, making this eleventh-hour development particularly concerning. Commissioner Curtin stated he had questions about the selection process and asked Mr. Belpariot to return for comments.

Mr. Belpariot stated concerns were raised regarding the Sites Project Authority selection of Barnard for a major contract following interviews with Kiewit and a Dragados-Flatiron-Obayashi joint venture. Mr. Belpariot stated that there is significant alarm among labor trades that the award is being addressed in a closed session under an "employee" listing, a move described as unprecedented for a public works contract. Mr. Belpariot also stated interested parties plan to attend Friday's board meeting to demand transparency, particularly as the selected firm lacks signatory relationships with Northern California trades.

Executive Officer Jensen mentioned Jerry Brown with Sites Project Authority called in to comment on the discussion.

Public comment from Jerry Brown, with Sites Project Authority, clarified that the recent ranking of Construction Manager at Risk (CMAR) firms for the reservoir and roads components followed a structured Request For Proposals (RFP) process. The closed session that was mentioned was intended to establish negotiating parameters with the highest-ranked firm, a necessary step before finalizing a contract. Mr. Brown emphasized that any resulting agreement must adhere to its existing construction workforce policy, which mandates specific labor agreements and the use of local workers from the project area.

Commissioner Bland expressed concern regarding whether entering a contract during the upcoming 60-to-90-day negotiation period would limit the Commission's ability to intervene, there is a need to identify the "guardrails" available to ensure a discussion on project viability and a prepared, safe workforce can still occur once a contract is legally finalized.

Anthony Austin, Legal Counsel for the Water Commission, clarified that while the Commission cannot legally mandate the termination of a specific contract, it maintained the right to probe project proponents and express formal concerns. The Commission would use the "guardrails" established within its funding agreements, which contained specific terms and conditions that all proponents must satisfy. Mr. Austin said that staff would continue to review the requirements to ensure compliance and determine if any issues necessitate further action.

#### **9. Water Storage Investment Program: Notice of Proposed Emergency Rulemaking Regarding Use of Uncommitted Funding (Action Item)**

Anthony Austin, Legal Counsel for the Water Commission, provided information on how the current regulatory landscape necessitates the introduction of the proposed regulation to ensure continued compliance and operational efficiency, as well as a technical analysis of specific provisions. Mr. Austin outlined the emergency rulemaking process as governed by the Administrative Procedure Act, concluding with a summary of the Commission's strategic options and designated next steps for implementation.

Public Comment from Liz Hurst, Chino Basin Program Manager with Inland empire Utility Agency, expressed strong support for the Commission's proposed emergency regulatory language and cited significant progress toward finalizing public benefit contracts.

Public Comment from Steven dePaschalis, Land Use Advocate for Mount Diablo, urged the Commission not to consider Del Porto Canyon Reservoir for its eligibility during this process.

Commissioner Steiner commented Del Puerto not a project in the WSIP Program, and not eligible for consideration.

Public Comment from John Perez, Managing Director for the CIM Group, emphasized their recommendation that the Commission distribute uncommitted funds using a pro-rata approach to maintain equity among Proposition 1 applicants and deviating from this method risks increasing consumer costs and placing projects on an unequal footing; therefore, the Commission was urged to ensure that any supplemental funding decisions remain consistent with this proportional standard.

Public Comment from Fiona Nye, Director of Water Resources with Irvine Ranch Water District, expressed support for the proposed emergency regulation and the regulation's flexibility to reserve funds for projects demonstrating substantial progress was strongly supported. The Kern Fan Project, that is already underway and nearing completion of Phase 1 next year, may require a later funding determination for Phase 2 and appreciates the Commission's understanding of differing project schedules.

Public Comment from Regina Chichizola, with Save California Salmon, expressed opposition to the emergency regulations as they were written and stated the importance to allow new projects or, projects that prioritize groundwater recharge that have multiple benefits.

Public comment from Heidi Oriol, Senior Civil Engineer with Sacramento Area Sewer District, expressed support for the proposed emergency regulations presented by staff and expressed appreciation for the staff's work, including Executive Officer Jensen's leadership through an open and transparent process to develop these regs and review them.

Public Comment from Rebecca Eisenberg, expressed opposition to the proposed regulations and failed to see any language restricting any use of new funds to existing projects. Rather, the largest restriction of the use of this money is towards sustainable projects.

Public Comment from Ben King, expressed support for allocation of funds to the Sites Project as it needs to be built safely and wisely.

Public comment from Jerry Brown, with Sites Authority Project, expressed support for the proposed emergency rule making and highlighted the critical need for public benefits to be delivered in a timely manner.

Public Comment from Lana Weird, urged the Commission to vote against the emergency rule making the way it was written.

Public Comment from Peter Van Dyke, expressed opposition to the rule making.

Commissioner Steiner entertained a motion to adopt the proposed regulation change. Commissioner Gallagher moved to adopt the proposed regulation change, Commissioner Hurt seconded the motion. All Commissioners present voted in favor.

#### **10. State Water Project Briefing: Construction Projects and Modernization Programs**

SWP Division of Engineering Manager Dale Brown provided a construction update on current projects, as well as projects that were completed in 2025, and provided a more detailed look at the overall workflow through the view of a few specific projects that showcase DWR's commitment to performing construction in a safe, reliable, and quality focused way.

SWP Manager of Dam Safety Services David Sarkisian provided an overview of the SWP's Pyramid Dam and Lake and Castaic Dam and Lake Modernization Programs that assess and enhance the safety of the infrastructure.

Commissioner Makler asked how they are using new information technology to track daily performance across various programs, and has the data helped achieve measurable safety improvements over time.

Dale Brown responded that construction safety management relies on a multi-tiered oversight approach involving both contractor safety crews and departmental engineers and for high-profile projects, such as those involving river valve outlet chambers, the department maintains

100% safety oversight, while other sites receive weekly check-ins and routine documentation. Mr. Brown stated incident investigations are conducted by unbiased third parties to ensure objective learning, safety data storage remains currently fragmented across different departmental groups and there is an active initiative to migrate this information into a centralized location to streamline access and consolidate correspondence currently held in serial letters and contractor communications.

**11. Tour of Pyramid Lake**

Commissioners, Commission staff, Department of Water Resources staff and members of the public attended a tour of Pyramid Lake, conducted by SWP's Division of Operation and Maintenance Southern Field Division staff.

**12. Castaic Dam and Lake Tour**

Commissioners, Commission staff, Department of Water Resources staff and members of the public toured the State Water Project's (SWP) Castaic Dam and Lake, conducted by SWP's Division of Operation and Maintenance Southern Field Division staff.

**13. Adjourn**

The Commission adjourned at approximately 2:00 PM.