

DRAFT 12/21/15 - SUBJECT TO CHANGE
For Review and Adoption by the DSC at the January, 2016 Meeting

Thursday, December 17, 2015
DELTA STEWARDSHIP COUNCIL
Park Tower Plaza – 2nd Floor Conference Center
980 Ninth Street
Sacramento, CA 95814

MEETING SUMMARY

1. Welcome and Introductions

The meeting was called to order at 9:02 a.m. 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, Aja Brown, Mary Piepho. After roll call the Council recessed at 9:05 a.m. for the Closed Executive Session. Council member Frank Damrell arrived during Closed Executive Session.

3. Closed Executive Session – (Not open to the public.) (Action Item)

The Council may discuss litigation matters pursuant to Government Code §11126 (e)(2)(a), (e)(2)(B)(i), and/or (e)(2)(C)(i), including: (a) Delta Stewardship Council Cases, Coordinated Proceeding JCCP No. 4758, and (b) Bracewell Engineering Inc., et al., v. Delta Stewardship Council, et al., Sacramento County Superior Ct. No. 34-2015-80002178.

The Closed Executive Session convened at 9:07 a.m. and adjourned at 10:00 a.m., with Chair Randy Fiorini presiding.

4. Reconvene Open Session

Upon adjournment of the Closed Executive Session, the Delta Stewardship Council (Council) reconvened in Open Session at 10:05 a.m. Chair Fiorini stated that no action had been taken.

5. Adoption of the Nov. 19, 2015 Meeting Summary (Action Item)

Chair Fiorini asked if there were any questions, suggestions or comments from the Council or public regarding the Nov. 19, 2015 Meeting Summary. There were none.

Motion: (Offered by Piepho, seconded by Tatayon and Isenberg) to approve the Nov. 19, 2015 meeting summary.

Vote: (7/0: Johnston, Damrell, Tatayon, Brown, Fiorini, Isenberg, Piepho) 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=2015-12-17&player=jwplayer> at 05:13.

6. Chair's Report

Chair Fiorini provided opening remarks for the meeting. He reported the Council had been working with the Department of Water Resources (DWR), the California Central Valley Flood Protection Board, and the California Department of Fish and Wildlife on the Delta Levees Investment Strategy (DLIS). Chair Fiorini has participated in meetings with executives and staff from the agencies in an effort to move the Council's work forward. Chair Fiorini said he was optimistic about moving forward expeditiously. He noted that a more detailed update on the DLIS would be heard later in the day.

Chair Fiorini reported on the fall Association of California Water Agencies conference. He reported that the emphasis was on water and weather and speculation about what El Niño would bring although not as much emphasis on flood preparedness. Chair Fiorini said the major concern focused on how to meet needs for water if California has another dry winter.

Lastly, Chair Fiorini reported that Taryn Ravazzini was leaving the Council to accept a position as deputy director for special initiatives at DWR. Chair Fiorini expressed his appreciation for her hard work with the Council, especially in getting the Delta Plan Interagency Implementation Committee up and running.

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 previewing the day's agenda. Ms. Pearson echoed Chair Fiorini's comments on Ms. Ravazzini's departure from the Council. Ms. Pearson said Ms. Ravazzini was a great advocate of the Delta Science Program and thanked her for her service.

Next, Ms. Pearson briefed the Council on four comment letters sent by staff and provided as handouts at the meeting. The first letter was to Andrea Lobato, DWR, regarding Comments on the Draft Delta Levee Maintenance Subventions Program Guidelines. The comment letter is posted on the Council website at http://www.deltacouncil.ca.gov/sites/default/files/2015/12/DSC_comments_DWR_Draft_Subvention_Guidelines_12022015.pdf. The next letters were to Shelly Amrhein, Central Valley Flood Protection Board, and one to Dan Artho, U.S. Army Corps of Engineers, Sacramento District, both regarding a Notice of Preparation of a Draft Environmental Impact Report for the Sacramento River Flood Control Project General Reevaluation Report. The letter to Ms. Amrhein is posted on the Council website at http://www.deltacouncil.ca.gov/sites/default/files/2015/11/DSC_comments_CVFPB_Sac_GRR_NOP_112315.pdf the letter to Mr. Artho is posted on the Council website at http://www.deltacouncil.ca.gov/sites/default/files/2015/11/DSC_comments_USACE_Sac

[%20GRR_112315.pdf](#). The last letter was to Kacey Lizon, Sacramento Area Council of Governments, regarding comments on the Sacramento Area Council of Government's Draft 2016 Metropolitan Transportation Plan/Sustainable Communities Strategy and Draft EIR. The letter is posted on the Council website at http://www.deltacouncil.ca.gov/sites/default/files/2015/11/DRAFT_DSC_Comments_SA_COG_SCS_DraftPlanDEIR_2015-11-16.pdf.

7b. Legal Update

There was no Legal Update presented at the December meeting.

Ms. Pearson concluded with administrative announcements. She welcomed Ansel Lundburg, an executive fellow, and Nir Oksenberg, an environmental scientist, and noted the departure of Jason Waggoner from the Council's Information Technology unit, who has accepted a promotion at DWR.

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 collaborative and science communication activities. The staff report for Agenda Item 8 is posted on the Council's website at <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-december-17-2015-meeting-agenda-item-8-lead-scientists-report>. 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://www.deltacouncil.ca.gov/docs/delta-stewardship-council-december-17-2015-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. Single-Year Water Transfers and the Delta Plan (Action Item)

Executive Officer Jessica Pearson, joined by Supervising Engineer Kevan Samsam, presented Item 9, an action item, carried over from last month, recommending the Council adopt draft policy findings that support a proposed amendment of the Delta Plan's implementing regulations to either: (a) exempt single-year water transfers as covered actions (Option 1), or (b) preserve the current exemption of single-year water transfers from covered action consistency requirements for an additional three (3) years (Option 1(a)). Ms. Pearson provided brief comments on the background of this item and Mr. Samsam described the next steps upon the Council's approval of draft policy findings, draft regulatory, and draft recommendation language that will trigger an environmental review effort by staff.

The staff report for this item is posted on the Council website at <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-december-17-2015-meeting-agenda-item-9-single-year-water-transfers>. Attachment 1, the staff report from the Nov. 19, 2015 meeting is posted at <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-december-17-2015-meeting-agenda-item-9-attachment-1-november-19-2015>. Attachment 2, the proposed draft regulatory language and the proposed draft findings in support of Option 1, along with the proposed draft amendment to the Delta Plan and Attachment 3, the proposed draft regulatory language and the proposed draft findings in support of Option 1a, along with the proposed draft amendment to the Delta Plan are posted on the Council website at <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-december-17-2015-meeting-agenda-item-9-attachment-2-proposed-draft> and <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-december-17-2015-meeting-agenda-item-9-attachment-3-proposed-draft>.

Throughout the discussion of single-year water transfers and the Delta Plan, Ms. Pearson and 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 9

Thaddeus Bettner, Glenn-Colusa Irrigation District (GCID), said GCID participated in water transfers last year, noting that transfers are used to help the environment and not just move water. The transfers provide multiple benefits. As an example, Mr. Bettner described a transfer that resulted after GCID was approached by the State Water Resources Control Board to coordinate a water transfer to provide cold water from Shasta for the winter run salmon.

Eric Chapman, State Water Contractors, presented a letter in support of Option 1, the exclusion of single year water transfers as covered actions in the Delta Plan. The letter submitted to the Council is posted at <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-december-17-2015-meeting-agenda-item-9-public-comment-state-water>.

Motion: (offered by Tatayon; seconded by Johnston and Brown) to adopt draft policy findings that support a proposed amendment of the Delta Plan's implementing regulations to exempt single-year water transfers as covered actions (Option 1).

After the motion to adopt Option 1 was offered, Chair Fiorini asked if there was any discussion before a vote was taken. Council member Piepho said she supported Option 1a and would not support the motion offered by Council member Tatayon to adopt Option 1.

Vote: (5/2: Johnston, Damrell, Fiorini, Brown, Tatayon in support, Isenberg and Piepho opposed) 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=2015-12-17&player=jwplayer> at 53:32.

10. Delta Levees Investment Strategy Update

Ms. Pearson introduced Agenda Item 10, a regular update on the Delta Levees Investment Strategy, and invited Supervising Engineer Dustin Jones to provide the update. Mr. Jones began by briefly providing background and said today's briefing included updates on the Independent Scientific Review Panel's report of the DLIS methodology. Mr. Jones also updated the Council on other outreach activities. The next steps Mr. Jones discussed included activities related to the DLIS Decision-support tool and the Non-structural Alternatives. The staff report and Project Schedule (Attachment 1) are posted on the Council website at <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-december-17-2015-meeting-agenda-item-10-delta-levees-investment> and <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-december-17-2015-meeting-agenda-item-10-attachment-1-project-schedule>.

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

Public Comment – Agenda Item 10

Tom Zuckerman, Central Delta Water Agency, said he has been a participant in a number of meetings and workshops and wanted to compliment staff for the outreach efforts. Mr. Zuckerman said there is a great body of wisdom and he appreciated the attention staff has given to the views of the stakeholders. Mr. Zuckerman suggested the Council invite members of the Delta Levees and Habitat Advisory Committee to a future meeting to showcase the progress that has been made and provide input to the Council.

11. Delta Plan Performance Measures

Jessica Pearson introduced Agenda Item 11 and invited Cindy Messer to brief the Council on the updated recommendations for refinements to the Delta Plan's performance measures. Following Ms. Messer's introductory remarks, the Council recessed for 10 minutes before resuming. After the meeting resumed, Ms. Messer and the Council reviewed Attachment 1 that contained information on the staff's updated recommendations for refinements to the Delta Plan's output and outcome performance measures as well as seven new performance measures developed to track the Delta Plan's goals and strategies. Ms. Messer briefed the Council on the process used to develop the refinements and new measures. Next steps will include requesting the Delta Independent Science Board to review the methodology used to develop and refine the performance measures, including the rationale and metrics for the output and outcome measures proposed for Council approval and incorporation into a future update of the Delta Plan.

The staff report for this item is posted on the Council website at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-december-17-2015-meeting-agenda-item-11-delta-plan-performance>. Attachment 1, Delta Plan Performance Measures – Staff Recommendations is posted on the Council website at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-december-17-2015-meeting-agenda-item-11-attachment-1-delta-plan> and Attachment 2, Delta Plan Policies and Recommendations is posted at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-december-17-2015-meeting-agenda-item-11-attachment-2-delta-plan>

Throughout the discussions of Item 11, Ms. Messer heard Council members' comments, provided clarification and answered questions. Chair Fiorini asked if there were any members of the public who wished to comment.

Public Comment – Agenda Item 11

Linda Dorn, Sacramento Regional County Sanitation District & Sacramento Area Sewer District, commented on the measure for the Delta Plan's Water Quality Recommendation 8 (WQ-R8) regarding the concentration of pesticides. Ms. Dorn requested the Council consider an alternative performance measure. Ms. Dorn said the recommended targets listed on the attachment are values that underwent a scientific peer review this past summer and were criticized by the peer reviewers as being too conservative. Ms. Dorn recommended that the Council defer to the targets that will be used in the Basin Plan Amendment by the Central Valley Regional Water Quality Control Board that will include an implementation plan for the current pyrethroid TMDLs that is under development. Ms. Dorn suggested that the targets should also be available for public review. Her district has participated in a stakeholder process to develop the TMDL, and she thought until the Regional Water Quality Control Board weighs in, no target for the TMDLs should be included in the water quality recommendations for pyrethroids.

Following public comment for Item 11, the Council recessed for lunch at 12:10 and reconvened the meeting at 12:50.

12. 2015/2016 Delta Flood Preparedness – Anticipating the Effects of an El Niño

Supervising Engineer Dustin Jones introduced Agenda Item 12, a panel presentation to inform the Council about the potential for flood conditions in the upcoming water year and to provide an assessment of the Delta's flood readiness. The panel discussion highlighted the use of non-structural measures for flood risk reduction in the Delta region, intended to be useful as the Council continues to develop the Delta Levees Investment Strategy. The staff report for this item is posted on the Council website at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-december-17-2015-meeting-agenda-item-12-20152016-delta-flood>.

Mr. Jones provided introductions of the panelists: Michael Cockrell, director of emergency operations for the San Joaquin County Office of Emergency Services; Dana Carey, manager of Yolo County Office of Emergency Services; Al Lehenbauer, deputy

regional administrator for the Inland Region, California Office of Emergency Services; and John Paasch, chief, Division of Flood Management, DWR. The panelists provided information and insight on possible El Niño conditions for the year ahead and what measures are being taken to reduce risk relating to flooding in the Delta.

Mr. Cockrell began by providing the Council with a PowerPoint presentation on San Joaquin County's El Niño flood preparedness efforts. The presentation is posted on the Council website at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-december-17-2015-meeting-agenda-item-12-powerpoint-presentation>.

Ms. Carey, shared information about Yolo County's flood preparedness efforts. Ms. Carey provided a presentation that can be found on the webcast at <http://www.cal-span.org/cgi-bin/archive.php?owner=DSC&date=2015-12-17&player=jwplayer> at 2:24:04 – 2:32:51. During her presentation she provided information on the planning efforts the County has been involved in due to funding received through grants from the DWR. Ms. Carey said the grants have provided funding to follow the best practices of San Joaquin County and without this funding the County would not be able to pay for the engineering and mapping work that has already been done.

Mr. Lehenbauer began by acknowledging that the statewide coordination among the counties and state and federal agencies has always been a challenge and is especially so in the Delta where there are so many stakeholders and partners including the reclamation districts, the local maintaining agencies and local cities. Mr. Lehenbauer said one of the main intents of SB 27 was to try to create a basic framework for a comprehensive, consistent approach for these efforts, but there are still improvements needed. Mr. Lehenbauer provided brief comments on the State's efforts with El Niño, emergency evacuation plans, and balancing the message between drought and flood. Mr. Lehenbauer made brief comments on the Northern California Catastrophic Flood Plan that was developed from SB 27, and how it has been a helpful tool in the coordination of these efforts.

Mr. Paasch briefed the Council on efforts DWR has undertaken to improve the operational capacity for DWR to respond to floods in the Delta and the development of DWR's Flood Facilities Improvement Project. Mr. Paasch said he thought the Delta Flood Work Group was successful because it was "locally grown." Mr. Paasch provided information on the funding from the different grants that DWR administers, and the previous panelists discussed such efforts as the Delta Emergency Flood Communications Grant and the Delta Flood Emergency Response Grant. Mr. Paasch made brief remarks on the development of a Delta Flood Emergency Management Plan and enhancements to the emergency response tool that will aid in coordination among the agencies. Mr. Paasch said as a result of these efforts he thinks DWR is prepared for the risks of El Niño.

Throughout the discussions of Item 12, Mr. Jones and the panelists heard Council members' comments, provided clarification and answered questions. 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 members of the public who wished to make public comment. There were none.

14. 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 – Jan. 28, 2016.

The meeting adjourned at 2:10 p.m.