



Meeting Agenda

Meeting of the California Water Commission
Wednesday, May 17, 2023
Beginning at 9:30 a.m.
State of California, Resources Building
715 P Street, First Floor Auditorium
Sacramento, California 95814

Members of the public will be able to observe the meeting and provide public comments in-person at the meeting location or remotely. Remote participation will be conducted via a web-based videoconferencing service called Zoom.

Registration is not required to provide public comments. Members of the public who wish to provide comments remotely during the meeting can do so by joining on [Zoom](https://us02web.zoom.us/j/82425251686?pwd=QkJQbIFPR2RzVm84cGQwTTU5UUs5Zz09) (<https://us02web.zoom.us/j/82425251686?pwd=QkJQbIFPR2RzVm84cGQwTTU5UUs5Zz09>). More detailed instructions on how to use Zoom and participate in the meeting can be found on the [Commission website](#).

Alternatively, members of the public can offer verbal comments by telephone by calling one of the numbers below:

(408) 638-0968
(669) 900-6833
Meeting ID: 824 2525 1686
Passcode: 951873

The meeting will be webcast live at: <https://www.water-ca.com/>. Individuals who only want to watch or listen should use this option as it preserves interactive meeting resources for those who are commenting on items.

1. Call to Order

2. Roll Call

3. Closed Session

The Commission may hold a closed session, as authorized by Government Code §11126(e), to confer with and receive advice from its legal counsel regarding potential litigation, and as authorized by Government Code §11126(a).

4. 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.

5. Approval of April 19, 2023 Meeting Minutes

6. Executive Officer's Report

The Executive Officer will report on various matters addressed since the previous Commission meeting.

7. Commission Member Reports

This is an opportunity for members to disclose any meetings or conversations related to Commission business and held since the previous Commission meeting.

8. Public Testimony

Although no formal Commission action will be taken, the Commission offers an opportunity for the public to address the Commission on items of interest that are within the Commission's jurisdiction, but that do not appear on the agenda.

9. Consideration of Action on Resolutions of Necessity for the Yolo Bypass Salmonid Habitat Restoration and Fish Passage Project (Big Notch Project) - AMENDMENTS (Action Items)

On July 13, 2022, the Department of Water Resources (DWR) notified the Commission of its intent to seek Resolutions of Necessity (RONs) for the Big Notch Project in furtherance of a potential eminent domain action against the properties listed below. DWR cannot commence an eminent domain proceeding unless the Commission first adopts a RON (Code of Civil Procedure §§1245.210, 1245.220). At the Commission's September 21, 2022 meeting, DWR presented a report on each property, required by the Commission's Procedures for Resolutions of Necessity and Eminent Domain, (adopted August 17, 2011, revised February 20, 2013) containing information required by Code of Civil Procedure §§1245.230, and 1240.510. On October 19, 2022, the Commission adopted RONs for the properties below. The RONs were missing a required statutory reference. On March 16, 2023, DWR requested the Commission consider adopting these amended RONS. At this meeting, the Commission will consider adopting amended RONs, which will include considering additional information, if any, and determining if there is enough evidence to satisfy Code of Civil Procedure §§1245.230, 1240.510, and 1240.610. The Commission may choose to take action at this meeting. To adopt a RON requires a two-thirds vote of all members, which is a minimum of six votes in favor of the RON regardless of the number of Commission members present.

9A. Ray and Della Thompson Trust, et al.; Assessor's Parcel Number (APN) 042-270-017

9B. Huntington Family Trust, et al.; APN 042-260-024

9C. Swanston Properties, et al.; APNs 033-011-007, 033-011-015, 033-011-004, 014-600-073, 014-600-074, 008-010-003, and 008-020-004

9D. EIP California, LLC; APNs 033-440-006, 033-450-001, 033-450-002, 033-220-052, 033-220-054, and 033-190-010

9E. Lucky Five Farm, a co-partnership; 033-220-007, 033-220-008, and 033-220-009

9F. Rodney Williams; APNs 033-220-060 and 033-220-067

9G. Channel Ranch, a Partnership; APN 033-440-002

10. Water Storage Investment Program: Projects Update

Commission staff will provide an update on the progress of projects being considered for funding in the Water Storage Investment Program (WSIP).

11. Water Storage Investment Program: Request to Increase Early Funding Award Amount (Action Item)

In February 2022, the Commission voted to adjust the Maximum Conditional Eligibility Determinations (MCEDs) of all projects in the Water Storage Investment Program (WSIP) to account for inflation. WSIP projects may receive up to 5% of a project's MCED as an early funding award to pay for completion of environmental documentation and permits. The Commission will consider a request from Sites Project Authority, project proponent for the Sites Project, to increase its early funding award amount by \$2.9M so the total early funding award is equal to 5% of its revised MCED, or \$43,769,818.

12. Revisions to Procedures for Resolutions of Necessity and Eminent Domain (Action Item)

California Code of Civil Procedure sections 1245.210 and 1245.220 require DWR to obtain a Resolution of Necessity from the Commission before proceeding to initiate court action to obtain property rights from private citizens. The Commission's "Procedures for Resolutions of Necessity and Eminent Domain" were adopted on August 17, 2011 and revised on February 13, 2013. Commission counsel will present revisions to the Resolution of Necessity procedures for Commission consideration and potential adoption.

13. Long-term Drought: Expert Panel on Desalination

In support of Water Resilience Portfolio Action 26.3, a panel of speakers will present a variety of perspectives on water desalination in California. Representatives from DWR, the Lawrence Berkeley National Laboratory, the City of Santa Barbara, and California Coastkeeper Alliance will provide State agency, academic, practitioner, and environmental perspectives on desalination.

14. Consideration of Items for Next California Water Commission Meeting

15. Adjourn

The Commission may break for lunch as needed.

At the discretion of the California Water Commission, all items appearing on this agenda, whether or not expressly listed for action, may be deliberated upon and may be subject to action.

Further information regarding this meeting will be available at <https://cwc.ca.gov/>.

- California Native American Tribal leaders and representatives and members of the public shall be provided an opportunity to address the California Water Commission on any agenda item except closed session items. Comments shall be limited to matters within the Commission's jurisdiction. Reasonable time limits may be established for comments (Government Code Section 11125.7), and the Commission has established a three-minute limit per comment. California Native American Tribal leaders and representatives who identify themselves during agenda item 7 will be given the opportunity to provide comments prior to public comment on agenda items as outlined in the Commission's [California Native American Tribal Leadership Comment Policy](#).
- Agenda items may be heard in any order at the discretion of the Commission.
- **Written comments regarding specific items on this agenda will be provided to the Commissioners as part of their meeting packets if they are received by 5:00 p.m. on Monday, May 15, 2023.** Staff will make every effort to provide comments received after this deadline electronically, but we cannot make any guarantees. Written comments can be submitted to cwc@water.ca.gov. Comments received by the Commission related to meeting agenda items will not be edited and will be posted to the Commission's webpage in their entirety.
- Copies of meeting materials are available on the [Commission website](#). Anyone may request hard copies of these materials; however, the Commission may charge a fee covering the cost of providing such materials.
- The Commission intends to provide a webcast of the meeting. However, if technical difficulties interrupt the webcast at times, the full webcast video will be posted at cwc.ca.gov as soon as possible.
- If you require special accommodations, please call (916) 873-5774 or email cwc@water.ca.gov.
- For further information about items on this agenda please contact Brianna Shoemaker, Brianna.Shoemaker@water.ca.gov or (916) 902-6785.