



## **Meeting Minutes**

Meeting of the California Water Commission  
Wednesday, February 18, 2026  
California Natural Resources Building  
715 P Street, First Floor Auditorium  
Sacramento, California 95814

### **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, 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.

### **4. Approval of January 21, 2026, Meeting Minutes**

Commissioner Hurt motioned to approve the January 21, 2026, meeting minutes. Commissioner Solorio seconded the motion. All Commissioners present voted to approve the minutes.

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

Executive Officer Laura Jensen reported that the January meeting the most attended meeting since tracking meeting participation began, with 155 total participants. Participation via Zoom was more than double the 2025 average. We had 21 in-person attendees, 81 remote attendees, 53 webcast viewers for a total participation of 155, 14 in-person comments, and five remote comments.

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

There were no Commission Member Reports.

### **7. Public Testimony**

Public comment from Ben King, expressed concern regarding program changes for the Sites Project. Potential ecological disasters are feared due to the introduction of mercury and chromium into a 25-mile sump with no natural gradient, likely exacerbating existing dissolved oxygen and impairment issues.

Public comment from Neal Desai, noted that the proposed Cadiz groundwater project remains excluded from the water storage investment program. A significant update was provided concerning the Arizona Water Infrastructure Finance Authority's recent rejection of Cadiz's funding application, despite the approval of several other desalination and recycling projects.

#### **8. California Water Plan Update (Senate Bill 72)**

Joel Metzger, Deputy Director of Statewide Water Resources Planning and Enterprise Management with Department of Water Resources (DWR), provided a brief update on the California Water Plan, noting that the public launch of the California Water Plan Update has been delayed by one week to February 24th. An overwhelmingly positive response was reported regarding invitations sent to potential advisory committee members, with careful consideration given to ensuring geographic and sectoral diversity and expressed appreciation for the ongoing partnership with staff.

Mr. Metzger discussed participation in upcoming public meetings would be welcomed, with the inclusion of a State Water Board representative as an ex-officio member confirmed to ensure inter-agency partnership. A successful engagement with tribal representatives was reported, resulting in the nomination of a tribal representative for the Advisory Committee; all committee names are expected to be announced during the public launch on February 24th. Additionally, clarification was provided regarding the 9-million-acre-foot storage goal, which had been identified as an interim 2040 target.

Mr. Metzger conducted briefings on the water plan approach to various state agencies, and a state agency coordination committee was being established to facilitate regular executive and program-level collaboration. Synergies with existing state efforts, such as those from State Parks and CAL FIRE, are being leveraged to integrate multibenefit land repurposing and connect source watersheds with end users. Near-term milestones include a statewide engagement launch on February 24, featuring a new information-rich website, an outreach video, and a press release. Additionally, a press conference hosted by Senator Caballero is scheduled for March 13th at the San Luis Reservoir, where participation from the Commission and public is encouraged.

Public Comment from Michael Hadley expressed gratitude to Director Nemeth and Deputy Director Metzger for their leadership on Senate Bill 72, with a commitment shared by Western Municipal Water District to support the collaborative effort required to meet the state's ambitious water targets.

Commissioner Solorio inquired about where the meetings will be held and if there would be an in-person option.

Mr. Metzger stated a final decision had not yet been reached regarding the meeting format, but options for an in-person approach were being discussed by the advisory committee to ensure the needs of all members are met.

Commissioner Makler inquired as to the complexity and long-term impact of these water decisions, if there would be an opportunity to develop a sidecar curriculum for students to ensure future generations are educated and equipped to navigate these trade-offs.

Mr. Metzger talked about a commitment to clear communication and storytelling, with several existing resources and potential partnerships identified to educate students, including the advisory committee, and the public. The importance of developing a shared understanding of California's water history and infrastructure was emphasized, alongside a goal of fostering human connection and "outside-the-box" thinking to address future trade-offs.

Commissioner Curtin commented on the importance of large-scale public education and noted that millions of Californians remain unaware of the complex engineering and infrastructure required to deliver their water. Commissioner Curtin expressed concerns regarding the potential for "budget shock" as multibillion-dollar investments in groundwater, the Colorado River, and climate resilience become necessary, and suggested that beyond schools, outreach must extend to legislators and policy makers to build the political will needed for a cohesive, long-term vision that transcends local interests.

Mr. Metzger expressed confidence that a shared commitment to collaboration will effectively demonstrate the importance of these decisions to the public and the direct impact on daily lives, including water reliability and financial costs, as well as a key driver for raising awareness across agricultural, environmental, and urban sectors.

Commissioner Hurt commented on the forging of open communication with cities, counties, and associations of governments as an essential way to capture the local voice and noted that these crowdsourced groups could be utilized to gather information and provide the advisory committee with a direct pulse on regional concerns. Appreciation was also expressed to the chair for representing the committee's interests in this process.

## **9. Water Storage Investment Program: Review of the Commission's Ex-Parte Communication Policy**

Anthony Austin, legal counsel for the Water Commission, provided information on the Commission's ex-parte communication policy, which was adopted in 2017 to ensure integrity and fairness within the Water Storage Investment Program (WSIP). The policy was described as a brief but broad framework designed to regulate all forms of communication, including oral, written, and digital, to allow for full commissioner participation in decision-making. Practical examples were also introduced to further clarify the specific parameters and limits required by the policy.

Mr. Austin discussed the requirement for commissioners to remain neutral and impartial on all WSIP projects and emphasized that evaluations must be fact-based and conducted for the primary benefit of the public. Ex-parte communications with project proponents, member agencies, and partners are prohibited; however, any such interactions must be disclosed either

during commissioner reports or in writing. It was also noted that while individual ad hoc site visits are restricted, collective visits may be authorized by the body during an open public meeting in compliance with the Bagley-Keene Act.

Mr. Austin highlighted the difference between the ex-parte communication policy, which targets interactions with WSIP-related entities, and the Bagley-Keene Act, which governs collective deliberations by a majority of the Commission and highlighted several hypothetical scenarios, that illustrated that while a single commissioner's discussion with a project proponent would violate the ex-parte policy, it would not necessarily trigger a Bagley-Keene violation unless a "serial meeting" among multiple commissioners occurred. Mr. Austin clarified that communications regarding matters outside of WSIP, such as the State Water Project, fall outside the specific restrictions of the ex-parte policy.

Mr. Austin discussed scenarios involving "reply-all" emails and site visits and noted that substantive group email threads can constitute a prohibited serial meeting, even if the subject is not WSIP-related and the policy's strict requirements for site visits were detailed, noting they must be authorized at a public meeting and conducted without private "side conversations" with proponents. Compliance ensures transparency, though any violation necessitates a formal disclosure and potential recusal from future project decisions.

Commissioner Curtin asked clarifying questions on what constitutes a violation.

Mr. Austin provided clarification that the "rule of two" is a best practice used to avoid inadvertent Bagley-Keene violations by limiting attendance at non-public gatherings and noted that while previous site visits to Pyramid Lake and Castaic Lake were fully compliant and open to the body, larger groups are permitted to attend only if the meeting remains publicly noticed and open to the general public.

#### **10. Water Storage Investment Program: Quarterly Update on Projects**

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

Public comment from Liz Hurst, reported on the Chino Basin Program, including the commencement of demolition for a demonstration facility expected to be operational by February 2027. Advancements in securing a location for a pilot injection well and the upcoming release of updated cost estimates were highlighted, along with the receipt of a \$1.09 million federal grant secured by Congresswoman Norma Torres.

Commissioner Gallagher inquired about the schedule for Chino Basin.

Ms. Young stated the timeline for public benefit contracts has not been officially accelerated, though "staff final drafts" are now prepared for potential Commission review earlier than in previous cycles and noted that while these drafts may be presented well in advance, the contracts will only be fully finalized immediately preceding the final funding award hearings.

Commissioner Curtin asked for clarification on how the million acre-feet capacity was determined and the source of the water intended for the basin. Inquiries were also made into whether pulse flows would be used for replenishment and which specific entities are expected to participate in using the site as a storage facility.

Ms. Young stated the Willow Springs project capacity is an "up to" estimate and the project proponent was negotiating with a group of interested contractors. Willow Springs is expected to move their contract water into the water bank once the ongoing negotiations are finalized.

### **11. Water Storage Investment Program Update: Harvest Water Program Update**

Jofil Borja, Manager of Legislative and Regulatory Affairs provided an update on the project and the project's public benefits, including the support of a half-billion-dollar agricultural economy and the improvement of thousands of acres of wetlands and riparian forests. Mr. Borja highlighted the successful installation of 41.3 miles of pipeline and noted that final paving is scheduled for March 2026, following a period of construction that was navigated through various technical and weather-related challenges.

Mr. Borja highlighted the construction of approximately 42 miles of new roads in southern Sacramento County as a significant co-benefit of the Harvest Water project and reported progress on the Harvest Water Pump Station, with underground work having commenced in early 2025 and a final completion date anticipated for mid-2027. Phase 1 of the on-farm connection assemblies was underway, with completion expected in early 2027, while Phase 2 is slated for bidding and contract award in the first half of 2026. Extensive community outreach was conducted, including over a thousand site visits and numerous workshops with agricultural partners, to ensure regional buy-in and readiness for the delivery of recycled water starting in 2027.

Vice President for California Freshwater Trust, Erik Ringelberg, provided information on the Eco Plan and the strategic framework for implementing ecological benefits through recycled water use and groundwater substitution, highlighting habitat improvements which were achieved both passively, through a projected five-foot rise in the water table, and actively, via direct recycled water delivery to on-farm connection assemblies. Mr. Ringelberg discussed methods to support riparian forest enhancement, vernal complex grazing, and the creation of roosting and foraging habitats for species such as the sandhill crane and pilot projects that used groundwater have demonstrated successful infrastructure integration and an immediate positive response from shorebirds, while sophisticated soil monitoring software was being employed to precisely manage water delivery cycles.

Sarah Rhodes, Senior Project Manager at Woodard and Curran provided an update on the WSIP funding and public benefit contracts, noting that \$350.5 million had been secured under the final funding agreement following a September 2025 amendment and significant focus was

placed on the impact of inflation, with projections indicating a potential \$25 to \$50 million in unfunded benefit value by the time the project becomes operational in 2027. Ms. Rhodes reported supplemental funding was being sought to adjust for rising California Consumer Price Index and United States Department of Agriculture (USDA) Land Value metrics.

Mr. Ringelberg informed the Commission on potential expansions for the Harvest Water project, including the enhancement of riparian forests and wetlands within a 10-foot water table rebound zone and opportunities for new public benefits through initial coordination with California Department of Fish and Wildlife (CDFW), specifically targeting the stabilization of tricolored blackbird populations and the advancement of shorebird habitats. Mr. Ringelberg discussed the incorporation of fire suppression capabilities into the project's infrastructure was highlighted as a multi-benefit design element and expressed a commitment to use the project's existing scale to fulfill state ecological priorities and address the public benefit gaps left by other departing programs.

Commissioner Gallagher inquired regarding the successful development of agricultural partnerships and how these users were engaged to facilitate the expansion of public benefits on their lands.

Mr. Ringelberg noted that the success of Harvest Water project is built upon over a decade of relationship-building between Sac Sewer, the Farm Bureau, and the local community and by "filling the gaps" between existing agricultural operations and wildlife refuges, the program is able to maintain working lands while providing a vehicle for enhancements that may otherwise lack funding.

Mr. Borja added The "3P approach" that focuses on policy, practice, and people, was the framework for building long-term synergy between agricultural operations and environmental goals and by educating landowners and federal partners on the shared benefits of conservation, a confluence of interests can be achieved where agricultural businesses and ecological improvements coexist.

Commissioner Bland expressed concern regarding the potential for ratepayer increases to customers, notwithstanding the significant grant funding secured from Proposition 1, Proposition 4, and other sources and noted that the impact on the local community remains a critical consideration as the project nears completion.

Mr. Borja discussed efforts to minimize the impact on ratepayers and focused on closing funding gaps through alternative sources, including USDA congressional earmarks and State Water Recycling funds. Also, it was noted that a stable 10-year rate structure has already been approved by the local board, incorporating long-term capital and Operations and Maintenance assumptions to ensure service reliability without compromising the financial bottom line for the Sacramento region.

Commissioner Makler commended the execution and communication of the Harvest Water project and suggested that its "lessons learned" be shared in future workshops for other project proponents and requested future presentations include data on construction safety, job creation, and regional economic benefits to fully capture the project's impact. Commissioner Makler noted the supplemental funding had the potential for expanded public benefits is a compelling area for further investment and recommended the Commission conduct a broader study or panel on the future potential of reclaimed water and Title 22 projects within California's water system.

## **12. Water Storage Investment Program: Sites Project Update**

Jerry Brown, Executive Director for Sites Project Authority provided information on Barnard Construction which was selected as the Construction Manager at Risk (CMAR) for the Sites Reservoir project. Mr. Brown states that Barnard Construction was selected based on their expertise in high-hazard dams, best-value proposal, and demonstrations of superior understanding of project technical constraints, cost management, and local community sensitivities.

Mr. Brown discussed the Project Labor Agreement (PLA) that covered over 90 percent of craft hours nearing finalization and a subcontracting strategy via Ames Construction secured to ensure master agreement compliance while engaging the Northern California Carpenters Union. Mr. Brown highlighted recent outreach provided hope for full union participation in the finalized PLA.

Public comment from John Belperio, with North Coast States Carpenters Union, expressed concern regarding the selection of Barnard Construction over other shortlisted firms with deeper local partnerships, specifically citing potential issues with the proposed PLA language. It was suggested that the current terms favor an out-of-state, untrained workforce and impose wage ceilings that could negatively impact local trades. Mr. Belperio mentioned an audit of the selection process was requested prior to the allocation of any funding, along with a clarification regarding the exclusion of certain parties from direct negotiations.

Scott Littlehale, Executive Research Analyst with the North Coast States Carpenters Union, expressed concern regarding the draft PLA language that potentially freezes wages at 2027 levels despite a project timeline extending to 2032. It was noted that provisions allowing for uncapped, out-of-state workers without specific skill requirements could undermine California Public Contract Code and existing master labor agreements.

James Thuerwachter, with the California State Council of Laborers, expressed his concerns regarding their exclusion from the negotiation process, along with dismissing highly qualified signatory contractors and respectfully requested an audit of the selection process to ensure that partners with long-term community investments are properly considered.

Mark Mulliner, Business Manager of the Local Union 228 Plumbers, Pipefitters, Welders and HVAC, expressed appreciation the process is working exactly as intended and nearing completion.

Ely Johnson, Project Manager with Barnard Construction, shared that the PLA process was initiated ahead of schedule to ensure a thorough and transparent approach, including outreach to the Carpenters as early as several months ago. In addition to a draft shared in late January which encouraged their involvement, it was noted there is no plan to freeze wages; they remain committed to adjusting craft pay increases with prevailing wage and MLA agreements.

Commissioner Solorio is encouraged to see the progress being made through active dialogue between the various parties. Commissioner Solorio recognized the importance of a consistent engagement process that respects all local groups and feels maintaining open communication with both the County Building Trades Council and independent labor organizations will be essential to keeping the entire community informed and included.

Mark Mulliner stated they remain fully committed to this project following a unanimous vote by the Mid-Valley Building Trades Council and are operating in full compliance with public works procedures and continue to work in good faith with all partners, including the Sites Project Authority and Bernard. Mr. Mulliner recognized that transitions in contractor awards can be challenging and they remain committed to maintaining open communication with all affiliates and interested parties to ensure the project's success.

Commissioner Bland expressed confusion regarding the difference in perspective regarding the current status of the agreement with the carpenters union.

Mark Mulliner stated significant progress was being made toward completing a high-standard PLA that ensures long-term stability for the project's various phases and noted the goal remains to finalize a robust agreement that protects workers and provides a consistent framework for all future contractors on the project.

Commissioner Bland inquired as to their ability to successfully execute the project as constituted without the laborers and the carpenters at the table.

Mark Mulliner stated the negotiation process for the PLA follows established procedures, with the State Building and Construction Trades Council of California representing the interests of its affiliates and noted every opportunity for formal participation has been extended, and the process remains focused on securing a comprehensive agreement that serves all involved trades.

Commissioner Bland addressed council regarding the Commission's authority to decide against any funding until they feel a sound decision can be made.

Anthony Austin explained there was no present action to award funding to this project.

Commissioner Curtin expressed Significant concerns regarding the transparency and inclusivity of the PLA process, particularly the exclusion of non-affiliated unions from active negotiations. Recent discussions suggest a "take-it-or-leave-it" approach where agreements are finalized before all key labor partners are consulted, a method that potentially risks project stability and

"labor peace." Furthermore, the Governor's recent inquiry emphasizes the need for public accountability and the selection of a management team capable of maintaining strong labor relations to avoid delays. Addressing these procedural gaps and ensuring all major trades are represented at the table is essential for the timely and successful completion of the Sites Reservoir project.

### **13. State Water Project Briefing: Operations Guided by Science**

Alison Collins, Manager of the State Water Project's (SWP) Division of Integrated Science and Engineering presented information on how the SWP uses scientific data, including weather forecasts and real-time biological assessments, to adaptively manage water operations and protect species. Following a 2024 update to the Incidental Take Permit (ITP), the department increased water exports during a high-flow storm event while minimizing impacts to endangered fish, balancing water supply for 27 million Californians with ecosystem protections. Ms. Collins explained how data analysis was conducted to determine if State Water Project operations could be modified through a governance language amendment which allowed for voluntary export reductions to protect species, followed by increased pumping during storm events. Real-time adjustments were guided by science and monitoring, resulting in the capture of an additional 15,000 acre-feet of water. Ms. Collins highlighted an investment is being made in parentage-based tagging, a genetic tool used to track fish lineage and population health, which is expected to further refine future water management and species protection efforts.

Ms. Collins talked about the development of scientific tools and how significant investments are being made in restoration projects to promote ecosystem resiliency. Additionally, multi-benefit initiatives, such as the Lookout Slough Tidal Habitat Restoration and the Yolo Bypass Salmonid Habitat Restoration and Fish Passage Project, are being used to reconnect floodplain habitats and improve fish passage. Ms. Collins highlighted that monitoring of these sites has confirmed the successful passage of juvenile winter-run Chinook salmon and adult sturgeon. Positive responses were observed across various species, with recent data showing high returns for longfin smelt as well as spring-run and winter-run Chinook salmon.

Tracy Hinojosa, State Water Project Operations Manager, provided an update on the SWP conditions for the 2026 water year which indicated that the allocation was increased from 10 percent to 30 percent in late January. She shared that there are varied hydrologic conditions Lake Oroville storage was maintained at 132% of the average for the date, with operations remaining below flood regulation limits. Strategic releases from Oroville were managed to meet habitat protection outflow requirements (X2) and to navigate early February storms. Additionally, the United States Army Corps of Engineers initiated a National Environmental Policy Act (NEPA) process in February 2026 to update the water control manual, a move supported by viability assessments to refine future operational alternatives.

Chandra Chilmakuri, State Water Contractor's Assistant General Manager for Water Policy, shared that SWC commitment to rigorous science is maintained through an independent science program. This science program has funded collaborative research for nine years and aims to reduce operational uncertainties. He mentioned the need for regulatory updates to

better reflect modern "climate whiplash" and flashy hydrological patterns. Mr. Chilmakuri discussed concerns regarding the 30-year-old standards that can lead to significant water supply impacts, alongside an urgent call for public funding to address the existential threat of subsidence in the California Aqueduct.

Mr. Chilmakuri discussed strategic alignment across state agencies was being urged to ensure that high flows are captured and groundwater is recharged in a manner that protected existing water supply reliability. While partnerships are sought to advance these goals there are concerns regarding the affordability of the SWP as infrastructure costs rise and subsidence remains an existential threat. The SWC support a long-term vision that includes a modernized system with the Delta Conveyance Project and increased south-of-Delta storage. Advocacy for Senate Bill 872 was requested to secure essential public funding for aging infrastructure, ensuring the project remained a reliable backbone for California's water future.

Commissioner Makler requested clarification regarding the transition from real-time operational forecasting to long-term biological studies, such as parentage-based tagging and questioned as to whether these historical studies are intended to support adjustments to the Incidental Take Permit. Specifically, it was asked if a deeper scientific understanding of species lineage and activity over several years is being pursued to eventually secure greater operational flexibility for the State Water Project.

Ms. Collins explained a potential for defining population-level impacts of water project operations was identified through the continued use of long-term monitoring and lifecycle models and suggested that data regarding spawning, production, and Delta entrainment could eventually be used to establish population threshold triggers.

Commissioner Makler discussed existing administrative constraints, including the limitations of the incidental take permit and while observational data is currently used within these boundaries, it was suggested that a more refined understanding of species life cycle could be developed over time. This scientific advancement is expected to potentially influence future administrative limitations and the specific terms of the take permit.

Ms. Collins shared that there is close coordination with CDFW, while oversight is also provided by the biological opinions that govern the permit and water project and noted that, through consultation with both state and federal agencies, take limits, mitigation strategies, and regulatory requirements could be reevaluated.

Commissioner Makler discussed a connection between operational flexibility and the potential impact of additional storage projects within the Water Storage Investment Program (WSIP). The question was raised as to how such storage could mitigate the need for conservative water allocations during "whiplash" weather events and suggested that increased storage capacity might allow for more dynamic adjustments to exports and improved management of high-flow periods, ultimately influencing real-time operational thinking.

Lenny Grimaldo, State Water Project Environmental Director, stated while the Sites Project is not a DWR project, the Delta Conveyance remains a critical investment and given current weather whiplash, the ability to capture significant water highlights why this infrastructure is essential for the State Water Project's long-term viability.

Commissioner Makler commented the State Water Project's climate strategy shows that while storage and conveyance each offer individual benefits, combining them creates a magnifying effect and this synergy, along with improved infrastructure, provides the operational flexibility needed to meet delivery goals while better protecting habitats and species during extreme weather.

Dr. Grimaldo explained capturing water currently released for flood control presents a significant opportunity to bolster long-term reliability and with a project like Sites Reservoir, an additional 350,000 acre-feet could be stored during extreme storms to offset declining snowpack and support future environmental needs.

Commissioner Hurt inquired about integrating traditional and tribal knowledge into data collection is an important consideration and exploring how to respectfully catalog and bridge this indigenous knowledge with Western science could provide a more holistic framework for the project's future work.

Mr. Grimaldo discussed adherence to tribal consultation policies and how it remained a priority, as evidenced by the engagement of 32 tribes during the incidental take permit process and while no additional mitigation was deemed necessary, the Delta's significance as a tribally important landscape was reaffirmed, and tribes will be invited to provide technical input during upcoming adaptive management meetings.

Commissioner Hurt commented integrating local, citizen, and tribal knowledge through ongoing dialogue is essential for building trust and ensuring a more comprehensive data strategy. Hurt shared that including a dedicated focus on these perspectives in project slides would highlight how community insights are valued and integrated throughout the life of the project.

Commissioner Gallagher expressed appreciation, particularly with a focus on using the best available science and given that parentage-based tagging has been a relatively recent development, an interest in clarifying exactly how long this method has been integrated into the current data collection process.

#### **14. Legislative Update**

Department of Water Resources' Deputy Director for Legislative Affairs, Kasey Schimke, provided a legislative update detailing key 2026 session deadlines and the status of AB35, which seeks to expedite Proposition 4 implementation by allowing guidelines in place of formal regulations, and highlighted the session concludes on August 31, with a final deadline for gubernatorial action on September 30.

Commissioner Solorio requested clarification regarding the Delta Conveyance Project (DCP) being currently in a critical multi-year permitting and design phase, following its formal approval by DWR in late 2023.

Mr. Schimke explained ongoing administrative and legal processes were being navigated to advance the project and efforts were currently directed toward validating bond issuance authority and securing necessary permits through the Delta Stewardship Council.

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

The Commission will not meet in March. At the April meeting, the Commission will consider two sets of DWR regulations and hear an update on Commission's outreach and engagement activities. The Commission may also hear from WSIP administering agencies on the draft contracts for public benefit contracts for the Sites Project.

**16. Adjourn**

The Commission adjourned at approximately 3:00 PM.