



STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING MINUTES
TUESDAY AUGUST 15, 2023
WEDNESDAY, AUGUST 16, 2023
SIERRA 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/.

The video of the Board Meeting is available to view on our website at: http://www.waterboards.ca.gov/board_info/video.shtml

CALL TO ORDER

Chair Joaquin Esquivel called the meeting to order on Tuesday, August 15, 2023 at 9:32 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
Marji Arjil, Administrative Assistant II
Mike 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.*

REVISED- ITEM 8 WILL BEGIN NO EARLIER THAN 1:00 P.M

BOARD MEETING

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

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

Thomas Stokely, Pacific Coast Federation of Fishermen's Associations

Ray Camacho, UA Local 250

Nataly Escobedo Garcia, Leadership Counsel for Justice and Accountability

Regina Chichizola, Save California Salmon

BOARD BUSINESS

1. The Board will consider adoption of the July 26, 2023 and the August 2, 2023 Board Meeting minutes.

Motion: Board Member Firestone moved to adopt the July 26, 2023 and August 2, 2023 Board Meeting minutes

Seconded by: Vice Chair D'Adamo

MOTION CARRIED ([August 15, 2023](#))

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

Nay: None

Absent: None

Abstain: None

UNCONTESTED ITEMS

2. Consideration of a proposed Resolution authorizing the Executive Director or designee to enter into multi-year contracts to continue and enhance the Groundwater Ambient Monitoring and Assessment Program.

Staff Presenting: Aaron Button, Dori Bellan, Janice Zinky, Annalisa Kihara, Karen Mogus

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

Motion: Board Member Firestone moved to adopt the proposed Resolution

Seconded by: Board Member Morgan

MOTION CARRIED ([Resolution No. 2023-0022](#))

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

Nay: None

Absent: None

Abstain: None

3. Consideration of a proposed Resolution authorizing the Executive Director or designee to enter into multi-year contracts to continue implementation of the Oil and Gas Regional Groundwater Monitoring Program.

Staff Presenting: Valerie Feldhaus, Bill Patzelt, Janice Zinky, Karen Mogus

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

Motion: Board Member Firestone moved to adopt the proposed Resolution

Seconded by: Board Member Morgan

MOTION CARRIED ([Resolution No. 2023-0023](#))

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

Nay: None

Absent: None

Abstain: None

4. Consideration of a proposed Resolution to adopt the 2024 Nonpoint Source Grant Program Guidelines, to authorize staff to solicit and recommend projects, and to authorize the Executive Director or designee to award and execute finance agreements for the 2024 Nonpoint Source Grant Program.

Staff Presenting: Jeanie Mascia, Karen Mogus, Anthony Austin

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

Motion: Board Member Firestone moved to adopt the proposed Resolution

Seconded by: Board Member Morgan

MOTION CARRIED ([Resolution No. 2023-0024](#))

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

Nay: None

Absent: None

Abstain: None

INFORMATIONAL ITEMS

5. Current Hydrologic Conditions and Response.

Staff Presenting: Michael Lauffer

No Action Taken

Commenters

None

6. Information Item on the development of a proposed Resolution to revise the Interim Mitigation Calculation for the Water Quality Control Policy on the Use of Coastal and Estuarine Waters for Power Plant Cooling.

(Staff Presentation) *Staff Presenting: Sami Michishita, Katherine Walsh, Rebecca Fitzgerald, Jenn Eckerle (Ocean Protection Council), Mary Small (State Coastal Conservancy), Dr. Peter Raimondi (UC Santa Cruz)*

- [Agenda Item](#)

No Action Taken

Commenters

Joe Geever, Los Cerritos Wetlands Land Trust

Aubrie Fowler, MPA Collaborative Network

Tara Khan, Heal the Bay

Ben Harris, Los Angeles Waterkeeper

Sean Bothwell, California Coastkeeper

DIVISION OF WATER QUALITY

7. Consideration of Adoption of an Amendment to the Water Quality Control Policy on the Use of Coastal and Estuarine Waters for Power Plant Cooling to Revise the Compliance Schedule for Alamitos, Huntington Beach, Ormond Beach, and Scattergood Generating Stations, and Diablo Canyon Nuclear Power Plant.

(Staff Presentation) *Staff Presenting: Jonathan Dolan, Katherine Walsh, Rebecca Fitzgerald, Phil Wyels, Leuwam Tesfai (CPUC)*

- [Agenda Item](#)
- [Draft Resolution](#)
- [Public Notice](#)
- [Proposed Final Amendment](#)
- [Proposed Final Staff Report](#)
- Written Comments (were due by March 17, 2023)
- [Response to Comments](#)

Motion: Vice Chair D'Adamo moved to adopt the proposed Resolution with Change Sheet #1 and new language to Resolved #3 as read into the record by Michael Lauffer

Seconded by: Board Member Maguire

MOTION CARRIED ([Resolution No. 2023-0025](#))

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

Nay: None

Absent: None

Abstain: None

Commenters

Aleecia Gutierrez, California Energy Commission

Alexander Nguyen, City of Oxnard

Joe Geever, Los Cerritos Wetlands Land Trust

Mark Miller, AES

Henry Stern, California State Senator

Amy Smith, CREED LA

Jill ZamEk, San Luis Obispo Mothers for Peace

Eric Watts, GenOn Energy

Angie Garcia, CAUSE

Elizabeth Ortiz, CAUSE

Oliver Martinez, CAUSE

Kyle de la Torre, CAUSE

Odette Moran, CAUSE

Sofi Magallon, CAUSE

Lucia Marquez, CAUSE

Irma Lopez, Communities for a Better Environment (CBE)

Dulce Altamirano, CBE

Terez Sanogo, CBE

Ashley Hernandez, CBE

Luis Coronado, CBE
Bryant Aquino, Center for Community Action and environmental Justice (CCA EJ)
Clarissa Aquino, CCA EJ
Joaquin Castillejos, Justice CCA EJ
Mari Rose Taruc, California Environmental Justice Alliance
Shane Ysais, CCA EJ
Jan Smutny-Jones, Independent Energy Producers (IEP)
Steve Fleischli, Natural Resources Defense Council
Joel Porter, Green Hydrogen Coalition
Shomari Davis, IBEW LOCAL 11
Ernesto Pantoja, LIUNA Local 300
Ray Morales, Anchor Church
Chad Boggio, Los Angeles/Orange County Building & Construction Trades Council
Omar Galindo, UA Plumbers Local 78
Karen Cederholm, Hammond Climate Solutions Foundation
Mikhael "Mik" Skvarla, California Hydrogen Business Council
Carissa Macias, Bolsa Chica Conservancy
Jay Rojo, Boilermakers Local 92
John Villa, Huntington Beach Wetlands Conservancy
Eric Greening, General Public
Jennifer Cardenas, Sierra Club California
Teresa Cheng, Sierra Club California
Erin Woolley, Sierra Club California
Katie Mills, TreePeople
Dave Shukla, Long Beach Alliance for Clean Energy
Martin Marrufo, International Brotherhood of Electrical Workers Local 18 (IBEW)
Annelisa Moe, Heal the Bay
Tara Khan, Heal the Bay
Tevin Schmitt, Wishtoyo Chumash Foundation
Ben Harris, Los Angeles Waterkeeper
Katherine Rubin, Los Angeles Department of Water and Power (LADWP)
Glenn Barry, LADWP
Denis Obiang, LADWP
Henry Rogers, Harbor Association of Industry and Commerce
Sean Bothwell, California Coastkeeper
Dawn Koepke, California Council for Environmental and Economic Balance (CCEEB)
*Alison Ramey, on behalf of State Association of Electrical Workers, California Coalition
of Utility Employees, State Pipetrades Council, and Sheetmetal Workers*
Leslie Purcell, General Public
Gus Torres, UA Local250

BOARD HEARING
WILL BEGIN NO EARLIER THAN 1:00 P.M.

DIVISION OF WATER RIGHTS

8. Hearing on a Petition for Rulemaking to Set Minimum Flows on the Scott River. At the close of the hearing, the Board may provide direction regarding establishing minimum instream flows on the Scott River. Additionally, the Board may also provide direction regarding setting minimum instream flows on the Shasta River.
(Staff Presentation) *Staff Presenting: Erin Ragazzi, Erik Ekdahl, Philip Dutton, Marianna Aue*
- [Agenda Item](#)
 - Written Comments (were due by July 20, 2023). Additional written comments specific to the published agenda item, including comments on potential Board direction regarding establishing minimum instream flows on the Shasta River, may be submitted in accordance with the deadline specified on the Board meeting agenda.

The Board members requested staff to: 1) develop new emergency regulations that will serve as interim measures to ensure flow minimums in the Scott and Shasta Rivers; and 2) develop information and to report back to the Board on science-based options for longer-term solutions in the two basins and opportunities for collaborative processes. Additionally, Board members emphasized the importance of maintaining flows while additional data is gathered to inform possible long-term options.

No Action Taken

Panel 1- Petitioners

*Nathaniel Kane, Environmental Law Foundation
Arron "Troy" Hockaday, Karuk Tribe*

Panel 2- Scott River Agriculture Panel

*Gary Black, Restoration and Conservation Consultant and Contractor
Theo Johnson, Scott Valley Ag Water Alliance
Gareth Plank, Farmers' Ditch Company
Ryan Walker, Siskiyou County Farm Bureau
Sari Sommarstrom, General Public*

Panel 3- Shasta River Agriculture Panel

*Gary Black, Restoration and Conservation Consultant and Contractor
Tristan Allen, Shasta Valley Producers
Ryan Walker, Siskiyou County Farm Bureau & Shasta Valley Resources Conservation District*

Panel 4- California Department of Fish and Wildlife Panel (CDFW)

Michael Harris, CDFW

Crystal Robinson, CDFW

Commenters

Russell "Buster" Attebery, Karuk Tribe

Supervisor Brandon Criss, County of Siskiyou

Supervisor Nancy Ogren, County of Siskiyou

Supervisor Michael Kobseff, County of Siskiyou

Elizabeth Nielsen, on behalf of James Smith, County of Siskiyou

Cody Phillips, California Coastkeeper Alliance

Alexandra Biering, California Farm Bureau

Lauren Sweezey, Scott Valley Farmer

Thomas Harter, University of California Davis

Theodora Johnson, Scott Valley agriculture water alliance

Sari Sommarstrom, General Public

Brandon Fawaz, Farmer from Scott Valley

Jeff Eisenberg, Siskiyou County Farm Bureau

Michael Belchik, on behalf of the Yurok Tribal Council

Joan Webster, Land owner, Indian from the Original Quartz Valley Rancheria

Konrad Fisher, Water Climate Trust

Paul Wilson, Rios to Rivers

Craig Tucker, Karuk Tribe

Ann Willis, American Rivers

Justin Fredrickson, General Public

Julie Zimmerman, The Nature Conservancy

David Webb, Friends of the Shasta River

Doug Maner, Friends of the River

Tito Cervantes, California Department of Water Resources

Sarah Schaefer, Quartz Valley Indian Reservation

Amber Jamieson, Environmental Protection Information Center

Glen Spain, Pacific Coast Federation of Fishermen's Associations (PCFFA)

Bill Chesney, Friends of the Shasta

Rod Dowse, Shasta Scott Water Master District

Vivian Helliwell, Institute for Fisheries Resources (IFR), PCFFA

Chris Shutes, California Sportfishing Protection Alliance

Cintia Cortez, Restore the Delta

Drev Hunt, California Coastkeeper Alliance

Regina Chichizola, Save California Salmon

Amanda Lang, Rios to Rivers

Brian Johnson, Trout Unlimited

Alex Leumer, California Trout

Michael Lauffer read comments on behalf of Felice Pace, General Public

INFORMATIONAL ITEMS

9. Board Member Reports.

No Action Taken. Item was heard on Wednesday, August 16, 2023 after Item 10 was heard.

For full details on each Board Member report, please review the video at [Board Videos | California State Water Resources Control Board](#). It begins at 2:03:44 on the video for the August 16, 2023 Board Meeting.

The Board recessed at 11:26 p.m. until Wednesday, August 16, 2023 at 9:30 a.m.

WEDNESDAY, AUGUST 16, 2023

CALL TO ORDER

Chair Joaquin Esquivel called the meeting to order on Wednesday, August 16, 2023 at 9:31 a.m. with both a physical meeting location and remote location.

BOARD MEMBERS PRESENT

Chair E. Joaquin Esquivel; Vice Chair Dorene D'Adamo (arrived at 9:38 a.m.); Member Sean Maguire; Member Laurel Firestone (arrived at 9:58 a.m.); Member Nichole Morgan

BOARD MEMBERS ABSENT

None

EXECUTIVE STAFF PRESENT

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

DIVISION OF FINANCIAL ASSISTANCE

10. Board Workshop on the Draft Fiscal Year 2023-24 Fund Expenditure Plan for the Safe and Affordable Drinking Water Fund.

(Staff Presentation) *Staff Presenting: Jasmine Oaxaca, Doug Bojack, Joe Karkoski*

- [Agenda Item](#)
- [Public Notice](#)
- [Fund Expenditure Plan](#)
- [Appendices](#)
- Written Comments (are due by August 30, 2023)

No Action Taken

Commenters

*Erick Orellana, Community Water Center
Danielle Coats, Rancho California Water District*

ADJOURNMENT

The Board adjourned at 10:46 a.m.

IMPORTANT INFORMATION!!

Unless otherwise specified, submittal of written comments **must be received by 12:00 p.m. (Noon) on August 10, 2023 and will not be accepted after that time.**

Submittal of electronic PowerPoint presentations **must be received by 12:00 p.m. (Noon) on August 10, 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. Please indicate in the subject line, **08/15-16/2023 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, 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

* 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 (at least 10 business 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.