

**DRAFT 1/30/14 – SUBJECT TO CHANGE**  
**For Review and Adoption by the DSC at the February 26, 2015 Meeting**

**January 29, 2015**  
**DELTA STEWARDSHIP COUNCIL**

**MEETING SUMMARY**

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**Thursday, January 29, 2015, 9:00 a.m. – 4:30 p.m.**

**1. Welcome and Introductions**

The meeting was called to order at 9:01 a.m. on Jan. 29, 2015 by Chair Randy Fiorini.

**2. Roll Call – Establish a Quorum (Water Code §85210.5)**

Roll call was taken and a quorum established at 9:02 a.m. The following members were present: Patrick Johnston, Randy Fiorini, Susan Tatayon, Phil Isenberg, Mary Piepho, and Aja Brown. Council member Frank Damrell arrived after the quorum was established and the January meeting summary was adopted.

**3. Adoption of December 18, 2014 Meeting Summary (Action Item)**

Chair Fiorini asked if there were any questions, suggestions or comments from the Council or public regarding the Dec. 18, 2014 meeting summary. There were none.

**Motion:** (Offered by Isenberg; seconded by Johnston) to approve the Dec. 18, 2014 Meeting Summary.

**Vote:** (6/0: Tatayon, Johnston, Isenberg, Fiorini, Brown, Piepho) and the motion was adopted. (Damrell was not present at the time of the vote.)

*The video showing this vote can be found on the linked agenda at: <http://cal-span.org/cgi-bin/archive.php?player=silverlight&owner=DSC&date=2015-01-29> at 02:41.*

**4. Chair's Report**

Chair Fiorini stated he was sorry to report the critical drought conditions continue and then continued his report by highlighting activities in which he participated during the past month. The first was a flood-control oversight hearing held by the Assembly Committee on Water Parks and Wildlife. Chair Fiorini said several agencies were represented at the hearing including: Central Valley Flood Protection Board, U.S. Army Corps of Engineers, California Office of Emergency Services, Department of Water Resources, California Central Valley Flood Control Association, and the Delta Stewardship Council, as well as Ellen Hanak with the Public Policy Institute of California. Chair Fiorini said he shared the Council's work on the levee investment strategy with the Committee and that he anticipated providing them with a report during the second half of 2016. The second meeting Chair Fiorini highlighted was a joint meeting, held earlier in the month, between the Delta Protection Commission, Delta Conservancy, the Stewardship Council and the acting deputy director of the Division of Boating and Waterways, Colonel Christopher Conlin, regarding the invasive aquatic weed issue in the Delta. In 1982, California state legislation designated the Division of Boating and Waterways as the lead state agency to

cooperate with other state, local and federal agencies in controlling invasive aquatic weeds in the Sacramento-San Joaquin Delta, its tributaries, and the Suisun Marsh. All the agencies involved in the meeting pledged their collective support. Chair Fiorini said he sent a letter to Colonel Conlin summarizing the meeting. The letter is posted on the Council website at <http://www.deltacouncil.ca.gov/sites/default/files/2015/02/15-0109%20Chris%20Conlin%20Letter.pdf>.

Council member Johnston commented on the Delta Levees Investment Strategy study public meeting held in Brentwood that he attended on January 6. Johnston reported staff provided a presentation that included an overview and next steps. Council member Johnston stated the staff and public engaged in meaningful discussions.

Council member Susan Tatayon reported on her participation in a group referred to as the Coordinating Committee. It meets monthly to coordinate the activities of regional flood management planning with the Department of Water Resources' basinwide feasibility studies and its systemwide flood management planning. She said that at the last meeting DWR presented the draft conservation strategy which Council member Tatayon felt would be useful for Council staff to review as it pertained to the levee investment strategy as well as examining a briefing that was presented on the basin-wide feasibility studies and its timelines and intended use of analysis. Council member Tatayon stated she plans on continuing to attend these committee meetings.

Council member Isenberg noted a recently released Public Policy Institute of California survey that showed a drop in the public's concern about the drought. He said the poll also showed that the public believes the government should solve the water problems but they are not willing to pay for that. Chair Isenberg stated he found it interesting that water as a concern has dropped from the top concern to the fourth concern. The survey is posted on the PPIC's website at [http://ppic.org/content/pubs/survey/S\\_115MBS.pdf](http://ppic.org/content/pubs/survey/S_115MBS.pdf).

#### **4a. Report on California-Australia Drought Dialogue, December 2014**

Chair Fiorini called on Executive Fellow Gavin Landgraf to present Item 4a. Mr. Landgraf attended the California-Australia Drought Dialogue sponsored by G'Day USA on December 10. The purpose of the conference, hosted by Governor Brown, was to support California's response to the current drought crisis by sharing Australian expertise developed during its decade long drought. The staff report for this item is posted on the Council website at <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-january-29-2015-meeting-agenda-item-4a-report-california-australia>.

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

The Executive Officer's Report was presented by Jessica Pearson. Ms. Pearson briefly described the agenda for the day and then called on chief deputy executive officer Dan Ray to update the Council on items related to the budget. Mr. Ray described the Governor's proposed 2015-16 budget for the Council. Included in the budget were funds to replace bond funds for the Science Program, resources for science investigations, funds to coordinate and implement Coastal Zone Management Act activities and to incorporate BDCP in the Delta Plan. Mr. Ray stated he would be providing the Council with a fact sheet on the budget. Next, Mr. Ray provided to the Council and discussed a report released from the Legislative Analyst's Office entitled, "Achieving State Goals for the Sacramento-San Joaquin Delta". The report is posted on the LAO website at <http://lao.ca.gov/Publications/Detail/3158>. Mr. Ray concluded his report by

announcing that the revamped Council website had been completed and commended staff for their work on the website upgrade.

### **5a. Legal Update**

The Legal Update was presented by intern Cody Phillips. Mr. Phillips reported on significant developments in the case of San Luis and Delta Mendota Water Authority vs Jewell. The case is in regard to the 2008 Biological Opinion (BiOp) for delta smelt, issued by the U.S. Fish and Wildlife Service. The Ninth Circuit court upheld the 2008 BiOp and the U.S. Supreme Court decided not to review that decision. The other case Mr. Philips highlighted to the Council was in regard to a 2009 BiOp issued by the National Marine Fisheries Service on endangered salmonids. The Ninth Circuit court has similarly upheld that BiOp. Mr. Philips stated he will continue to monitor this case to see if plaintiffs seek a rehearing by the Ninth Circuit court or review by the U.S. Supreme Court.

### **5b. Quarterly Contract Update**

The Quarterly Contract Update for the 4<sup>th</sup> Quarter, October-December 2014, was included with the Council members meeting materials and is posted on the Council website at <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-january-29-2015-meeting-agenda-item-5b-quarterly-contract-update>.

### **5c. Legislative Update**

The Legislative Update was presented by Mr. Landgraf. Mr. Landgraf provided the Council with an updated Bill Tracking Report that is posted on the Council website at <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-january-29-2015-meeting-agenda-item-5c-updated-january-2015-bill>. Mr. Langraf also provided the Council with a listing of Elected Representatives from the Delta Region. The document is posted on the Council website at <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-january-29-2015-meeting-agenda-item-5c-elected-representatives-delta>.

Throughout the Executive Officer's Report, Ms. Pearson and Mr. Ray answered questions and provided clarification. Following the Executive Officer's Report, Chair Fiorini asked if there were any members of the public who wished to comment. There were none.

### **6. Lead Scientist's Report**

Dr. Peter Goodwin presented the Lead Scientist's Report. Dr. Goodwin requested the Council's permission to postpone the discussion of the Data Summit Follow-up and CAMP Delta Smelt Studies Proposal Review until next agenda item, in the context of the 2014 year in review. Without objection, Dr. Goodwin began by updating the Council on a workshop on the challenges in the Delta. Dr. Goodwin stated the Science Program has been tasked with developing a single concise summary of these challenges for use by policy-makers and the general public. Next, Dr. Goodwin discussed an upcoming two-day National Science Foundation communication workshop, "Science: Becoming the Messenger" on Feb. 10-11, 2015. Dr. Goodwin stated that this workshop is designed for scientists who may be spokespersons or presenters on behalf of their agency and, if well received, could become an annual event.

The staff report for the Lead Scientist's Report is posted on the Council website at <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-january-29-2015-meeting-agenda-item-6-lead-scientists-report>.

At the conclusion of the Lead Scientist's Report, Dr. Goodwin invited Sam Harader to the table to introduce Yumiko Henneberry to the Council and provide a summary of the current numbers relating to Delta water and environmental management. An updated version of *By the Numbers* was provided to the Council and is posted on the Council website at <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-january-29-2015-meeting-agenda-item-5c-updated-january-2015-bill>.

Throughout the discussion of the Lead Scientist's Report, Dr. Goodwin heard Council members' comments, answered questions, and provided clarification. At the conclusion of the Lead Scientist's Report, Chair Fiorini asked if there were any members of the public who wished to comment. There were none.

## **7. Year in Review**

Agenda Item 7 was presented by Jessica Pearson. Ms. Pearson was joined by Dr. Goodwin and the Council's chief deputy officer, Dan Ray, Cindy Messer, deputy executive officer for planning, Rainer Hoenicke, deputy executive officer for science, Taryn Ravazzini, the DPIIC coordinator, and Keith Coolidge, executive manager for external affairs. Ms. Pearson and the Council's executive staff discussed the 2014 workplan and accomplishments.

The staff report for Agenda Item 7 is posted on the Council website at <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-january-29-2015-meeting-agenda-item-7-year-review>. Attachment 1 details the five 2014 priorities and eight core functions essential to the implementation of the Delta Plan and noted the milestones and accomplishments for each. It is posted on the Council website at <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-january-29-2015-meeting-agenda-item-7-attachment-1-2014-priorities>.

Attachment 2, the 2014 Annual Report, highlighted the accomplishments of the Council as well as related state, federal and local agencies that help the state achieve the coequal goals for the Delta. The 2014 Annual Report is posted on the Council website at <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-january-29-2015-meeting-agenda-item-7-attachment-2-2014-annual-report>.

Throughout the discussions of the Year in Review, Ms. Pearson and the Council's executive staff heard Council members' comments, answered questions, and provided clarification. At the conclusion of Agenda Item 7, Chair Fiorini asked if there were any members of the public who wished to comment. There were none.

## **8. Delta Independent Science Board 2014 Accomplishments and 2015 Plans**

Agenda Item 8 was presented by Dr. Tracy Collier, Chair of the Delta Independent Science Board (ISB). Dr. Collier provided the Council with a review of the ISB's 2014 accomplishments as well as providing highlights of the 2015 Plans. Dr. Collier provided an updated PowerPoint presentation that is posted on the Council website at <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-january-29-2015-meeting-agenda-item-8-updated-powerpoint-presentation>.

The staff report for Agenda Item 8 is posted on the Council website at <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-january-29-2015-meeting-agenda-item-8-delta-independent-science-board> and Attachments 1 and 2 are posted at

<http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-january-29-2015-meeting-agenda-item-8-attachment-1-delta-isb-2014> and <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-january-29-2015-meeting-agenda-item-8-attachment-2-status-report>.

Throughout the presentation Dr. Collier heard Council members' comments, answered questions and provided clarification. Chair Fiorini asked if there were any members of the public who wished to comment. There were none.

Following the presentation of Agenda Item 8, the Council recessed for lunch at 12:07 p.m. and resumed the meeting at 12:50 p.m.

## **9. Delta Levee Investment Strategy Update**

Agenda Item 9 was presented by Ms. Messer and Principal Engineer Dustin Jones. Ms. Messer began by making introductory remarks. The discussion was the first in a series on the initial key policy questions relating to State priorities for levee maintenance and rehabilitations.

The staff report and attachment for this item is posted on the Council website at <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-january-29-2015-meeting-agenda-item-9-delta-levee-investment-strategy> and <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-january-29-2015-meeting-agenda-item-9-attachment-1-compile>.

Throughout the discussion of Item 9, Ms. Messer and Mr. Jones heard Council members' comments, answered questions, and provided clarification. Chair Fiorini asked if there were any members of the public who wished to comment.

### **Public Comment – Agenda Item 9**

Tom Zuckerman, Central Delta Water Agency, described his history of involvement with levee control and other efforts related to the levees since 1955. Mr. Zuckerman said the system today is paid for with local and State cost sharing and no federal funds. However, Mr. Zuckerman pointed out that federal money is used to provide critical assistance after floods. Regarding policy question 3 in the staff report under the Natural Disaster Assistance Program, Mr. Zuckerman stated the State has contributed money to ensure federal government's involvement by bringing the levees up to the Corps' levee standards (PL 84-99). Mr. Zuckerman also stated we need to recognize the Delta operates as a system and if one levee failed it would affect more than the one island involved and therefore the levee investment strategy can't look at the islands individually but rather it should look at the system as a whole. Mr. Zuckerman stated we need to bring the levees up to PL 84-99 standards and levees that protect utilities or urban populations should be brought to a higher standard to further protect them.

Eric Ringelberg, Local Agencies of the North Delta, described a three-tiered prioritization process used by the Department of Water Resources for Delta levees that he said was highly effective. Mr. Ringelberg said the system used by DWR looks at costs, economic protection of the assets being protected by the proposed project, and habitat benefit for those projects. Even though the system is a transparent, ranked, tiered system, Mr. Ringelberg said the question is if the process accurately reflects the coequal goals as they believe they are statutorily interpreted. Mr. Ringelberg spoke on the HMP standards and stated we should strive for PL 84-99 because that standard allows the flooded island to receive federal funding. Mr. Ringelberg stated he felt the Science Review Panel should look at how the variable selections and priorities meet the

coequal goals stating it was not the methods that are called into questions but how the variables were weighed.

## **10. Update on the Bay Delta Conservation Plan (BDCP)**

Mr. Ray introduced Agenda Item 10. He was joined by Gordon Enas, from the Department of Water Resources. Mr. Ray stated in early 2015, DWR will publish a partially recirculated Draft BDCP, Environmental Impact Report / Environmental Impact Statement and Implementing Agreement that include the portions that have been changed in response to last year's public review. The staff report for Item 10 is posted on the Council website at <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-january-29-2015-meeting-agenda-item-10-update-bay-delta-conservation> and the attachment is posted at <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-january-29-2015-meeting-agenda-item-10-attachment-1-bdcp-fact-sheet>.

Mr. Enas provided the Council with a PowerPoint on the proposed water facility change that has been posted on the Council website at <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-january-29-2015-meeting-agenda-item-10-powerpoint-presentation>.

Throughout the discussion of Item 10, Mr. Ray and Mr. Enas heard Council members' comments, answered questions, and provided clarification. Chair Fiorini asked if there were any members of the public who wished to comment.

### **Public Comment – Agenda Item 10**

Osha Meserve, Friends of the River, Local Agencies of the North Delta, felt the changes Mr. Enas described in his presentation didn't address the local and environmental concerns. Even though the project may be slightly improved, she said she felt it was still a terrible project. Ms. Meserve gave examples of her concerns such as a temporary power supply that would be needed and located in a refuge with no guarantee that the power lines would be removed; no "stay ahead" in the Habitat Conservation Plan, etc. Regarding the process, Ms. Meserve noted it was unfortunate that the public comments that have been addressed were not posted as the Council did with the public comments on the Delta Plan.

## **11. Interagency Ecological Program Management, Analysis, and Synthesis Team (MAST) Report**

Dr. Hoenicke presented Agenda Item 11. He was joined by two representatives from the Interagency Ecological Program, Dr. Ted Sommer, Department of Water Resources, and Dr. Larry Brown, U.S. Geological Survey. After a brief introduction of the panelists by Dr. Hoenicke and an overview of Item 11, Dr. Sommer presented a PowerPoint, "Application of the Delta Smelt MAST". The staff report for Item 11 is posted on the Council website at <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-january-29-2015-meeting-agenda-item-11-interagency-ecological-program> and Dr. Sommer's presentation is posted at <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-january-29-2015-meeting-agenda-item-11-attachment-1-powerpoint>.

Throughout the discussion of Item 11, Drs. Hoenicke, Sommer, and Brown heard Council members' comments, answered questions, and provided clarification. Chair Fiorini asked if there were any members of the public who wished to comment. There were none.

## **12. Delta Ecosystem Restoration Program Annual Report**

Agenda Item 12 was presented by Environmental Scientist Daniel Huang. Mr. Huang was joined by Dave Zezulak of the California Department of Fish and Wildlife to brief the Council on the Ecosystem Restoration Program 2014 Annual Summary. The report summarized the ERP accomplishments during the previous year and also identified priority activities for the current year. Many of the actions undertaken and planned by ERP staff contribute to implementing the ecosystem restoration policies and recommendations in the Delta Plan. The staff report for this item is posted on the Council website at <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-january-29-2015-meeting-agenda-item-12-delta-ecosystem-restoration> and the Ecosystem Restoration Program 2014 Annual Summary is posted at <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-january-29-2015-meeting-agenda-item-12-attachment-1-ecosystem>. Mr. Zezulak provided a PowerPoint that is posted on the Council website at <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-january-29-2015-meeting-agenda-item-12-powerpoint-presentation>.

Throughout the discussion of Item 12, Mr. Huang and Mr. Zezulak heard Council members' comments, answered questions, and provided clarification. Chair Fiorini asked if there were any members of the public who wished to comment. There were none.

## **13. Public Comment**

Chair Fiorini asked if there were any other members of the public who wished to comment. There were none.

## **14. Preparation for Next Council Meeting – Discuss (a) expected agenda items; (b) new work assignments for staff; (c) requests from Council members; and (d) confirm next meeting date – February 26, 2015, at the Jean Harvie Community Center in Walnut Grove**

**The meeting adjourned at 3:47 p.m.**