

DRAFT 2/29/16 - SUBJECT TO CHANGE
For Review and Adoption by the DSC at the March 24, 2016 Meeting

Thursday, February 25, 2016
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, Susan Tatayon, Phil Isenberg, Mary Piepho. After roll call the Council recessed at 9:05 a.m. for the Closed Executive Session. Council members Frank Damrell and Aja Brown 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 9:20 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 9:40 a.m. Chair Fiorini stated that no action had been taken during the Closed Session.

5. Adoption of the Jan. 28, 2016 Meeting Summary (Action Item)

Chair Fiorini asked if there were any questions, suggestions, or comments from the Council or public regarding the Jan. 28, 2016 Meeting Summary; there were none.

Motion: (Offered by Damrell, seconded by Piepho) to approve the Jan. 28, 2016, meeting summary.

Vote: (7/0: Johnston, Damrell, Tatayon, Isenberg, Brown, Fiorini, 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=2016-02-25&player=jwplayer> at 01:28.

6. Chair's Report

Chair Fiorini provided opening remarks. He noted the full agenda, including an action item: Refinements to Delta Plan Performance Measures, Agenda Item 9.

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

7. Executive Officer's Report

Executive Officer Jessica Pearson began her report with comments about the drought and the remaining water supply deficit despite Californians' conservation efforts. She also noted that DWR had released draft regulations that will assist local public agencies to manage and regulate California's groundwater basins as outlined in the Sustainable Groundwater Management Act.

Ms. Pearson brought to the Councils' attention a comment letter sent by staff and provided as a handout at the meeting. The letter about the Supplemental Environmental Impact Report for the Yolo Flyway Farms Restoration Project was sent to Eric Parfrey, principle planner for Yolo County Public Works and Environmental Services and is posted on the Council website at http://deltacouncil.ca.gov/sites/default/files/2016/01/DSC_comments_YoloFlywayFarms_Jan27-2016.pdf.

Ms. Pearson announced the departure of Kevan Samsam, who accepted a position at the Department of Water Resources. Ms. Pearson welcomed new staff member Jeff Juarez, who will begin working as an associate environmental planner in the Ecosystem Restoration and Land Use Unit under Jessica Davenport. Mr. Juarez comes to the Council from the Energy Commission.

7a. Legal Update

There was no Legal Update presented at the meeting.

7b. Legislative Update

Ms. Pearson invited Ryan Stanbra to provide the Legislative Update. Mr. Stanbra's update is posted on the Council website at <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-february-25-2016-meeting-agenda-item-7b-legislative-update>.

Included in the update is 1) the Bill Tracking Report that is posted at <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-january-28-2016-meeting-agenda-item-7b-bill-tracking-report>; 2) a copy of AB 1755 (Dodd), the Open and Transparent Water Data Act, <http://deltacouncil.ca.gov/docs/delta-stewardship-council-february-25-2016-meeting-agenda-item-7b-ab-1755>; 3) the Federal Drought

Legislation Summary, <http://deltacouncil.ca.gov/docs/delta-stewardship-council-february-25-2016-meeting-agenda-item-7b-federal-drought-legislation>; and, 4) a copy of SB 554 (Wolk) regarding Delta levee maintenance and the Fiscal Committee Analysis, posted on the Council website at <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-january-28-2016-meeting-agenda-item-7b-sb-544-wolk> and <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-january-28-2016-meeting-agenda-item-7b-sb-544-fiscal-committee>. Mr. Stanbra also provided the copies of AB 2583 and AB 2304 as handouts; both are posted on the Council website at <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-february-25-2016-meeting-agenda-item-7b-ab-2304> and <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-february-25-2016-meeting-agenda-item-7b-ab-2583>, respectfully.

Throughout the Legislative Update, Mr. Stanbra heard Council members' comments, answered questions, and provided clarification.

Ms. Pearson concluded her report by previewing the day's agenda with brief comments about the final refinements to the performance measures that were before the Council for approval. Ms. Pearson said there would a report on "year ahead" activities for the Council and the chair of the Delta Independent Science Board (Delta ISB) would report on its 2016 work plan. Ms. Pearson said the Council would also hear a presentation from members of the Delta ISB on the evaluation of the science that supports adaptive management in the Delta.

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://deltacouncil.ca.gov/docs/delta-stewardship-council-february-25-2016-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.

Dr. Dahm discussed the letter to Maria Rea of the National Marine Fisheries Services, that was included in the members' meeting materials, requesting an independent scientific peer review for the joint Biological Opinion and Incidental Take Permit analysis of the California WaterFix aquatic science. Dr. Dahm said he agreed to convene the panel.

After Dr. Dahm concluded the Lead Scientist's Report, he invited Daniel Livsley 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-february-25-2016-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. Refinements to Delta Plan Performance Measures (Action Item)

Executive Officer Pearson introduced Agenda Item 9 and invited Ms. Davenport, as acting deputy executive officer for planning, performance, and technology, and her staff to brief the Council on the updated recommendations for refinements to the Delta Plan's performance measures as well as how comments were addressed throughout the refinement process.

The staff report for this item is posted on the Council's website at <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-february-25-2016-meeting-agenda-item-9-refinements-delta-plan>. Attachment 1, the Proposed Amendment: Delta Plan Performance Measures Appendix E is posted on the Council website at <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-february-25-2016-meeting-agenda-item-9-attachment-1-proposed>. Attachment 2, the Redline version of Proposed Performance Measures compared against the January 2016 version is posted at <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-february-25-2016-meeting-agenda-item-9-attachment-2-redline-version>. Attachment 3, Conforming Changes to the Delta Plan related to the Proposed Amendment, is posted at <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-february-25-2016-meeting-agenda-item-9-attachment-3-conforming>, and the memo to the Council from the Delta ISB on its Review of the Council's Process for Refining the Delta Plan Performance Measures, Attachment 4, is posted on the Council website at <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-february-25-2016-meeting-agenda-item-9-attachment-4-delta-isbs-review>.

Following the introductory remarks by Ms. Pearson, Ms. Davenport presented a PowerPoint that is posted on the Council website at <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-february-25-2016-meeting-agenda-item-9-powerpoint-presentation-delta>.

After Ms. Davenport's presentation, the Council went through the Proposed Amendment to the Delta Plan Performance Measures (Attachment 1) and the Conforming Changes to the Delta Plan related to the Proposed Amendment (Attachment 3), asking questions and offering suggestions for alternative language.

Throughout the discussion of Item 9, Ms. Pearson, Ms. Davenport, and Council staff heard Council members' comments and suggestions, provided clarification, and answered questions. Chair Fiorini asked if there were any members of the public who wished to comment; there were none.

Motion: (Offered by Johnston, seconded by Isenberg) to approve as a formal amendment to the Delta Plan, the staff-recommended package of performance measure refinements with the amendments discussed and agreed to during the meeting

(described below). The Council also directs staff to take the following actions as soon as practicable: Consolidate all performance measures (including those existing performance measures that were not refined) into an amended Delta Plan Appendix E; and (2) make conforming changes in the Delta Plan text that reflect or are otherwise implicated by the performance measure consolidation. The Council delegates to the staff the authority to adjust performance measure metrics as described in the staff report, without the need for formal adoption by the Council.

The agreed to amendments and time stamps for each, follow.

- **CHAPTER 3 - Strategy 3.1: Increase Water Conservation and Expand Local and Regional Supplies, Attachment 1, page E-2.**

Metrics: (first bullet) 10-year moving average volume and percent of total water used (percent of total water portfolio) originating in the Delta watershed for all years and different water year types.

Baseline: (first bullet) 10-year average volume and percent of total water use met by water originating in the Delta watershed, by hydrologic region, as of Delta Plan adoption (May 2013) for all years and different water year types.

The video showing this action can be found on the linked agenda at <http://www.cal-span.org/cgi-bin/archive.php?owner=DSC&date=2016-02-25&player=jwplayer> at 1:31:39 – 1:32:35.

- **CHAPTER 4 - Staff was asked to add clarification to the baseline and target descriptions for reference 4.2 on page 4 of the matrix (Attachment 2) related to the Yolo Bypass, Sacramento River, etc.**

Dr. Dahm offered the following alternative language: “Progress toward defining a healthy estuary using more natural functional flows including in-Delta flows and tributary in-put flows to support ecological flood plain processes, spring pulse flows along the Sacramento River, and more gradual recession flows at the end of the wet season.”

The corresponding language for the Metric (second bullet) will read “Flows exceeding base flows. A flow, 5 to10 times greater than the base flow, during the period of spring flows in the Sacramento River.”

The corresponding language in the Target (second bullet) would read “At least one spring flow event 5 to 10 times winter base flow each year in the Sacramento River.”

The video showing this action can be found on the linked agenda at <http://www.cal-span.org/cgi-bin/archive.php?owner=DSC&date=2016-02-25&player=jwplayer> at 1:33:35 – 1:35:26.

- **CHAPTER 6 – Strategy 6.2: Protect Beneficial Uses by Managing Salinity, Attachment 1, page E-17.**

The second bullet under Outcome Performance Measures will now read “Monitor salinity in the Delta, utilizing extensive existing electrical conductivity and chloride concentration, (D-16451) and X2 measurement data that correspond to the State Water Resources Control Board objectives.”

The corresponding Metric would read, “Daily electrical conductivity, chloride concentration, and X2.

The video showing this action can be found on the linked agenda at <http://www.cal-span.org/cqi-bin/archive.php?owner=DSC&date=2016-02-25&player=jwplayer> at 1:35:26 – 1:36:30.

Vote: (7/0: Johnston, Damrell, Tatayon, Isenberg, Brown, Fiorini, Piepho) and the motion was adopted.

The video showing this vote can be found on the linked agenda at <http://www.cal-span.org/cqi-bin/archive.php?owner=DSC&date=2016-02-25&player=jwplayer> at 1:36:40.

Council member Brown suggested it would be very helpful for the public and new stakeholders who are picking up the document for the first time to be able to see how the performance measures were developed – either a graphic or timeline to explain the proper steps that were taken. Council member Brown’s suggestion was supported by Vice Chair Isenberg, suggesting that Ms. Davenport may be able to use the slide from her presentation entitled, “Step 3: Refinement Process” by adding additional information.

At the conclusion of Agenda Item 9, the Council took a 10-minute recess before beginning Agenda Item 10.

10. Delta Independent Science Board Recent Accomplishments and Upcoming Activities

Dr. Jay Lund, Chair of the Delta Independent Science Board, provided an update for the Council on the recent, ongoing, and upcoming activities of the Delta ISB. The staff report for Item 10 is posted on the Council website at <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-february-25-2016-meeting-agenda-item-10-delta-independent-science>.

Dr. Lund highlighted reviews completed by the Delta ISB in 2015, such as the Fish and Flows review, the Adaptive Management review, and review of the Recirculated Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement for the Bay Delta Conservation Plan/WaterFix. Dr. Lund made brief comments on the ongoing and proposed reviews planned for 2016 and said the Delta ISB has the ability

to do two major reviews each year. Dr. Lund said the Delta ISB is refining the process for reviews including adding an extended pre-review period with presentations to bring the Delta ISB members up to speed on the various issues as well as more outreach once a review has been completed. This pre-review period would include visits where the members can talk to the stakeholders and others for their perspectives. Dr. Lund said that the other major activity that the Delta ISB will begin this year will be the search for the new lead scientist.

Throughout the presentation of Item 10, Dr. Lund 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.

11. 2016 Priorities

Ms. Pearson presented Agenda Item 11 with introductory remarks about the proposed staff priorities for 2016. Dr. Dahm, Chief Deputy Executive Officer Dan Ray, Deputy Executive Officer for Science Rainer Hoenicke, and Ms. Davenport joined Ms. Pearson for the discussion with the Council. Ms. Pearson said the annual work plan helps to focus the Council's work. Ms. Pearson said that 2016 priorities have been divided into eight initiatives, focusing on implementation of the Delta Plan and Delta Science recommendations and the core functions that support Delta Plan implementation.

The staff report for Item 11 is posted on the Council website at <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-february-25-2016-meeting-agenda-item-11-2016-priorities>. Attachment 1, 2016 Updated Priorities is posted on the Council website at <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-february-25-2016-meeting-agenda-item-11-attachment-1-2016-updated>.

Dr. Dahm provided an update on upcoming science activities such as completing and publishing the 2016 *State of the Bay-Delta Science*; hosting the biennial Bay-Delta Science Conference in November; continued progress on implementation of the Delta Science Plan in coordination with the Delta Plan Interagency Implementation Committee (DPIIC) and focusing on high impact science; managing science fellows; and supporting the activities of the Delta ISB, including hosting symposia and workshops and providing scientific peer review when requested by federal and State agencies.

Mr. Ray spoke on the day-to-day operations of the Council such as filling staff vacancies, noting that one-fifth of the Council's authorized positions are vacant. Mr. Ray commented on the Council's efforts to seek federal approval of the Delta Plan through the Coastal Zone Management Act and made brief remarks about the variety of amendments to the Delta Plan that may come before the Council such as refinements of the performance measures and the Delta Levees Investment Strategy (DLIS).

Ms. Davenport emphasized the two amendments to the Delta Plan that are necessary to achieve the coequal goals, including the ecosystem restoration amendment. Council

staff is supporting and providing early consultation to support Delta Plan consistency, including land use. Ms. Davenport also noted that integrated flood management is an important priority area for the Council.

Dr. Hoenicke spoke about the importance of the development of an adaptive management plan for EcoRestore. A goal highlighted by Dr. Hoenicke is developing a consistent approach to performance assessment for agencies that have responsibility for implementation and using the information to adjust the actions and adaptively move forward. When asked what success looks like, Dr. Hoenicke said it would be for the agencies of DPIIC to use the tools that are already available and for standardized data to be used amongst the agencies. Another priority will be to continue to fund high priority science actions in 2016, working with the Department of Fish and Wildlife to develop priority topics for the Proposition 1 solicitation.

Throughout the presentation of Item 11, Ms. Pearson and staff 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.

12. Improving Adaptive Management in the Delta – A Review by the Delta Independent Science Board

Dr. Dahm introduced Agenda Item 12 and the panelists, Delta ISB Members, Dr. John Weins, Dr. Jay Lund, and Dr. Vince Resh, who briefed the Council on the review report entitled, *Improving Adaptive Management in the Sacramento-San Joaquin Delta*, recently completed by the Delta ISB.

The staff report for Item 12 is posted on the Council website at <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-february-25-2016-meeting-agenda-item-12-improving-adaptive-management>. Attachment 1, *Improving Adaptive Management in the Sacramento-San Joaquin Delta* is posted on the Council website at <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-february-25-2016-meeting-agenda-item-12-attachment-1-improving>.

Dr. Weins said there is no question that adaptive management is the right approach to be using when dealing with the problems in the Delta because of their complexity and uncertainty. Adaptive management, however, is not appropriate for all situations and it would be wrong to require that every project or every covered action use the formalized 9-step process included in the Delta Plan. Moving adaptive management forward as a process in the Delta requires leadership from the Council. Dr. Weins believes that the Council is well positioned to accomplish this by working with multiple agencies through DPIIC.

Dr. Weins identified impediments for adaptive management and gave examples such as the need for adequate, continuous funding and stakeholder support particularly for monitoring which requires continuous funding. Another impediment is risk aversion, meaning adaptive management implies taking risks and a well-designed adaptive management plan recognizes this. Dr. Weins concluded his report with the eight

recommendations contained in the staff report to overcome the challenges of adaptive management in the Delta and suggested convening a work group to explore the feasibility, approach, and how adaptive management can be broadly coordinated and supported within the Delta.

Dr. Lund commented that what he liked about the report was the extensive interviews held with scientists and agencies within the Delta on adaptive management. This provided a good indicator of how people were thinking about adaptive management. Dr. Lund said adaptive management is a formal way of collecting data on why things don't work and is especially applicable to complex problems like those in the Delta.

Dr. Resh said he wanted to amplify Dr. Lund's comments and gave examples of adaptive management that are done every day. Dr. Resh said adaptive management in the Delta should move forward in a judicious manner.

Dr. Dahm concluded the report by stating that the Delta Science Program will be involved in organizing a workshop and he understands the types of science that need to be included in the workshop. Dr. Dahm said he will look for other examples where adaptive management has been successful and will be calling on experts, nationally and internationally.

Throughout the discussion of Item 12, Drs. Dahm, Weins, Lund, and Resh, heard Council members' comments and suggestions, provided clarification, and answered questions. Chair Fiorini asked if there were any members of the public who wished to comment; there were none.

13. Delta Levees Investment Strategy Update

Ms. Pearson presented Agenda Item 13. The staff report for this item is posted on the Council website at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-february-25-2016-meeting-agenda-item-13-delta-levees-investment>.

Ms. Pearson said the project team has been working with the agencies as well as discussing comments received from stakeholders on the Delta as Place methodology that will be used in the computer-assisted decision tool. Staff has completed the review of the recommendations about the tool from the Delta ISB and partner agencies and has determined how to address the comments and move forward into the next phase of the project. Ms. Pearson briefed the Council on the next steps of the development for the Delta Levees Investment Strategy (DLIS).

Ms. Pearson heard Council members' comments and suggestions, provided clarification, and answered questions. Chair Fiorini asked if there were any members of the public who wished to comment; there were none.

14. Public Comment

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

15. 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 – March 24-25, 2016.

The meeting adjourned at 12:45 p.m.