

***DRAFT 3/12/15 - SUBJECT TO CHANGE
For Review and Adoption by the DSC at the April 23, 2015 Meeting***

**Thursday, March 26, 2015
DELTA STEWARDSHIP COUNCIL
West Sacramento City Hall Galleria
1110 West Capitol Avenue, West Sacramento, CA 95691**

MEETING SUMMARY

1. Welcome and Introductions

The meeting was called to order at 9:02 a.m., March 26, 2015, by Chair Randy Fiorini.

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

Roll call was taken and a quorum established at 9:03 a.m. The following members were present: Patrick Johnston, Randy Fiorini, Phil Isenberg, Susan Tatayon, Frank Damrell, and Aja Brown. The following member was absent: Mary Piepho. After roll call the Council recessed at 9:05 a.m. for the Closed Executive Session.

3. Closed Executive Session – (Not open to the public.) (Action Item): Personnel Matter: Lead Scientist Vacancy (Government Code §11126 (a)(1)) Litigation: Delta Stewardship Council Cases, Coordinated Proceeding JCCP No. 4758 (Government Code §11126 (e)(2)(a), (e)(2)(B)(i))

The Closed Session convened at 9:07 p.m. and adjourned at 10:24 a.m., with Chair Randy Fiorini presiding.

4. Reconvene Open Session

Upon adjournment of the Closed Session, the Delta Stewardship Council reconvened in Open Session at 10:30 a.m. Chair Fiorini stated that no action had been taken.

5. Adoption of the February 26, 2015 Meeting Summary

Chair Fiorini asked if there were any questions, suggestions or comments from the Council or public regarding the Feb. 26, 2015 meeting summary. There were none.

Motion: (Offered by Isenberg, seconded by Tatayon) to approve the Feb. 26, 2015 meeting summary.

Vote: (6/0: Johnston, Isenberg, Fiorini, Tatayon, Damrell, Brown) and the motion was adopted.

The video showing this vote can be found on the linked agenda at <http://www.cal-span.org/cgi-bin/archive.php?owner=DSC&date=2015-03-26&player=silverlight> at 02:17.

6. Chair's Report

Chair Fiorini congratulated Council Member Susan Tatayon on her unanimous approval by the Senate as a new Council member. Next, he said that he considered the Delta Levees Investment Strategy Technical/Policy Public Workshop that the Council conducted March 11, 2015 productive with good engagement between staff, council members and the five expert panelists.

Chair Fiorini also discussed the search for a new Lead Scientist, saying that interviews have been concluded, and they hope that within next couple of weeks the successor to Dr. Peter Goodwin will be announced. He added that Dr. Goodwin has extended his tour of duty beyond his original commitment for them to find a successor, and thanked him for this extension.

7. Executive Officer's Report

Executive Officer Jessica Pearson briefed the Council on some "big ticket items". With the drought in its fourth consecutive year, she said the Governor and the leadership of the legislature recently announced \$1.1 billion dollars in drought emergency funds, in addition to the approximately \$700 million approved last year.

Ms. Pearson said the PPIC released its report, *Policy Priorities for Managing Drought*, which came out of its Managing Drought event in January in Sacramento. Ms. Pearson noted that statewide water conservation had dropped off in January and, with deteriorating water supply conditions, the State Water Resources Control Board (SWRCB) convened this month to revisit its emergency drought regulations. Council staff sent a comment letter to SWRCB supporting the expansion of information collected under their regulations and encouraging the collection of water source data.

On March 19 the Council had its Senate budget subcommittee hearing. Ms. Pearson said the members were generally supportive but held open General Fund items for later discussion. She also noted other Council events including the March 16 Delta Challenges workshop which will result in a report written by the Council's four previous Lead Scientists, and the March 12 DPIIC working group meeting that focused on developing a list of actionable science priorities for implementation this year.

Ms. Pearson noted that Council staff routinely sends comment letters providing guidance to other agencies related to the implementation of the Delta Plan. She said staff sent a letter of support to USDA Ag Research Service for continued funding of investigations and a Delta-wide project to control aquatic invasive weeds and a letter to San Joaquin County suggesting changes to its General Plan that would help ensure consistency with the Delta Plan.

Next, Ms. Pearson told the Council that DWR is contemplating installation of emergency drought barriers in the Delta to maintain water quality given dire storage and flow conditions. She said Council staff met with DWR staff and sent comments raising questions related to fish passage and temperature control.

7a. Legal Update

Chief Counsel Chris Stevens introduced Legal Intern Cody Phillips to give the legal update. Mr. Phillips offered details on the State Water Resources Control Board's actions on its investigative power. He said that SWRCB had recently approved a rule that expanded the use of the SWRCB's investigative power on water rights. Mr. Phillips further said that he has also been following the Capistrano Taxpayers Association (CTA) versus the City of San Juan Capistrano case that focuses on the viability of tiered pricing of water as a conservation mechanism in California. He explained that this case is especially relevant to the Council because the Delta Plan supports the idea of tiered pricing and directly addresses Prop. 218 in Chapters 3 and 8 of the Delta Plan.

7b. Report on Follow-up Items from the January 29, 2015 Council Meeting

Ms. Pearson updated the Council on follow-up items from the last month's meeting. 1.) Council Member Piepho's question about the Council's process for taking positions on bills; an adopted bill position memo is available on our website and was sent to Piepho; 2.) Council Member Tatayon's request for a list of benefits from the investments in Delta levees; the list is being prepared and will be brought to the April meeting; 3.) Vice Chair Isenberg's request for a more complete listing of levee expenditures—specifically DWR's flood management spending on in-Delta levees and emergency response. Council staff will provide the information at the April meeting; and 4.) Council Member Piepho's request for a schedule of upcoming restoration projects and expenditures; Ms. Pearson said the schedule will also be provided at the April meeting.

7c. Legislative Update

The Legislative Update was presented by Executive Fellow Gavin Landgraf. Mr. Landgraf provided the committee updates: the Senate budget subcommittee had its pre-hearing and actual hearing in February and will have a pre-hearing for the Assembly side on April 3, with the actual hearing April 15. He added that Friday, March 26, the Senate Agriculture Subcommittee on Invasive Species will hold an oversight hearing in Stockton on aquatic weeds in the Delta. Next Mr. Landgraf briefed the Council on the Governor's drought relief appropriation bill, providing a narrative summary of important features of the bill and said the Assembly is expected to vote today to approve the bill before the legislature goes on recess. Finally, he highlighted bills of interest to the Council and provided an updated Bill Tracking Report that is posted on the Council website at <http://deltacouncil.ca.gov/docs/council-meetings-delta-council-meeting-meeting-agenda-material-meeting-documents/delta-1>.

8. Lead Scientist's Report

Dr. Peter Goodwin presented the Lead Scientist's Report and discussed the various science activities that had occurred during the month, including the Delta Challenges Workshop; two large conferences, the annual meeting of the California Water Environmental Modeling Forum (CWEMF) and the Interagency Ecological Program (IEP) Annual Workshop. Dr. Goodwin invited Council Science Program Manager Sam Harader and Environmental Scientist Yumiko Henneberry to discuss an updated By the Numbers report.

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

9. 2015 Priorities

Executive Officer Jessica Pearson discussed with the Council a 2015 workplan intended to catalog priorities for implementation of the Delta Plan. Ms. Pearson stressed that the workplan focused on the work where the Council has a clear lead role such as the Delta Levees Investment Strategy and specific implementation items from the Delta Science Plan, or a lead role in working with other agencies. She said the workplan also reflects priorities from the Governor's California Water Action plan and carryover categories from last year such as land use and local planning. Ms. Pearson added that there's also new areas of focus; following up on many of the water supply reliability recommendations adopted in the Delta Plan, including the Council's promise to evaluate and revisit the way it approaches single year water transfers.

Ms. Pearson directed Council's attention to Attachment 1 on Item 9, organized as six priority program areas and seven core functions and proceeded to highlight the priority areas, which can be found on the Council website at <http://deltacouncil.ca.gov/docs/council-meetings-delta-council-meeting-meeting-agenda-material-meeting-documents/delta-4>.

Ms. Pearson asked Lead Scientist Dr. Goodwin to say a few words about this year's proposed science activities. Dr. Goodwin discussed upcoming science conferences, workshops, and Brown Bag seminars, in particular a May 26-27 integrated modeling workshop conducted in collaboration and with support of the National Science Foundation.

After the presentation Ms. Pearson, Dr. Goodwin, Chief Deputy Executive Officer Dan Ray and Deputy Executive Officers Rainer Hoenicke and Cindy Messer answered Council members' questions and provided clarification.

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

10. Delta Levee Investment Strategy: Determination of State Interests

Deputy Executive Officer Messer offered opening remarks on the Delta Levee Investment Strategy, providing a brief recap of the information provided to the Council over the past three months. She discussed Attachment 1: Revised Alternative Approaches to Addressing State Goals and Objectives through Levee Investments and Attachment 2: Staff Recommendations for State Interests that Should be Considered further During the Update of the Delta Levees Investment Strategy and said staff will be requesting the Council's approval of the list of State interests. The staff report for this item is posted on the Council website at <http://deltacouncil.ca.gov/docs/council-meetings-delta-council-meeting-meeting-agenda-material-meeting-documents/delta-6>.

Attachment 1, Alternative Approaches for Guiding State Investments in Delta Levees, can be found on the Council website at <http://deltacouncil.ca.gov/docs/council-meetings-delta-council-meeting-meeting-agenda-material-meeting-documents/delta-7> and Attachment 2, Staff Recommendations regarding State Interests to Further Consider in the Delta Levees Investment Strategy, can be found at <http://deltacouncil.ca.gov/docs/council-meetings-delta-council-meeting-meeting-agenda-material-meeting-documents/delta-8>.

Ms. Messer, Mr. Ray and Principal Engineer Dustin 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 on the item.

Public Comment – Agenda Item 10

Erik Ringelberg, Local Agencies of the North Delta, said that staff's recommendation to not consider cultural, historic, aesthetic, and recreation should not be accepted because he believes they are statutory requirements. He added that the metrics are artificially narrow and fail to meet the statutes.

Dante John Nomellini, Central Delta Water Agency, said his concern was that Attachment 2 was artificially narrow and contrary to the statutes that have clearly set out the State interests with regard to recreational aspects. Mr. Nomellini also said that meandering waterways are a unique feature of the Delta and then listed the items he felt were left out of Attachment 2.

Chair Fiorini highlighted a letter from Assembly Member Jim Frazier, who represents a portion of the Delta and is chair of the Assembly Transportation Committee. Fiorini said the letter asks the Council to expand the scope and descriptions of the State interests in Attachment 2 and consider the impact on transportation. The letter is posted on the website at <http://deltacouncil.ca.gov/docs/delta-levee-investment-strategy-public-comment/15-0326-dlis-public-comments-assm-jim-frazier>.

Melinda Terry, Executive Director of California Central Valley Flood Control Association, also said that the criteria might be too narrow from a State interest standpoint. Ms. Terry added that the flood system we have and the State Plan of Flood Control came first. From a State interest perspective, she said it didn't appear that other agencies' missions, objectives and regulations or strategic plans like DPC, had been considered.

Eric Vink, Delta Protection Commission (DPC), said that DPC has similar concerns about excluding the Delta's unique values, adding that those are the very values, which are part of the Delta Plan, that they want to see protected.

John Lopez, InContext, said he and his company have examined more than 1,000 miles of levees and have discovered all sorts of anomalies not normally found in a typical Delta model. He said the construction of levees in the Delta are haphazard compared to major river levees. He also expressed concern about fat levees.

Kim Tremain, Tremain and Associates, said there are hazards regarding cultural resources because often the levees in those areas are the weakest. She said the National Levee Safety Program talks about a base condition risk assessment and she wondered if those assessments had been made in the Delta.

Tom Zuckerman, Central Delta Water Agency, agreed with Mr. Nomellini, saying that the Council is on thin ice if it starts eliminating things of benefit in the Delta that the Legislature says are matters of statewide interests. He said ARCADIS is on the right track; the concept of tolerable risk is a better way to approach this.

Rogene Reynolds – South Delta landowner. Ms. Reynolds passed around a letter and an aerial view of Reclamation District 544 (Upper Roberts Island) where she lives. Her letter is posted on the Council website at <http://deltacouncil.ca.gov/docs/delta-council-meeting-delta-levee-investment-strategy-levees-public-comment/15-0326-rogene>.

At the conclusion of the public comment on Agenda Item 10, Chief Deputy Ray acknowledged that the demands for resources and improvements for maintenance and flood programs continue to grow and resources are shrinking. Mr. Ray also responded to detailed comments.

Council members asked additional questions which staff answered and clarified.

Motion: (Offered by Johnston, seconded by Damrell) to authorize the staff report; and to consider the alternative priorities and approaches that will be stated in language that will be a preamble to any specification of Delta interests to be protected.

Mr. Ray requested staff bring the full report in May and a status report in April and Council agreed.

Vote: (6/0: Johnston, Isenberg, Fiorini, Tatayon, Damrell, Brown) and the motion was adopted.

The video showing this vote can be found on the linked agenda at <http://www.cal-span.org/cgi-bin/archive.php?owner=DSC&date=2015-03-26&player=silverlight> at 3:14:17.

11. Delta Levee Investment Strategy: Risk Analysis Methodology and General Updates

At the beginning of Agenda Item 11, Ms. Messer noted two upcoming public meetings: April 22 in Stockton and April 29 in Walnut Grove.

Larry Roth of ARCADIS presented a PowerPoint, Attachment 1, on risk which is posted on the Council website at <http://deltacouncil.ca.gov/docs/council-meetings-delta-council-meeting-meeting-agenda-material-meeting-documents/delta-10>.

The staff report for Agenda Item 11, Delta Levee Investment Strategy: Risk Analysis Methodology and General Updates can be found on the Council website at <http://deltacouncil.ca.gov/docs/council-meetings-delta-council-meeting-meeting-agenda-material-meeting-documents/delta-9>. Attachment 2, Land and Water Use in an Eco-

Friendly Future Delta, can be found on the Council website at <http://deltacouncil.ca.gov/docs/council-meetings-delta-council-meeting-meeting-agenda-material-meeting-documents/delta-11>.

Mr. Roth and Ms. Messer heard Council members' comments, answered questions, and provided clarification. Chair Fiorini said there were requests for public comment.

Public Comment – Agenda Item 11

John Lopez, InContext, Tremaine & Assoc., asked if this was a 10,000-foot view of the risks, or are they looking at the smaller components of the Delta system — the individual islands in the system and then looking at how they contribute to a single event?

Mr. Roth replied that they are characterizing it on an island-by-island basis; they're still in the process of trying to characterize it from a systems effect.

Terry Erlewine, State Water Contractors, expressed interest in the annual water supply disruption risk score and how it's being computed. He said they recognize that it's early in the process, but the approach seems to be fairly simplistic. He added that on the map shown of the water supply disruption risk the area for through-Delta conveyance is much larger than what they are considering.

Melinda Terry, Executive Director of California Central Valley Flood Control Association, mentioned a meeting she attended the day before on the issue of operation maintenance, repair, replacement, and rehabilitation and said when you think of reducing risk; you need to figure out what the tolerance is and what kind of level of things you need to do.

13. Preparation for Next Council Meeting – Discuss (a) expected agenda items; (b) new work assignments for staff; (c) requests of other agencies; (d) other requests from Council members; and (e) confirm next meeting date – April 23, 2015.

The meeting adjourned at 3:54 p.m.