



## STATE WATER RESOURCES CONTROL BOARD

### BOARD MEETING MINUTES

TUESDAY, DECEMBER 5, 2023

WEDNESDAY, DECEMBER 6, 2023

COASTAL HEARING ROOM

Copies of the resolutions and water quality/water rights orders can be obtained by calling (916) 341-5600 or downloading from our website at [http://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/](http://www.waterboards.ca.gov/board_decisions/adopted_orders/).

The video of the Board Meeting is available to view on our website at: [http://www.waterboards.ca.gov/board\\_info/video.shtml](http://www.waterboards.ca.gov/board_info/video.shtml)

### **CALL TO ORDER**

Chair Joaquin Esquivel called the meeting to order on Tuesday, December 5, 2023 at 9:00 a.m. with both a physical meeting location and remote location.

### **BOARD MEMBERS PRESENT**

Chair E. Joaquin Esquivel; Vice Chair Dorene D'Adamo; Member Sean Maguire; Member Laurel Firestone; Member Nichole Morgan

### **BOARD MEMBERS ABSENT**

None

### **EXECUTIVE STAFF PRESENT**

Eileen Sobeck, Executive Director  
Michael Lauffer, Chief Counsel  
Jonathan Bishop, Chief Deputy Director  
Eric Oppenheimer, Chief Deputy Director  
Courtney Tyler, Clerk to the Board  
Emily McShane, Assistant Clerk to the Board  
Michael Read, Associate Governmental Program Analyst

### **ANNOUNCEMENTS**

- *Instructions were given in regard to participating in the Remote Meeting.*
- *The Board meeting is being webcasted and recorded.*

### **BOARD MEETING**

***Public comments on agenda items will be limited to 5 minutes or otherwise at the discretion of the Board Chair***

### **PRESENTATION OF SUPERIOR ACCOMPLISHMENT AWARDS**

- *Brian Bustos, with the Division of Information Technology, presented a Gold Superior Accomplishment Award to Don Ha.*
- *Eric Oppenheimer, with the Executive Office, presented a Gold Superior Accomplishment Award to Courtney Tyler.*

## **PUBLIC FORUM**

***(Approximately 30 minutes at the beginning of Board Meeting and any remaining speakers at the call of the Chair)***

Any member of the public may address and ask questions of the Board relating to any matter within the State Water Resources Control Board's jurisdiction provided the matter is not on the agenda or pending before the State Water Board or any California Regional Water Quality Control Board.

### **No Action Taken**

#### **Commenters**

*Raffaella Woods, Water Warriors Against Del Oro*

*Malissa Hathaway Mckeith, Environmental Infrastructure Consultants, LLC*  
*(comments intended for Item 5)*

## **BOARD BUSINESS**

1. The Board will consider adoption of the November 7-8, 2023 Board Meeting minutes.

**Motion:** Vice Chair D'Adamo moved to adopt the November 7-8, 2023 Board Meeting minutes

**Seconded by:** Board Member Maguire

**MOTION CARRIED** ([December 5, 2023](#))

**Aye:** Chair Esquivel  
Vice Chair D'Adamo  
Member Maguire  
Member Firestone

**Nay:** None

**Absent:** None

**Abstain:** Member Morgan

#### **Commenters**

*None*

## **UNCONTESTED ITEM**

2. Consideration of a proposed Resolution authorizing the Executive Director or Designee to enter into or amend contracts using drought and Clear Lake hitch contract allocations.

*Staff Presenting: Jessica Bean, Amy Kronson, Amanda Pearson*

- [Agenda Item](#)
- [Draft Resolution](#)

**Motion:** Board Member Maguire moved to adopt the proposed Resolution

**Seconded by:** Board Member Firestone

**MOTION CARRIED** ([Resolution No. 2023-0041](#))

**Aye:** Chair Esquivel  
Vice Chair D'Adamo  
Member Maguire  
Member Firestone  
Member Morgan

**Nay:** None

**Absent:** None

**Abstain:** None

**Commenters**

*None*

**INFORMATIONAL ITEM**

3. Current Hydrologic Conditions and Response.  
(Staff Presentation) *Staff Presenting: Karina Herrera, Charlotte Ely (virtual), Erik Ekdahl, Erin Ragazzi (virtual)*
  - Including update on Making Conservation A California Way of Life Rulemaking

**No Action Taken**

**Commenters**

*None*

**DIVISION OF WATER QUALITY**

4. Consideration of a proposed Resolution authorizing the Executive Director or Designee to execute a Memorandum of Understanding with the California High-Speed Rail Authority to provide expedited review of rail projects, environmental technical assistance, project consultations, and coordination services.  
(Staff Presentation) *Staff Presenting: Jessica Nadolski, Paul Hann, Phil Crader, Serena Liu*
  - [Agenda Item](#)
  - [Draft Resolution](#)
  - Draft Memorandum of Understanding ([Clean](#) | [Redline](#))

**Motion:** Vice Chair D'Adamo moved to adopt the proposed Resolution with changes as read into the record by Michael Lauffer

**Seconded by:** Board Member Morgan

**MOTION CARRIED** ([Resolution No. 2023-0042](#))

**Aye:** Chair Esquivel  
Vice Chair D'Adamo  
Member Maguire  
Member Firestone  
Member Morgan

**Nay:** None

**Absent:** None

**Abstain:** None

### **Commenters**

*Ashley Overhouse, Defenders of Wildlife and Audubon California*

*Lisa Belenky, Center for Biological Diversity*

*Carin High, Citizens Committee to Complete the Refuge*

*Ellen Wehr, Grassland Water District*

*Stefan Galvez Abadia, California High Speed Rail Authority*

### **OFFICE OF ENFORCEMENT**

5. Public Hearing to consider proposed amendments to the Water Quality Enforcement Policy.

(Staff Presentation) *Staff Presenting: Yvonne West, David Boyers, Catherine Hawe, Bryan Elder*

- [Second Revised Public Notice](#)
- [Agenda Item](#)
- [Draft Resolution](#) ([Attachment A](#) | [Attachment B](#))
- [Draft Water Quality Enforcement Policy](#)
- Written Comments were due by noon on April 28, 2023
- [Response to Comments](#)
- [Change Sheet #1](#)
- [Change Sheet #2](#)

**Motion:** Board Member Morgan moved to adopt the proposed Resolution with Change Sheets #1 and #2 and additional changes as read into the record by Michael Lauffer

**Seconded by:** Board Member Maguire

**MOTION CARRIED** ([Resolution No. 2023-0043](#))

**Aye:** Chair Esquivel  
Vice Chair D'Adamo  
Member Maguire  
Member Firestone  
Member Morgan

**Nay:** None

**Absent:** None

**Abstain:** None

### **Commenters**

*Benjamin Harris, Los Angeles Waterkeeper*

*Nicole Granquist, Downey Brand LLP*

*Jared Voskuhl, California Association of Sanitation Agencies*

*Erick Orellana, Community Water Center*

### **INFORMATIONAL ITEMS - NOT TO BEGIN BEFORE 1:00 P.M.**

6. Water Supply Strategy Implementation Update.  
(Staff Presentation) *Staff Presenting: Claire Waggoner, Jessica Bean, Anthony Navasero (DWR)*
  - [Agenda Item](#)

### **No Action Taken**

### **Commenters**

*Kjia Rivers, Community Water Center*

*Jared Voskuhl, California Association of Sanitation Agencies*

7. Board Member Reports.

### **No Action Taken**

For full details on each Board Member report, please review the video at [Board Videos | California State Water Resources Control Board](#). It begins at 5:42:44 on the video for the December 5, 2023 Board Meeting.

8. [Executive Director's Report](#).

### **No Action Taken**

### **Commenters**

*None*

**The Board recessed at 5:50 p.m. until Wednesday, December 6, 2023 at 9:00 a.m.**

### **CLOSED SESSION**

Closed Sessions are not open to the Public

### **PERSONNEL**

The Board will meet in closed session to discuss the appointment, evaluation of performance, or dismissal of public employee, or to hear complaints or charges brought against that employee by another employee unless the employee requests a public hearing. (This closed session is authorized by Government Code section 11126, subdivision (a)(1).)

**The Board met in Closed Session on the above item on both days.**

## **WEDNESDAY, DECEMBER 6, 2023**

### **CALL TO ORDER**

Chair Joaquin Esquivel called the meeting to order on Wednesday, December 6, 2023 at 9:34 a.m. with both a physical meeting location and remote location.

### **BOARD MEMBERS PRESENT**

Chair E. Joaquin Esquivel; Vice Chair Dorene D'Adamo (virtual);  
Member Sean Maguire; Board Member Laurel Firestone; Member Nichole Morgan

### **BOARD MEMBERS ABSENT**

None

### **EXECUTIVE STAFF PRESENT**

Eileen Sobeck, Executive Director  
Michael Lauffer, Chief Counsel  
Jonathan Bishop, Chief Deputy Director  
Eric Oppenheimer, Chief Deputy Director  
Courtney Tyler, Clerk to the Board  
Emily McShane, Assistant Clerk to the Board  
Marji Arjil, Administrative Assistant

### **ANNOUNCEMENTS**

- *Instructions were given in regard to participating in the Remote Meeting.*
- *The Board meeting is being webcasted and recorded.*

### **DIVISION OF WATER RIGHTS**

9. Consideration of a proposed Resolution to adopt Emergency Information Order Regulations for the Clear Lake Watershed.  
(Staff Presentation) *Staff Presenting: Jessica Bean, Valerie Zimmer, Erin Bender, Abbey Warner, Fred Feyrer (USGS), Amanda Pearson, Anu Krishnaswamy, John Murphy*
  - [Revised Public Notice](#)
  - [Agenda Item](#)
  - [Draft Resolution](#)
  - [Draft Emergency Information Order Regulations | Redline](#)
  - Written Comments were due by noon on October 31, 2023

**Motion:** Board Member Firestone moved to adopt the proposed Resolution with the changes as read into the record by Amanda Pearson

**Seconded by:** Board Member Morgan

**MOTION CARRIED** ([Resolution No. 2023-0044](#))

**Aye:** Chair Esquivel  
Vice Chair D'Adamo  
Member Maguire  
Member Firestone  
Member Morgan

**Nay:** None

**Absent:** None

**Abstain:** None

**Commenters**

*Sarah Ryan, Big Valley Band of Pomo Indians*

*Ron Montez, Big Valley Band of Pomo Indians*

*Fred Briones, Big Valley Band of Pomo Indians*

*Nikcole Whipple, Round Valley Indian Tribes; Tribal Member, Save California Salmon*

*Taylor Woodruff, Big Valley Environmental Protection Agency*

*Marilyn Ellis, Big Valley Band of Pomo Indians*

*Bob Gore, The Gualco Group / CA Assn of Winegrape Growers*

*Michael Miiller, California Association of Winegrape Growers*

*Rebecca Harper, Lake County Farm Bureau*

*Will Weiss, Lake County Land Stewards & Lake County Farm Bureau*

*Alyson Ackerman, Somach Simmons and Dunn*

*Jeanine Pfeiffer, General Public*

*Bruno Sabatier, County of Lake*

*Justin Fredrickson, California Farm Bureau Federation*

*Felipe La Luz, California Department of Fish and Wildlife*

**ADJOURNMENT**

The Board adjourned at 2:07 p.m.

## **IMPORTANT INFORMATION!!**

Unless otherwise specified, submittal of written comments **must be received by 12:00 p.m. (Noon) on November 30, 2023 and will not be accepted after that time.**

Submittal of electronic PowerPoint presentations **must be received by 12:00 p.m. (Noon) on November 30, 2023 and will not be accepted after that time.**

Submittals are to be sent via e-mail to the Clerk to the Board at [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov). Please indicate in the subject line, **12/05-06/2023 BOARD MEETING – ITEM # (fill in bolded subject from appropriate item)**. If you have questions about the agenda, contact the Clerk to the Board at (916) 341 5600.

If you would like to request a copy of public comments submitted on an agenda item, please send a request to [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov), identifying the Board meeting date, and agenda item by name and number.

Agenda and items will be available electronically at:  
[http://www.waterboards.ca.gov/board\\_info/calendar/index.shtml](http://www.waterboards.ca.gov/board_info/calendar/index.shtml)

\*Items on the uncontested items calendar may be removed at the request of any Board Member or person. If an item is removed from the uncontested items calendar, it will only be voted on at this meeting if the Board accepts the staff recommendation for the agenda item. Otherwise, the item will be continued to a subsequent board meeting to allow input by interested persons.

Video broadcast of meetings will be available at: <https://video.calepa.ca.gov/>.  
An alternate live-stream broadcast will also be available at:  
<https://www.youtube.com/user/BoardWebSupport/>

### **LANGUAGE SERVICES**

For oral interpretation, written translation, or sign language services, please call (916) 341-5254 or e-mail: [opp-languageservices@waterboards.ca.gov](mailto:opp-languageservices@waterboards.ca.gov) (at least 7 calendar days before the date of the Board meeting).

### **ACCESSIBILITY**

Telecommunications device for the deaf (TDD) users may contact the California Relay Service at: (800) 735-2929 or voice line at (800) 735-2922.