

- REVISED -
DELTA STEWARDSHIP COUNCIL
Thursday, September 27, 2012
Ramada Inn and Suites
1250 Halyard Drive, West Sacramento, California

MEETING SUMMARY

Thursday, September 27, 2012, 9:00 a.m. – 3:30 p.m.

1. Welcome and Introductions

The meeting was called to order at 9:02 a.m., September 27, 2012, by Chair Phillip Isenberg, with the Council acting as a committee until a quorum was established.

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

Roll call was taken and quorum was established at 9:05. The following members were present: Patrick Johnston, Randy Fiorini, Phillip Isenberg, and Don Nottoli. The following members were absent: Hank Nordhoff and Gloria Gray.

3. Oath of Office

Agenda Item 3 was taken out of order and heard after the Legislative Update (Agenda Item 5a).

4. Chair's Report

Chair Isenberg announced that this meeting was the last for Executive Officer Joe Grindstaff and Legislative Director Curt Miller, who are both retiring. He also noted that it was the first meeting for the Council's new Executive Officer, Christopher Knopp.

Chair Isenberg stated that it was quiet at the Capitol due to the legislature being out of session and the Governor had until the end of the month to act on bills then attention would turn to the November elections.

5. Executive Officer's Report (Information Item)

5a. Legislative Update

The Legislative Update was presented by Mr. Miller but before he began his update, Mr. Grindstaff took a moment to speak on Mr. Miller's career and thanked him for his service. Chair Isenberg and Council members Fiorini, Johnston and Nottoli also spoke on Mr. Miller's accomplished career and thanked him for his service.

Mr. Miller briefed the Council on three bills that were signed by the Governor that will take effect January 1, 2013. S.B. 200 (Wolk) - continues a program that helps local agencies maintain and strengthen levees that protect lives, farmland, habitat, and drinking water in the Delta. The new law extends the state's authorization to reimburse local agencies for up to 75% of levee maintenance and improvement costs until July, 2018.

S.B. 1278 (Wolk) – requires the Department of Water Resources to complete flood maps for areas protected by state-owned levees to determine flood protection levels by July, 2013, to help ensure that after 2015, all development in areas with 10,000 residents or more have at least a 200-year level of flood protection, complying with the 2007 flood protection legislation passed earlier this year.

S.B. 1495 (Wolk) – allows the Port of Stockton and the Port of West Sacramento to do routine, dredging activities for maintenance of facilities. The bill exempts lease approvals and maintenance dredging associated with the Ports from review by the Council but the actions would still be subject to all planning laws.

Mr. Miller also discussed A.B. 685 (Eng), signed by the Governor the day before, that makes it state policy that it is a basic human right to have safe, clean, affordable and accessible water. The bill directs relevant state agencies to advance the implementation of this policy when those agencies make administrative decisions pertinent to the use of water for human consumption, cooking, and sanitary purposes.

Mr. Miller provided a brief budget update, stating budget issues were dormant and the state was still operating in a deficit. Mr. Miller stated a general-obligation bond sale was held.

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

3. Oath of Office

Chair Isenberg administered the Oath of Office to the Council's new Executive Officer, Christopher Knopp. The news release announcing Mr. Knopp's appointment is posted on the Council website at http://deltacouncil.ca.gov/sites/default/files/documents/files/12-0921_Chris_Knopp_New_DSC_EO_Press_Release_w-art_v3.pdf.

The video showing this can be found at <http://dsc.videosscc.com/archives/092712/> Agenda Item 6. Archive Segment Number 3 of 21 at 00:22.

6. Adoption of the September 13, 2012 Meeting Summary (Action Item)

Chair Isenberg asked if there were any questions, suggestions or comments from the Council or the public regarding the September 13, 2012 Meeting Summary. Chair Isenberg requested staff check his remarks in Burt Wilson's comment on page 4 for possible grammatical changes to make the Chair's response clearer.

Chair Isenberg asked if there were any other questions or comments – there were none.

Motion: (Offered by Johnston; seconded by Fiorini) to approve the September 13, 2012 meeting summary as amended.

Vote: (4/0: Johnston, Fiorini, Isenberg, Nottoli) and the motion was adopted.

The video showing this vote can be found at <http://dsc.videosscc.com/archives/092712/> Agenda Item 6. Archive Segment Number 4 of 21 at 01:12.

The revised meeting summary was posted on the Council website at [http://deltacouncil.ca.gov/sites/default/files/documents/files/Item%20 6 Revised Meeting Summary.pdf](http://deltacouncil.ca.gov/sites/default/files/documents/files/Item%206%20Revised%20Meeting%20Summary.pdf).

7. Report on Delta Protection Commission's (DPC) Feasibility Report on the Sacramento-San Joaquin Delta National Heritage Area (NHA) and Consideration of Staff's Recommendation to Endorse the NHA's Creation (Action Item)

The Council's Chief Deputy Executive Officer, Dan Ray, opened the discussion of Agenda Item 7. Mr. Ray was joined by Delta Protection representatives, Executive Director Mike Machado and Alex Westhoff, the DPC's project manager, who spearheaded the study. First, Mr. Machado began by congratulating Mr. Grindstaff and Mr. Miller on their retirements and expressing his gratitude for their service. Mr. Machado provided a briefing on Commission's Feasibility Report on the creation of an NHA for the Sacramento-San Joaquin Delta and Mr. Westhoff presented a PowerPoint that reviewed the contents of the study and where it was now. The presentation has been posted at [http://deltacouncil.ca.gov/sites/default/files/documents/files/Item 7 Attachment 3 Presentation DPCs Study for NHA%20\[Compatibility%20Mode\].pdf](http://deltacouncil.ca.gov/sites/default/files/documents/files/Item%207%20Attachment%203%20Presentation%20DPCs%20Study%20for%20NHA%20Compatibility%20Mode.pdf).

Throughout the presentation, Mr. Machado and Mr. Westhoff answered Council members' questions and provided clarification. Following the presentation Chair Isenberg asked if any members of the public wished to comment – there were none.

Chair Isenberg suggested the Council defer formal action on Agenda Item 7 and proceed to Agenda Item 10 because it lacked a quorum due to Council Member Johnston stepping out of the meeting to take an urgent call. Chair Isenberg directed staff to draft a recommendation for Agenda Item 7, while Dr. Goodwin was giving the Lead Scientist's Report, and the Council would return to Agenda Item 7 after Council Member Johnston was finished with his call to consider and vote on the recommendation. The recommendation and vote for Agenda Item 7 is reflected on page 4, at the conclusion of public comment period for the Lead Scientist's Report (Agenda Item 10a).

The video showing this action can be found at <http://dsc.videossc.com/archives/092712/> Agenda Item 6 Index 7. Archive Segment Number 5 of 21 at 22:44.

10. Delta Science Program (Information Item)
10a. Lead Scientist's Report (Water Code §852280)

Agenda Item 10 was taken out of order and presented by Dr. Peter Goodwin who briefed the Council on the elements of the Delta Science Plan. Dr. Goodwin stated the upcoming Bay-Delta Science Conference scheduled October 16-18, 2012, would provide a forum for the latest scientific findings and for formal and informal discussions among the science community. Information on the Bay-Delta Science Conference is available at <http://scienceconf.deltacouncil.ca.gov/>.

Dr. Goodwin provided an update on the State Water Resources Control Board's workshops. The Delta Science Program was asked to convene the invited panels for the series of three workshops that plan to discuss potential changes to the 2006 Water Quality Control Plan for the San Francisco/Sacramento-San Joaquin Delta Estuary (Bay-Delta Plan). The first one held on September 5-6, 2012 focused on Ecosystem Changes and the Low Salinity Zone. Workshop 2 will focus on Bay-Delta Fishery Resources and Workshop 3 will focus on Analytical Tools for

Evaluating Water Supply, Hydrodynamics and Hydropower. The State Board is working toward adopting and implementing the updated Bay-Delta Plan objectives by June 2, 2014, consistent with ER P1 of the Delta Plan. More information on the Board's public workshop is posted at http://www.waterboards.ca.gov/waterrigjts/water_issues/programs/bay_delta/comp_review.shtml.

Dr. Goodwin presented a PowerPoint on the recently released study, "Sacramento-San Joaquin Delta Historical Ecology Investigation: Exploring Pattern and Process". The presentation, included in the members' hand-outs and posted on the Council website at [http://deltacouncil.ca.gov/sites/default/files/documents/files/Item_10_Presentation_on_Sacramento_San_Joaquin%20Delta_Historical_Ecology_Investigation_Exploring_Pattern_and_Process%20\[Compatibility%20Mode\].pdf](http://deltacouncil.ca.gov/sites/default/files/documents/files/Item_10_Presentation_on_Sacramento_San_Joaquin%20Delta_Historical_Ecology_Investigation_Exploring_Pattern_and_Process%20[Compatibility%20Mode].pdf), described three historical Delta landscapes – the north Delta flood basins, central Delta tidal islands, and south Delta distributary rivers. The information about the investigation and the report is posted at <http://www.sfei.org/DeltaHEStudy>.

Throughout Dr. Goodwin's report, he answered Council members' questions and provided clarification.

Public Comment – Agenda Item 10a:

Burt Wilson, Public Water News Service, stated that one of the coequal goals is ecosystem restoration and what he had heard in Dr. Goodwin's update was that restoration of the Delta ecosystem couldn't happen and then Mr. Wilson asked Dr. Goodwin if it was his opinion that the restoration of the Delta ecosystem could occur consistent with the Delta Plan.

At the conclusion of public comment for Agenda Item 10a, the Council returned to Agenda Item 7 to take formal action on the recommendation prepared by staff endorsing the designation of a Delta NHA.

7. Continuation of Report on Delta Protection Commission's (DPC) Feasibility Report on the Sacramento-San Joaquin Delta National Heritage Area (NHA) and Consideration of Staff's Recommendation to Endorse the NHA's Creation (Action Item)

Motion: (Offered by Fiorini; seconded by Nottoli) to authorize the Chair Isenberg to communicate to Congress and the California congressional delegation the Council's support for designation of a Delta NHA. The letter will include three points (1) acknowledge the Delta Protection Commission's completion of its feasibility study of a NHA in the Delta; (2) endorse congressional designation of an NHA in the Delta as proposed in the DPC's feasibility study; and (3) note that the legislation pending in Congress to designate the NHA provides that the management plan that will be prepared for the NHA will be referred to the Council for consideration of its consistency with the Delta Plan before it is approved by the Secretary of the Interior.

Vote: (4/0: Johnston, Fiorini, Isenberg, Nottoli) and the motion was adopted.

The video showing this vote can be found at <http://dsc.videosc.com/archives/0927/12> Agenda Item 10 Index 5. Archive Segment Number 10 of 21 at 01:37.

9. Update from Delta Watermaster on Monitoring and Compliance Update (Water Code §85230 (d)) (Information Item)

Agenda Item 9 was taken out of order and heard at the conclusion Agenda Item 7. Agenda Item 9 was presented by Craig Wilson, the Delta Watermaster. Before beginning his formal remarks, Mr. Wilson congratulated Mr. Grindstaff on his retirement and Mr. Knopp on his appointment.

Mr. Wilson presented a PowerPoint that highlighted a draft report on Improving Water Right Enforcement Authority that was presented to the State Board on September 19, 2012. The report focused on the Water Board's authority to enforce and monitor water rights and to prevent unauthorized diversions of water. Mr. Wilson's next PowerPoint highlighted the day-to-day activities of the Delta Watermaster.

The report is posted at:

[http://deltacouncil.ca.gov/sites/default/files/documents/files/Agenda%20Item%209_Attach%201_Water%20Right%20Enforcement%20Authority%20\(revised\)%20September%204%202012.pdf](http://deltacouncil.ca.gov/sites/default/files/documents/files/Agenda%20Item%209_Attach%201_Water%20Right%20Enforcement%20Authority%20(revised)%20September%204%202012.pdf)

The PowerPoint Presentations are posted at:

http://deltacouncil.ca.gov/sites/default/files/documents/files/Agenda%20Item%209_Attach%202_Power%20Point%20Presentation_September%2019%20Water%20Right%20Enforcement%20Authority%20Report.pdf and
http://deltacouncil.ca.gov/sites/default/files/documents/files/Agenda%20Item%209_Attach%203_Power%20Point%20Presentation_Delta%20Stewardship%20Council%20Delta%20Watermaster%20Update%209-5-2012.pdf.

Throughout Mr. Wilson's presentation he heard Council members' comments, answered questions and provided clarification.

Public Comment – Agenda Item 9:

Jim Verboon, Verboon Farms, requested clarification as to whether or not there was there going to be, at some point, a water baseline to go back and quantify water rights, realizing that there is rough data available on how much water entered the Delta in a specific year/month.

Audrey Patterson, San Joaquin Tributary Authority, would love to see efficient oversight of water rights, but as far as an authority goes, she pointed out enforcement also has by due process implications. Ms. Patterson also had questions on a chart in the second presentation (Item 9, Attachment 3) on water rights validity and riparian rights. She felt the chart may give a diverter the impression that a determination has been made about in-Delta water rights.

At the conclusion of the public comments for Agenda Item 9, the Council recessed for 5 minutes resuming the meeting at 11:16 a.m. going back to Agenda Item 8.

8. Report from U.S. Environmental Protection Agency on its Sacramento-San Joaquin Delta Action Plan (Information Item)

Mark Bradley opened the discussion of Agenda Item 8 and introduced Ms. Erin Foresman, an Environmental Scientist for U.S. Environmental Protection Agency. Ms. Foresman presented a PowerPoint that provided the Council with an overview of a report released by EPA on August 28, 2012, entitled "Water Quality Challenges in the San Francisco Bay/Sacramento-San Joaquin Delta Estuary: EPA's Action Plan." The Bay Delta Action Plan proposed seven

measures for improving water quality, restoring aquatic habitat and improving the management of the San Francisco Bay Delta Estuary. The presentation is posted at http://deltacouncil.ca.gov/sites/default/files/documents/files/Item_8_Attach_2_PowerPoint_Presentation_EPA_Action_Plan_0.pd.

Chair Isenberg reminded the Council that Ms. Foresman had previously addressed the Council at its February 24, 2011 meeting and presented the Advanced Notice of Proposed Rulemaking for the water quality challenges in the San Francisco Bay Delta Estuary. Ms. Foresman briefed the Council on the steps leading up to the ANPR and where EPA was now. Ms. Foresman discussed the recommendations included in the Action Plan that have been prioritized. Information on the Action Plan can be found at www.epa.gov/sfbaydelta.

Throughout the discussions, Ms. Foresman answered questions and provided clarification for the Council members. At the conclusion of Ms. Foresman's presentation of Agenda Item 8, Chair Isenberg asked if there were any members of the public who wished to comment on the item – there were none.

Following the discussion of Agenda Item 8, the Council recessed for lunch at 11:50 a.m. and resumed the meeting at 1:15 p.m.

11. Delta Independent Science Board Report (Water Code §85820 (a)(4)) (Information Item)

Dr Richard Norgaard reported on the activities of the Delta Independent Science Board and the public meetings held in July and August. Dr. Norgaard described the main topics of discussion at the meetings and the next steps the Delta ISB was taking as a result of the discussions. Dr. Norgaard stated at the August meeting three members of the ISB were selected to conduct the review of the Delta Science Program's draft Strategic Plan. Dr. Norgaard stated he will report back to the Council on the results of the review at the October or November Council meeting. The Delta ISB meeting materials are posted at <http://www.deltacouncil.ca.gov/science-board/isb-meetings>. Throughout the discussions, Dr. Norgaard answered Council members' questions and provided clarification.

Public Comment – Agenda Item 11:

Burt Wilson, Public Water News Service, stated he attended an ISB meeting and had a conversation regarding adaptive management and after attending the meeting and having those discussions, he has concluded that anything done in the Delta must have an adaptive management plan, including the 50 to 52 near-term projects in the Delta the Council has planned.

12. Public Comment

Chair Isenberg asked if there were any members of the public wishing to address the Council on issues not on the agenda.

Jody Mazzarella, Resident of Bethel Island, submitted a letter to the Council that has been posted on the Council website at <http://deltacouncil.ca.gov/sites/default/files/documents/files/Letter%20from%20FEMA%20submitted%20by%20Jody%20Mazzarella.pdf>. Ms. Mazzarella stated Bethel Island has FEMA compliance. The letter stated that FEMA was in receipt of documentation from Bethel Island

Municipal Improvement District confirming their adoption of the Association of Bay Area Government Local Hazard Mitigation Plan and the jurisdiction was now in compliance with the planning requirements of the Disaster Mitigation Act of 2000.

Burt Wilson, Public Water News Service, requested clarification regarding the criteria for accepting the Bay Delta Conservation Plan and stated the acceptance criteria for BDCP should include knowing how much water will be deferred from the Delta.

13. 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.

Chair Isenberg announced that the next Council meeting is scheduled on October 25, 2012, again in West Sacramento at the Ramada Inn and Suites.

The meeting was adjourned at 1:55 p.m.