

***DRAFT 2/27/15 – SUBJECT TO CHANGE
For Review and Adoption by the DSC at the March 26, 2015 Meeting***

**February 26, 2015
DELTA STEWARDSHIP COUNCIL
Jean Harvie Community Center
14273 River Road, Walnut Grove, CA 95690**

MEETING SUMMARY

Thursday, February 26, 2015, 1:00 p.m. – 4:00 p.m.

1. Welcome and Introductions

The meeting was called to order at 1:02 p.m., Feb. 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 1:03 p.m. The following members were present: Patrick Johnston, Randy Fiorini, Phil Isenberg, Susan Tatayon, and Mary Piepho. The following members were absent: Aja Brown and Frank Damrell.

3. Adoption of the January 29, 2015 Meeting Summary

Chair Fiorini asked if there were any questions, suggestions or comments from the Council or public regarding the Jan. 29, 2015 meeting summary. There were none.

Motion: (Offered by Piepho; seconded by Johnston) to approve the Jan. 29, 2015 Meeting Summary.

Vote: (4/0: Johnston, Isenberg, Fiorini, Piepho) and the motion was adopted. (Tatayon was not present at the time of the vote.)

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=2015-02-26&player=silverlight> at 01:52.

4. Chair's Report

Chair Fiorini highlighted the morning's activities during the field trip to Cosumnes River Preserve in Galt and the Locke Museum and Boarding House near Walnut Grove. Chair Fiorini stated the Council had a chance to see the work underway in the Cosumnes River Preserve and heard of possible plans for McCormick Tract and Staten Island, then proceeded to the Locke Boarding House.

Finally, Chair Fiorini made brief remarks about recent meetings he has attended and the other Council members highlighted their activities since the last meeting.

5. Executive Officer's Report

The Executive Officer's Report was presented by chief deputy executive officer, Dan Ray, who also briefly discussed the morning's tour. Mr. Ray then said that the Council often discusses the coequal goals of a more reliable water supply and healthy ecosystem and noted how difficult it is to achieve that balance, a task made even more important by the drought.

In passing the Delta Reform Act in 2009, the legislature stated the Delta was in crisis and Mr. Ray said he was reminded of this by the actions taken by the water and fish agencies in response to the drought. He discussed a change order approved by the State Water Board earlier in the week for the Central Valley Project and State Water Project. Mr. Ray stated this change will help to run the facilities more effectively although at some cost to fisheries. He also described how the change order might affect the Delta as well as changes to the Cross Channel gates that typically stay closed during this time of year for the winter run salmon. Mr. Ray stated this as an example of difficult decisions that must be made and the diligence of the responsible agencies as they meet their statutory responsibilities.

Next, Mr. Ray briefed the Council on comments he transmitted to the Legislative Analyst's Office on their recent report, *Achieving State Goals for the Sacramento-San Joaquin Delta*. Mr. Ray stated he conveyed in his letter much of the report's analysis and many of the recommendations mirror the Council's observations in the Delta Plan, the Council's comments on BDCP and other programs, and Council issue papers. Mr. Ray's letter is posted on the Council website at http://www.deltacouncil.ca.gov/sites/default/files/2015/03/2-25-2015%20ltr%20to%20Leg%20Analyst%20Mac%20Taylor_0.pdf

Mr. Ray made brief comments on his participation in the U.S.-Netherlands Sustainability Summit in San Francisco, hosted by the Dutch Consulate. The discussions focused on improving recovery of the Bay Area after a flood, earthquake, sea level rise, etc.

Finally, Mr. Ray announced that Jessica Pearson would be returning from leave on Monday and will present the Council priorities for 2015 at the March meeting.

Chair Fiorini requested Mr. Ray update him on follow-up items from the last month's meeting, 1) a comment about the need for standardizing water use reporting and 2) and a question about the Council's messaging about water conservation strategy. Mr. Ray replied that a full report on these items will return to the Council at the April or May meeting.

5a. Legal Update

There was no legal update given at the meeting, however, Chief Counsel Chris Stevens thanked Mr. Ray for stepping in as acting executive officer in Ms. Pearson's absence. Chair Fiorini stated he, too, echoed Mr. Stevens' remarks.

5b. Legislative Update

The Legislative Update was presented by the executive fellow Gavin Landgraf. First, Mr. Landgraf provided the committee updates. Mr. Landgraf provided brief reports on the Assembly Water Parks and Wildlife Committee that held an oversight hearing on the Feb. 10 implementation of Proposition 1, the water bond, and a hearing on Feb. 12 by the Senate Committee on Budget and Fiscal Review on local and state funding relationships. Finally, Mr. Landgraf highlighted bills of interest to the Council and provided an updated Bill Tracking Report that is posted on the Council website at <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-february-26-2015-meeting-agenda-item-5b-legislative-update-updated>.

6. Lead Scientist's Report

Dr. Peter Goodwin presented the Lead Scientist's Report. First, Dr. Goodwin expressed his appreciation for the tour and said there is a saying in the science community, "you can't model anything you can't experience." Next, Dr. Goodwin made brief comments on upcoming science activities – the CABA Sturgeon Seminar on March 3, the Annual meeting of the California Water Environmental Modeling Forum on March 9-11, and the Interagency Ecological Program Annual Workshop, on March 18-20. Dr. Goodwin also noted a Feb. 10-11 workshop hosted by the Council entitled, *Science: Becoming the Messenger*.

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-february-26-2015-meeting-agenda-item-6-lead-scientists-report>.

At the conclusion of the Lead Scientist's Report, Dr. Goodwin invited Environmental Scientist Yumiko Henneberry to the table to discuss the summary of the current numbers relating to Delta water and environmental management. *By the Numbers* that was included in the members' meeting materials is posted on the Council website at <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-february-26-2015-meeting-agenda-item-6-attachment-1-numbers-summary>. Before Ms. Henneberry began her presentation, she provided the members with an updated version of *By the Numbers* with updated information. The updated version is posted on the Council website <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-february-26-2015-meeting-agenda-item-6-attachment-1-numbers-summary-0>.

Throughout the discussion of 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.

7. Delta Plan Contract Amendment (Action Item)

Deputy Executive Officer Cindy Messer presented Agenda Item 7, Contract Amendment for Delta Plan Implementation. Ms. Messer said staff was requesting authority for the Executive Officer to increase by \$800,000 the total amount of a contract with CH2MHill for completion of several tasks related to initial implementation of the Delta Plan and for final transfer of data and other information from the consulting team to Council staff. The increase of \$800,000 will be funded by Proposition 84 and the State's General Fund. The staff report for this item is posted on the Council website at <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-february-26-2015-meeting-agenda-item-7-contract-amendment-delta-plan>.

Chair Fiorini asked if there were any questions or comments from the Council or public regarding the request to amend the contract. Council member Isenberg asked Ms. Messer if the additional funds that were available were committed to other things at this time. Ms. Messer stated they were not. Council member Piepho requested when amendments to contracts are brought to the Council for consideration she would appreciate seeing the total cost of the contract along with the addition of the amendment not just the amount being requested to augment the contract. There was no public comment on this item.

Motion: (Offered by Piepho; seconded by Isenberg) to increase by \$800,000 the total amount of the contract with CH2MHill for completion of several tasks related to initial implementation of the Delta Plan and for final transfer of data and other information from the consulting team to Council staff. The increase of \$800,000 will be funded by Proposition 84 and the State's General Fund.

Vote: (5/0: Fiorini, Isenberg, Tatayon, Johnston, 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=2015-02-26&player=silverlight> at 46:01.

8. Delta Levee Investment Strategy Update

Ms. Messer and Principal Engineer Dustin Jones presented Agenda Item 8, the monthly update on the progress on the development of the Delta Levee Investment Strategy. After Ms. Messer's opening remarks, Mr. Jones provided information about State and local levee investments in the Delta, including DWR's Delta Levee Maintenance Subventions Program and Delta Levees Special Flood Control Projects Program. Mr. Jones described two maps, included as Attachments 1 and 2 in the meeting materials, and highlighted the summary data on each. Ms. Messer discussed Attachment 3, Alternative Approaches for Guiding State Investments in Delta Levees and described the alternatives. The staff report for this item is posted on the

Council website at <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-february-26-2015-meeting-agenda-item-8-delta-levee-investment>. The attachments are posted on the Council website at <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-february-26-2015-meeting-agenda-item-8-attachment-1-map-delta-levee>, <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-february-26-2015-meeting-agenda-item-8-attachment-2-map-delta-levee>, and <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-february-26-2015-meeting-agenda-item-8-attachment-3-four-alternative>. Ms. Messer, Mr. Jones and Mr. Ray heard Council members comments and provided clarification regarding the two programs and expenditures, cost-share funding associated with them.

As Ms. Messer was inviting the panel to the table, Mr. Ray gave an overview of the panelists who were representatives from the State agencies with responsibilities for Delta levees. Ms. Messer introduced each panelists, Gary Bardini, Department of Water Resources (DWR); Clyde MacDonald, Central Valley Flood Protection Board (CVFPB); Erik Vink, Delta Protection Commission (DPC); and Carl Wilcox, Department of Water Resources (DFW). Ms. Messer stated the panel was invited to assist the Council in its deliberation of State goals and objectives for levee system investments and the State interests these investments should further.

Mr. MacDonald described the CVFPB and its mission, explaining that DWR acts as the State partner and the U.S. Army Corps of Engineers is the federal partner of the CVFPB. The CVFPB has four main responsibilities (1) issuing permits to people who want to make changes or alter the levees; (2) running an enforcement program for the levees; (3) overseeing local maintaining agencies; and (4) approving the Central Valley Flood Protection Plan that is prepared by DWR. The CVFPB has the ability to amend the plan, if necessary. Mr. MacDonald said the State has an investment program today and a special projects program and he felt DWR's special projects program and investment program were working well because there are fewer levee failures now than what have occurred in the past. Mr. MacDonald felt they were robust programs to take care of flood issues in the Delta and the special projects program was flexible, allowing DWR to quickly respond to issues.

Mr. MacDonald's top priorities included: protection of urban areas; expansion of the Yolo Bypass (enlarging the Freemont Weir); and ensuring that the project levees are as adequate as they can be. Key issues Mr. MacDonald noted were that some of the project levees need maintenance that the reclamation districts cannot afford; 64 percent of the project levees did not meet the PL 84-99 requirement making them ineligible for repair by the federal government; and taking care of illegal and noncompliant permits in the Delta. When asked what Mr. MacDonald would change he stated from his perspective protection of the urban areas, expansion of the bypass, both of which are underway; the capability to respond to emergencies; and the need for flexibility in the response as the Delta is constantly changing. Regarding the subvention program, Mr. MacDonald felt it is necessary to look at the cost sharing formulas to see if they can be more effective.

Erik Vink said the DPC does not have a direct role in levee improvements or funding, but noted that levees, levee protection, emergency preparedness and response are all important issues to the Commission. These issues are addressed in detail along with recommendations in the Commission's Economic Sustainability Plan. Mr. Vink stated the levees are a system and failure of one levee could trigger other levee failures. Mr. Vink's priorities included: reaching a base level of protection then building a higher standard for prioritized areas with the understanding that the work will happen over a period of time. Mr. Vink felt this would make the magnitude of the task less daunting as the price tag for these upgrades would be substantial. Mr. Vink felt it was also important to remember that the levees protect more than agricultural and rural lands. Critical infrastructure for the State is protected by the levees. The Commission is conducting a levees district assessment feasibility study to look at the beneficiaries of the levees for the purpose of funding.

Gary Bardini said it was important to realize that whatever is done with levee investments, not only in the Delta but statewide, there is always going to be residual risk making all the aspects of emergency preparedness and response critical. Mr. Bardini summarized DWR's role as being the construction, operation, maintenance, and management of the statewide infrastructure. Mr. Bardini noted that DWR has a significant role in statewide local assistance, including in the Delta. An important aspect of DWR's mission is the statewide planning responsibility under the California Water Plan to guide investments and activities going on in the State including the Governor's California Water Action Plan. Related to public safety and flood management responsibilities, the DWR is organized in three major efforts, statewide plan of flood control facilities, aspects of continuing to improve the Delta levees, and statewide flood management. Mr. Bardini said regarding his thoughts on the investment strategy he felt the Delta Levee Investment Strategy that DWR completed in 2011 provided a good framework of the Department's perspective and priorities and he concurred with previous panelists' statements that Delta levees are better than they were but there still will always be residual risk.

Carl Wilcox said DFW's role in levees is primarily in the environmental review aspect, noting that DFW has a program as part of the levee subventions where staff review projects to ensure they meet the objectives of the subvention program that are in the legislation requiring mitigation and enhancement associated with the effects of the subventions project. DFW participates in DWR's special projects program in a similar way and have a permitting role in levee work on the outside of the levee that might require a Streambed Alteration Agreement under Fish and Game Code Section 1603 and potentially through the California Endangered Species Act.

Mr. Wilcox updated the Council on what has been accomplished as part of the subventions program and cited examples of mitigation. However, Mr. Wilcox felt that what was lacking was a good assessment of the effects of the ecosystem aspects of levee projects and stated there is a science need to see what benefits have been accomplished. Mr. Wilcox said there is a need to focus on the biological resources of the Delta, particularly in habitat improvement on the water side of the levees. Mr. Wilcox

said there was an issue of how habitat is accommodated and there is a need for better consideration on where habitat would occur regarding levee improvements and in conjunction in flood protection programs.

Throughout the Delta Levee Investment Strategy Update, Ms. Messer and the panelists 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 8:

Steven Mello, Mello Farms, Inc. commented on the funding for the levees protecting Delta islands. Mr. Mello said he felt the subvention program had been very successful but Delta landowners pay more than their share as they are not just protecting their property and lives but they are also protecting state infrastructure, public safety and viable habitat - Mr. Mello stated the margins of the islands provide good habitat opportunities. Regarding set back levees, Mr. Mello's concern was the old levees have settled for hundreds of years and the new set-back levees would be built on ground that contained higher levels of organic matter and would not be cost-beneficial as they would settle for years to come requiring more maintenance. Mr. Mello stated even though several levees have been raised, it was disheartening to know that a number of the reclamation districts have lost their eligibility because the levees are not up to the PL 84-99 standard. Mr. Mello stated he felt the money should be spent on the weakest link of the chain.

Erik Ringelberg, Local Agencies of the North Delta, felt the proposed alternatives required significant revision and more consistency with the statute. Mr. Ringelberg stated he felt the subvention program has worked. Regarding Attachment 3, Mr. Ringelberg suggested the three alternatives needed a greater span and it didn't provide the needed roadmap. Mr. Ringelberg offered his agency's assistance in helping to flesh out the alternatives, saying there is not much difference between the alternatives and so they will not help with the decision-making. Mr. Ringelberg felt the system isn't perfect but the existing program is not broken and has gone to great lengths to bring the system into compliance. He noted he would like to see alternatives that they can stand behind.

Tom Zuckerman, Central Delta Water Agency, felt one problem was having just one group or industry that has knowledge on a constant basis in the Delta to work on the levees and gave the example of how dredges have been lost because they can't obtain permits. Mr. Zuckerman commented on planning, stating it should be done on a regular basis to take advantage of having competitive forces. Mr. Zuckerman stated the Delta levee program, with its coequal goals, was a bit awkward and stated there was an effort in which he is a participant, where there are active discussions with interests throughout the state and outside of government, focusing on sub-regional approaches in the Delta corridors trying to get local consensus and projects they can stand behind. Mr. Zuckerman said the projects would not be huge but will be scalable and projects that would bring multiple benefits to the system.

Emily Pappalardo, DCC Engineering Company, Inc., said the Delta and its islands needed to be looked at as a system rather than individual segments. Ms. Pappalardo said significant focus is put on project levees but there are islands with both project and non-project levees and an island's risk is based in its weakest link.

Following Public Comment, Chair Fiorini asked the record show that a letter was received by the Council as public comment on this item from Friends of the Sacramento River Parkway, and it was provided to the members. The letter is posted on the Council website at <http://www.deltacouncil.ca.gov/docs/agenda-delta-council-meeting-delta-levee-investment-strategy-meeting-agenda-material-other>.

Gilbert Cosio, MBK Engineers, made brief comments on the Delta Risk Management Strategy and said that it seemed to him that we were looking for more information on the money that has been spent on the levees over the years. Mr. Cosio stated the information was out there and it could be broken out to see what the focus of the money was and what benefits have been gained. Mr. Cosio made brief comments on cost sharing and said in order to gain the farmers' support they want the projects to benefit farming. Looking at what has been done over the past 30 years, Mr. Cosio said we need to look at what disasters haven't occurred. He gave examples of what had been accomplished so far stating what has been done so far has alleviated much of the risk to the SWP.

At the conclusion of the public comment on agenda item 8, Larry Roth, of ARCADIS provided a PowerPoint on risk. The presentation is posted on the Council website at <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-february-26-2015-meeting-agenda-item-8-powerpoint-presentation>.

Ms. Messer concluded Agenda Item 8 with a brief recap of the item, described the next steps, and stated staff will present a new version of alternatives related to State goals, objectives, and State interests at the March meeting and at that time will request the Council provide guidance on which of the alternatives best capture their assessment of the State interests that warrant fuller consideration in the prioritization of State levee investments.

9. Public Comment

Chair Fiorini asked if there were any members of the public who wished to comment.

Public Comment – Agenda Item 9:

Steven Mello, Mello Farms, Inc. said that when the reclamation districts are trying to raise their assessment base to create a new role, all beneficiaries need to be identified in order to be in compliance with Proposition 218. He said some of the biggest problems they have is the government entities that do not pay their assessments. Mr. Mello noted

litigation was not cost-beneficial and gave examples of the entities that haven't paid their assessments.

10. Preparation for Next Council Meeting – Discuss (a) expected agenda items; (b) new work assignments for staff; (c) requests from Council members; and (e) confirm next meeting date – March 26, 2015.

Council member Piepho requested a list of Delta restoration projects that included timeframes, adaptive management practices, expenditures as well as lessons learned.

The meeting adjourned at 4:30 p.m.