

Thursday, October 22 and Friday, October 23, 2015
DELTA STEWARDSHIP COUNCIL
Park Tower Plaza – 2nd Floor Conference Center
980 9th Street
Sacramento, CA 95814

AMENDED
MEETING SUMMARY

Thursday, October 22, 2015

1. Welcome and Introductions

The meeting was called to order at 9:02 a.m., October 22, 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: Randy Fiorini, Mary Piepho, Susan Tatayon, Frank Damrell and Phil Isenberg. The following members were absent: Aja Brown and Patrick Johnston. 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)**
- a. Litigation: Delta Stewardship Council Cases, Coordinated Proceeding JCCP No. 4758 (Government Code §11126 (e)(2)(a), (e)(e)(B)(i))**
 - b. Bracewell Engineering Inc., et al., v. Delta Stewardship Council, et al., Sacramento Superior Ct., No. 34-2015-80002178**

The Closed Executive Session convened at 9:07 a.m. and adjourned at 9:50 a.m., with Chair Randy Fiorini presiding.

4. Reconvene Open Session

Upon adjournment of the Closed Executive Session, the Delta Stewardship Council reconvened in Open Session at 9:55 a.m. Chair Fiorini stated that no action had been taken.

5. Adoption of the September 24, 2015 Meeting Summary (Action Item)

Chair Fiorini asked if there were any questions, suggestions or comments from the Council or public regarding the Sept. 24, 2015 meeting summary. There were none.

Motion: (Offered by Tatayon, seconded by Piepho) to approve the Sept. 24, 2015 meeting summary.

Vote: (5/0: Piepho, Tatayon, Damrell, Fiorini, Isenberg) 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=2015-10-22&player=silverlight> at 03:26.

6. Chair's Report

Chair Fiorini reported that much of his time has been spent in preparation for the upcoming November 16 Delta Plan Interagency Implementation Committee (DPIIC), at the Sheraton Hotel in Sacramento. Chair Fiorini invited Taryn Ravazzini, DPIIC coordinator to provide an update for the Council on the preparation activities as well as a preview of the DPIIC topics. Ms. Ravazzini said topics include the Delta Challenges report; the implementation report on high-impact Delta science actions; an overview of California EcoRestore; and the Delta ISB's report on fish and flows in the Delta. Ms. Ravazzini said she will provide a report on the outcomes of the DPIIC meeting at the November Council meeting.

Chair Fiorini asked if there were any questions from the Council and, as there were none, he concluded with his report.

7. Executive Officer's Report

Executive Officer Jessica Pearson began her report by describing the agenda for the Council meeting. Ms. Pearson briefly described the Council's Oct. 12 Delta Levees Investment Strategy work session and said the two public workshops she mentioned in last month's report have been postponed.

Next, Ms. Pearson briefed the Council on four comment letters sent by staff and provided as handouts at the meeting. The first is to David Tilley, City of West Sacramento regarding the City's General Plan Update. The comment letter is posted on the Council website at http://deltacouncil.ca.gov/sites/default/files/2015/09/CityOfWestSac_DSCcomment_letter_092815.pdf. The next is to Paula Landis of the California Water Commission regarding its Water Storage Investment Program's Draft Regulations and Guidelines. The comment letter is posted on the Council website at <http://www.deltacouncil.ca.gov/sites/default/files/2015/10/10-20-15%20WSIP%20Letter%20to%20P.%20Landis.pdf>. Ms. Pearson discussed a letter to Ben Nelson, Bureau of Reclamation, regarding the Coordinated Long-Term Operation of the Central Valley Project and State Water Project Draft Environmental Impact Statement. The comment letter is posted on the Council website at http://deltacouncil.ca.gov/sites/default/files/2015/09/DSC%20Comments_USBR%20Long%20Term%20Operations%20DEIS_092915.pdf. The last letter, to Nedzlene Ferrario, Solano County Resource Management Department, is regarding the Initial Study and Mitigated Negative Declaration for the Rush Ranch Restoration, Facility Improvements, and Site Utilization Project. The comment letter is posted on the Council website at http://deltacouncil.ca.gov/sites/default/files/2015/09/DSC%20Comments_Rush%20Ranch%20Restoration_092915%20.pdf.

Ms. Pearson announced the following upcoming events – the 2015 Long-term Operations Biological Opinions Annual Science Review, November 5-6, at the California Department of Food and Agriculture Main Auditorium. The meeting notice is posted on the Council website at <http://deltacouncil.ca.gov/docs/2015-lobo-meeting-noticekc>. November 9, Delta Plan Performance Measures Assessment Workshop will be held at the Sacramento Public Library Galleria. The meeting notice is posted on the Council website at <http://deltacouncil.ca.gov/docs/delta-plan-meeting-notice-performance-measures/delta-plan-performance-measures-assessment>. Last, the Delta Plan Interagency Implementation Committee that will be held on November 16 at the Sheraton. The meeting notice is posted on the Council website at <http://www.deltacouncil.ca.gov/docs/delta-plan-interagency-implementation-committee-november-16-2015-meeting-notice>.

7a. Legal Update

No Legal Update was presented at this Council meeting.

7b. Legislative Update

The Legislative Update was presented by Ryan Stanbra. Mr. Stanbra's update is posted on the Council website at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-october-22-23-2015-meeting-agenda-item-7b-legislative-update>.

The bills of interest to the Council that Mr. Stanbra has been tracking are posted on the Council website at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-october-22-23-2015-meeting-agenda-item-7b-october-bill-tracking>.

Chair Fiorini asked if there were any questions or comments. There were none.

7c. Quarterly Contract Update

Ms. Pearson noted the inclusion of the Quarterly Contract Update included in the members' meeting materials. The Update is posted on the Council website at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-october-22-23-2015-meeting-agenda-item-7c-quarterly-contract-update>.

Following the Executive Officer's Report, Chair Fiorini asked if there were any members of the public who wished to comment. There were none.

8. Lead Scientist's Report

Dr. Cliff Dahm presented the Lead Scientist's Report, covering a number of science activities. The staff report for Agenda Item 8 is posted on the Council's website at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-october-22-23-2015-meeting-agenda-item-8-lead-scientists-report>. Next, Dr. Dahm presented a PowerPoint, *Understanding Environmental Processes in Real Time – Forest Fire and Water Quality*. The PowerPoint presentation is posted on the Council website at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-october-22-23-2015-meeting-agenda-item-8-lead-scientists-report-0>. Dr. Dahm said that two posters from the Science Conference were displayed outside the meeting room and encouraged everyone to take a moment to look at them. After Dr. Dahm concluded the Lead

Scientist's Report, he invited Daniel Livsey, the Council's Sea Grant state fellow, to discuss the *By the Numbers* report. *By the Numbers* is posted on the Council website at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-october-22-23-2015-meeting-agenda-item-8-attachment-1-numbers-summary>.

Throughout the discussion of the Lead Scientist's Report, Dr. Dahm 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. Delta Challenges Report

Dr. Dahm presented Agenda Item 9. His briefing included a summary of a recently released report, *Challenges Facing the Sacramento-San Joaquin Delta: Complex, Chaotic, or Simply Cantankerous?* Written by four former CALFED/Delta Science Program Lead Scientists, Drs. Sam Luoma, the lead author; Mike Healey, Johnnie Moore, and Dahm. The staff report for this item is posted on the Council website at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-october-22-23-2015-meeting-agenda-item-9-delta-challenges-report>. The report is posted on the Council website at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-october-22-23-2015-meeting-agenda-item-9-attachment-1-challenges>.

Throughout the presentation of the Delta Challenges report, Dr. Dahm heard Council members' comments, answered questions and provided clarification. Following the discussions of Item 9, Chair Fiorini asked if there were any members who wished to comment.

Public Comment – Agenda Item 9

Michael Brodsky, commented on the invasive species, particularly the water hyacinth – the subject of a meeting he attended that included the Department of Boating and Water and the U.S. Department of Agriculture. Mr. Brodsky said as he understood there were three approaches for eradication – spraying herbicides (Roundup), harvesting by physically picking it up, and the third was the introduction of other non-native species such as pests that eat it. Mr. Brodsky expressed concern with the introduction of more non-native species in the Delta and the use of herbicides. Mr. Brodsky asked Dr. Dahm which approach he thought would work best. Dr. Dahm responded that he attended an all-day symposium at UC Davis to discuss this issue that included presentations from people who had been working on this same problem in Florida and the two methods Mr. Brodsky described, mechanical harvesting and application of herbicides are the two that are used to control the invasive species in Florida. Dr. Dahm said he had not heard of the introduction of a pest in the Delta as a method of control. Dr. Dahm suggested Mr. Brodsky review the symposium that is available on line at <http://www.deltacouncil.ca.gov/event-detail/12410>.

At the conclusion of the public comment for Agenda Item 9, the Council recessed at 11:40 and reconvened at 11:30.

10. Options for New and Improved Conveyance, Storage, and Operation of Both to Achieve the Coequal Goals – Council Principles

Chair Fiorini and Executive Officer Pearson, joined by Supervising Engineer Kevan Samsam introduced Agenda Item 10. Ms. Pearson noted the Water Code's direction for the Delta Plan *to promote options for new and improved infrastructure relating to the water conveyance in the Delta, storage systems, and for the operation of both to achieve the coequal goals*. It also required inclusion of the Bay Delta Conservation Plan (BDCP) into the Delta Plan if certain criteria were met. Ms. Pearson said the agenda item is part of an ongoing discussion leading to Council consideration of updating the Delta Plan. The staff report for Item 10 is posted on the Council website at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-october-22-23-2015-meeting-agenda-item-10-options-new-and-improved>.

The draft principles (Attachment 1), is posted on the Council website at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-october-22-23-2015-meeting-agenda-item-10-attachment-1-draft>.

A revised set of guiding principles was presented. In revising the principles, staff incorporated comments and suggestions provided by Council members, other state agencies, and experts who participated on panels during previous meetings. The revisions to the draft principles also reflect best available science input from the Delta Science Program (Attachment 2), posted on the Council website at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-october-22-23-2015-meeting-agenda-item-10-attachment-2-delta-plan>.

Mr. Samsam said it was staff's intention to listen to comments and questions and further refine the draft principles for Council consideration of adoption in November. Mr. Samsam summarized each principle and throughout the discussion of Agenda Item 10, Mr. Samsam 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

Rogene Reynolds, provided the Council with written comments that are posted at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-october-22-23-2015-meeting-agenda-item-10-public-comment-rogene>.

Michael Brodsky, Save the Delta Alliance, provided the Council with written comments that are posted at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-october-22-23-2015-meeting-agenda-item-10-public-comment-michael>.

Mark Horne commented about the principles becoming wordy and suggested that when revisions are made, staff should provide a redline version. Mr. Horne said in the new version of the principles, the coequal goals are not listed up front. He also thought there was a focus on conveyance as exports when the coequal goal is statewide water supply reliability. Mr. Horne said principle #4 discusses benefits maximized through integration

and Mr. Horne said there is a lack of a common definition of what integration means. Mr. Horne suggested deleting “by integrating” from the first sentence. The last sentence in principle #4 says that new conveyance infrastructure does not create new water supplies then principle #13 says that existing infrastructure can derive additional water supplies. Mr. Horne said he finds it curious that new infrastructure does not generate more water but existing infrastructure can. Mr. Horne’s final comment on principle #18 that states ecosystem benefits should be assured through contracts, etc. and Mr. Horne said a guarantee is what they are looking for and part of the wicked problem is there is no certainty that ecosystem benefits are assured and the principle fails to acknowledge this.

George Hartman, representing Reclamation District 2030 said he was asked to appear by Central Delta Water Agency to give input from the RD’s perspective. Mr. Hartman said the principles addressed a lot on conveyance but not restoring the Delta, Delta as place, or improving existing levees and channels that make up the present conveyance system. Mr. Hartman noted that the concept of building trust is missing and suggested the inclusion of a general principle on methods of building trust between the government, public, farmers, and residents of the Delta. Mr. Hartman cited examples of broken promises made by Government and suggested ways trust could be better incorporated in the principles. Mr. Hartman made specific suggestions to principle #3 – such as referring to improving and enhancing existing levees and channels in the Delta and incorporating into the principle identification of levees and channels that have been damaged by the over exporting water; principle #10, Mr. Hartman said a goal or principle was needed to develop enforcement mechanisms governed by neutral parties to avoid the effects of power, money, and politics in the regulation of the facilities, that would build trust. Principle #11 should refer to Delta as a place; and principle #18 should emphasize less cost and highest probability of success.

Following public comment, Mr. Samsam summarized the discussion of item 10. Mr. Samsam said staff will incorporate the additional comments received from the Council to further refine the draft principles. Council staff anticipate providing final draft language for consideration of adoption by the Council.

Ms. Pearson made closing remarks and expressed her appreciation to Mr. Samsam and the staff for a job well done.

11. Public Comment

Chair Fiorini asked if there were any members of the public wishing to address the Council. There were none.

The meeting adjourned for the day at 12:30 p.m.

Friday, October 23, 2015

12. Call to Order

The meeting was called to order at 9:00 a.m. with Chair Fiorini presiding.

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

Roll call was taken and a quorum established. The following members were present: Susan Tatayon, Phil Isenberg, Frank Damrell, Randy Fiorini, Mary Piepho. The following members were absent: Patrick Johnston and Aja Brown.

14. Delta Levees Investment Strategy Update

Executive Officer Jessica Pearson provided opening remarks. Ms. Pearson was joined by Chief Deputy Executive Officer Dan Ray, Supervising Engineer Dustin Jones, and Darcy Austin of the Delta Science Program and principle author of the Levee-Related Habitat Review presented as part of this Agenda Item. The staff report for this item is posted on the Council website at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-october-22-23-2015-meeting-agenda-item-14-delta-levees-investment>. Ms. Pearson provided a brief summary of the Council's Delta Levees Investment Strategy Work Session, held on October 12.

Ms. Austin described the draft issue paper that is posted on the Council website at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-october-22-23-2015-meeting-agenda-item-14-attachment-1-levee-related>. The Levee-Related Habitat Review was in response to a suggestion by DFW's Carl Wilcox, who noted that a good assessment of the ecosystem effects of levee projects was lacking and he said there is a science need to determine what benefits habitat improvement projects have provided, particularly projects on the water side of the levees.

Mr. Jones discussed the updated DLIS project Schedule (Attachment 2) that is posted on the Council website at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-october-22-23-2015-meeting-agenda-item-14-attachment-2-project>. Mr. Jones said the timeline for key project milestones had changed and additional time was necessary to complete the project. Mr. Jones said the delay was primarily due to more time needed to address the recommendations from the independent scientific review panel about the DLIS methodology and to coordinate responses with key partner agencies before the project moves to the next phase. Mr. Jones briefed the Council on the major schedule changes and next steps.

Throughout the discussions of the Delta Levees Investment Update and the Levee-Related Habitat Review, Mr. Ray, Mr. Jones, and Ms. Austin heard Council members' comments, provided clarification and answered questions.

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

15. Review of WaterFix and the Bay Delta Conservation Plan's Partially Recirculated Draft EIR/EIS

Chief Deputy Executive Officer Dan Ray and Supervising Engineer Samsam presented Agenda Item 15. Mr. Ray provided opening remarks and gave a brief summary and background information. This action item recommends the Council authorize the submittal of the recommended comments on the Bay Delta Conservation Plan's (BDCP)/California WaterFix (WaterFix) partially Recirculated Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement (RDEIR/SDEIS), including any alterations directed by the Council, to the Natural Resources Agency and the Department of Water Resources.

The staff report for this item is posted on the Council website at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-october-22-23-2015-meeting-agenda-item-15-review-waterfix-and-bay>. The draft cover letter on the BDCP/WaterFix RDEIR/SDEIS is posted at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-october-22-23-2015-meeting-agenda-item-15-attachment-1-draft-cover>. Attachment 2, Review Comments on BDCP's July 15 RDEIR/SDEIS, prepared by the Council is posted at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-october-22-23-2015-meeting-agenda-item-15-attachment-2-draft-commen-0>.

Mr. Ray introduced Dr. Vince Resh, a member of the Delta Independent Science Board, who presented the ISB's comments that were transmitted to the Department of Fish and Wildlife and the Council on September 30. The ISB comments are posted on the Council website at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-october-22-23-2015-meeting-agenda-item-15-attachment-3-delta>.

Mr. Ray described the detailed comments included as Attachments 1 and 2. Council members offered suggestions for the draft comment letter. Chief Counsel Stevens said he thought the staff had done a good job with the comment letter, which he said had a reasonable and fair tone. Mr. Stevens said the Council should strive for early consultation on potential covered actions so there are no surprises with the project proponents. Ultimately, the goal is the successful implementation of the Delta Plan.

Throughout the presentation, Dr. Resh, Mr. Ray, and Mr. Samsam heard Council members' comments, provided clarification and answered questions.

Before taking action on Item 15, Chair Fiorini asked if there were any members of the public who wished to comment on the item. There were none.

Motion: (offered by Piepho; seconded by Isenberg) to authorize the chairman to submit the suggested comments, with such revisions as the Council may direct. The staff further requests that the Council authorize the staff to make any non-substantive or technical revisions to these comments as may be necessary.

Staff further recommends that, in approving the comments for submittal, the Council adopt the following motion:

1. The Council has received and formally accepts the Delta ISB's comment letter and thanks it for its hard work and fulfillment of its statutory duty.
2. The Council directs that the Delta ISB letter be incorporated – by reference and attachment--into the Council's comment letter, and requests that DWR address the Delta ISB's issues as if they were raised by the Council, with the understanding that a CEQA evaluation using best available science, while not required by CEQA, may facilitate DWR's and DFW's use of best available science for purposes of the NCCPA and or/consistency with Delta Plan regulatory requirements.
3. The Council adopts the staff-suggested comment letter, with the incorporation of the Delta ISB letter and with the other substantive changes agreed upon at this meeting, and directs the Executive Officer to transmit the comments after making appropriate technical, non-substantive changes as appropriate.

Vote: (5/0: Tatayon, Piepho, Damrell, Fiorini, Isenberg) 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=2015-10-23&player=jwplayer> at 1:44:18.*

16. Public Comment

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

17. 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 – Nov. 19-20, 2015.

The meeting adjourned at 10:45 a.m.