

DELTA STEWARDSHIP COUNCIL
June 27, 2013
Holiday Inn Capitol Plaza
300 J Street, Sacramento, CA 95814

MEETING SUMMARY

June 27 2013, 9:00 a.m. – 4:30 p.m.

1. Welcome and Introductions

The meeting was called to order at 9:00 a.m., June 27, 2013, by Chair Phil Isenberg.

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

Roll call was taken and a quorum was established. The following members were present: Patrick Johnston, Gloria Gray, Frank C. Damrell, Randy Fiorini, Phil Isenberg and Don Nottoli. Absent: Hank Nordhoff

Immediately after establishing a quorum, the Council, without objection recessed into Closed Session.

- 3. Closed Executive Session – Litigation: (Not open to the public) (Government Code §1126 (e)(2)(a), (e)(2)(B)(i)) (Action Item)**
Lawsuits: San Luis and Delta Mendota Water Authority/Westlands vs. Delta Stewardship Council
North Coast Rivers Alliance vs. Delta Stewardship Council
City of Stockton vs. Delta Stewardship Council
State Water Contractors/Metropolitan Water District of Southern California vs. Delta Stewardship Council (Notice of Intent)
Friends of the River, et al vs. Delta Stewardship Council (Notice of Intent)
Save the California Delta Alliance vs. Delta Stewardship Council (Notice of Intent)
Central Delta Water Agency, et al vs. Delta Stewardship Council (Notice of Intent)

The Closed Session of the Delta Stewardship Council convened at 9:06 a.m., with Chair Phil Isenberg presiding.

4. Reconvene Open Session

The Closed Session adjourned at 10:40 a.m. and the Open Session of the Delta Stewardship Council reconvened at 10:45 a.m., with no announcements made. Chair Isenberg stated the Council was interested moving forward with its statutory charge and he reminded everyone that although litigation has been filed there are 73 recommendations that don't have regulatory impact that encompass the largest range of

water, environmental, and Delta as a place options available. The need to proceed is clear and obvious.

5. Chair's Report

Chair Isenberg made brief comments about the recent trip he and Councilmember Fiorini made to Washington, DC. The trip was three days and included a series of meetings with federal agencies, congressional members, and other entities. Chair Isenberg stated that more trips will be made periodically, as needed.

6. Executive Officer's Report (Information Item)

Executive Officer Christopher Knopp updated the Council about activities to move the Delta Plan forward, such as sending the completed Regulatory Package to the State Office of Administrative Law (OAL) and the review of the STD 399 by the State Department of Finance. Mr. Knopp stated that the focus of the staff is to move forward with implementation of the Delta Plan. The process for hiring the Implementation Committee Coordinator has begun. Mr. Knopp hopes to have the Implementation Committee Coordinator on board by September 1. Mr. Knopp also briefed the Council on efforts staff is making in evaluating what it means for the Council to change from a planning organization to an implementation organization. Mr. Knopp said he is looking at staffing in response to an increased workload and that he will report more on this issue at the July Council meeting.

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

6a. Legislative Update

The Legislative Update was presented by Jessica Pearson. Ms. Pearson announced that the State had a budget that the Governor was expected to sign shortly. Next, Ms. Pearson discussed the bill tracking report – noting the deadline at the end of May for bills to move out of their house of origin, which is indicated on the bill tracking report. Ms. Pearson made brief remarks on two bills of note to the Council – SB 735 and AB 1331. Ms. Pearson stated that SB 735 (Wolk) had been amended and is expected to be heard in the Assembly Committee on Water, Parks and Wildlife in August. Ms. Pearson stated she would continue to engage with the author's office as additional amendments are considered and will report back to the Council on this bill in July. Next, Ms. Pearson made brief remarks on AB 1331 (Water, Parks and Wildlife Committee), stating the bill is moving forward but was not scheduled for its next hearing.

Ms. Pearson discussed a Delta Plan briefing for legislative staff she organized. Topics of discussion were the Delta Plan, the Science Program and draft Science Plan. Ms. Pearson stated the briefing went well and others will be conducted as the Council moves into implementation.

Throughout the Legislative update, Ms. Pearson answered Council members' questions and provided clarification. Following the Executive Officer's Report, Chair Isenberg

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

7. Adoption of the May 16-17, 2013 Meeting Summary (Action Item)

Chair Isenberg asked if there were any questions, suggestions or comments from the Council or public regarding the May 16-17, 2013 Meeting Summary.

Chair Isenberg requested a modification in the General Note for Agenda Item 6. It will be changed to read, "In all cases public comment was heard after the motion(s) was offered **but** before a vote was taken. Chair Isenberg also suggested changing "explained" to "noted" on page 2, Item 6, second sentence in the second paragraph. The sentence will be amended to read, "Mr. Knopp noted the confusion with BDCP and Delta Plan...."

The amended May 16-17, 2013 Meeting Summary is posted on the Council website at http://deltacouncil.ca.gov/sites/default/files/documents/files/Item_7_Amended_Meeting_Summary.pdf

Motion: (Offered by Nottoli; seconded by Gray) to approve the May 16-17, meeting summary, as amended.

Vote: (6/0: Johnston, Gray, Damrell, Fiorini, Isenberg, Nottoli) and the motion was adopted.

The video showing this vote can be found at: http://dsc.videosscc.com/archives/062713/Agenda_Item_7_Archive_Segment_Number_5_of_30_at_01:50.

8. Update from Delta Watermaster on Gates and Barriers (Information Item)

Mark Bradley introduced Agenda Item 8, Update from Delta Watermaster on Gates and Barriers. Craig Wilson, the Delta Watermaster, presented a PowerPoint on his recent report to the State Water Board on Gates and Barriers in the Delta. Mr. Wilson's report addressed the use of existing gates and barriers to control flows, water quality and fish movement in the Delta; the reoperation and modification of existing gates and barriers; and proposals for additional gates and barriers. The report calls for prioritization of projects based on their effects on water quality, fish protection, and boating and navigation.

Mr. Wilson also reported on the unprecedented dry conditions in the Sacramento Valley and actions needed to protect Shasta Reservoir's cold water pool resources for fisheries purposes. When contacted by the US Bureau of Reclamation and California Department of Water Resources regarding these conditions, Mr. Wilson responded with specific actions for the Bureau and the Department to carry out to conserve the cold water pool in Shasta Reservoir needed to protect Chinook salmon. Mr. Wilson's letter is included with the meeting materials as Attachment 3.

Throughout the presentation of Agenda item 8, Mr. Wilson answered Council members' questions and provided clarification. Following Mr. Wilson's presentation, Chair Isenberg asked if there were any members of the public who wished to comment.

Public Comment – Agenda Item 8

Tom Zuckerman, Central Delta Water Agency, made comments related to the report on dry conditions. Mr. Zuckerman stated he seconded the comments of the Chair and Vice Chair on how delicate the water supply situation is and the issues with the temperature requirements on the Sacramento River and what will happen if the dry years continue. Mr. Zuckerman asked when the plan had been submitted and Mr. Wilson responded to Mr. Zuckerman, stating the plan had been submitted on June 4, 2013 and directing him to where the plan is posted and how to find it. Mr. Zuckerman stated he was curious about the long water quality control planning process that took place many years ago to establish what kind of water quality conditions were needed to protect the beneficial uses of water for agriculture and other uses in the Delta, resulting in a series of standards were for the western Delta. Those conditions in the western Delta are not controlled by inflow but are controlled by the outflow of the Delta. Mr. Zuckerman stated he was concerned and hopeful the plan dealt with exports from the Delta as well as uses upstream from the Delta and looks forward to reading Mr. Wilson's report. Mr. Zuckerman expressed his concern with a statement made by the Water Board to defer enforcement of the water quality standards and doesn't feel that is the right way to proceed and also requested to be in the "communication loop".

Burt Wilson, Public Water News Service, commented on the elevations of levees if gates are going to be installed on Chipps Island and asked if Craig Wilson understood that the levees would have to be raised 5 feet all the way back to the Bay Area. Craig Wilson responded by stating it was not his understanding and commented that the gates could be operated on tidal cycles if there was a potential concern of downstream flooding. Burt Wilson stated that last year at a BDCP meeting he heard Jerry Meral say that water could be released from the reservoirs and Burt Wilson said he felt the flows and reservoirs are an emergency supply for Northern California not Southern California and if barriers and gates were going to be installed, more conversation on the issue was needed.

9. Drought and the Delta. A Report by DWR on the Conditions and their Impacts on the Reliability of California's Water Supplies and the Delta Ecosystem (Information Item)

Paul Helliker, Deputy Director for the Department of Water Resources provided an overview of the current status of water operations in the Delta and the impacts resulting from dry conditions in the Sacramento Valley. Mr. Helliker presented a PowerPoint that is posted on the Council website at [http://deltacouncil.ca.gov/sites/default/files/documents/files/Item_9_Presentation_2013_Hydrology_and_Water_Supplies%20\[Compatibility%20Mode\].pdf](http://deltacouncil.ca.gov/sites/default/files/documents/files/Item_9_Presentation_2013_Hydrology_and_Water_Supplies%20[Compatibility%20Mode].pdf)

Mr. Helliker's presentation provided information on reservoir storage, potential impacts on deliveries and allocations, and expedited water transfers as a result of this year's dry

conditions. Mr. Helliker also discussed the letter sent by DWR and BOR to the State Water Resources Control Board regarding the unprecedented dry conditions in the Sacramento Valley and actions needed to protect cold water pool for fisheries purposed and the Water Board's response to that letter.

Throughout the presentation of Agenda Item 9, Mr. Helliker answered Council members' questions and provided clarification. Following Mr. Helliker's presentation, Chair Isenberg asked if there were any members of the public who wished to comment.

Public Comment – Agenda Item 9:

Tom Zuckerman, Central Delta Water Agency, requested to address Mr. Helliker's comment about how the two tunnels (BDCP) would be helpful, now, during these dry conditions. Mr. Zuckerman stated he didn't think that statement was accurate. Mr. Zuckerman commented on water quality standards in the western Delta in critical dry year conditions and what standards were needed to protect beneficial uses. If water quality in the Delta is deteriorated to a critical year standard, the western Delta will take a big hit. Mr. Zuckerman also commented on how the smelt population will react to changes in the hydrology and water quality in the Delta, noting that it might not be possible to protect the smelt during the dry years even with the tunnels in place.

Greg Zlotnick, San Luis and Delta Mendota Water Authority, stated how the Bureau of Reclamation met with his agency to discuss the expectation that the south of Delta users, even with above normal precipitation going into the winter, will have no allocation of water next year.

Following the public comment on Agenda Item 9, the Council recessed for lunch at 12:05 p.m. and resumed the meeting at 1:05 p.m.

10. Delta Plan

General Note: *The Delta Plan discussions contained two Action Items and in both cases, public comment was heard after the motions were offered but before the votes were taken.*

a. Executive Summary (Action Item)

Cindy Messer stated that Agenda Item 10a was an Action Item and made brief remarks on the proposed final version of the Delta Plan's executive summary that was being presented to the Council for its consideration for approval. Ms. Messer stated the comments and suggested revisions from the May 16-17 Council meeting had been incorporated. At the Chair's suggestion and without objection from the Council, the discussion of the executive summary was postponed and heard at the conclusion of the Delta Plan discussions.

The video showing this action can be found at:

<http://dsc.videosc.com/archives/062713/>

Agenda Item 10 Index 1. Archive Segment Number 14 of 30 at 04:16.

b. Implementation Committee (Action Item)

Chris Knopp provided the Council with an update on the progress made to date on the implementation committee. Mr. Knopp explained the purpose and primary role of the committee, stating one role he saw was the committee providing advice on sensitive issues and coming up with workable solutions. Mr. Knopp discussed the draft charter for the implementation committee and stated because one of the Council's roles is to coordinate and synthesize the activities of several agencies, he felt the implementation committee and work groups would be the vehicle in which to accomplish that role. Mr. Knopp also discussed requests from the public for membership on the committee or workgroups. Mr. Knopp also stated there was a positive response regarding participation from the state and federal agencies. Council member Fiorini updated the Council on the preliminary activities that have taken place to lay the foundation as well as discussions in Washington regarding the implementation committee. Council member Fiorini felt the key will be the selection of actions that are ready for implementation and the activities to support them. Finally, the draft charter for the implementation committee, included in meeting materials, was discussed and Mr. Knopp requested the Council designate a chair for the Implementation Committee.

Throughout the discussion of the implementation committee, Mr. Knopp heard Council members' suggestions, answered questions and provided clarification. Following the discussion of the implementation committee, Chair Isenberg asked if there were any members of the public who wished to comment.

Public Comment – Agenda Item 10b:

Greg Zlotnick, San Luis and Delta Mendota Water Authority, commented on page 2 in Key Responsibilities and requested clarification of the term "joint science authority". His main concern is the membership of the implementation committee and he felt the focus should be on the state and federal agencies and discouraged the additions of the water agency and RD representatives from the Delta as they will have an opportunity to engage on the work groups along with other members of the public. He suggested serious consideration be given to the appropriate membership going forward.

Motion: (Offered by Gray; seconded by Damrell) to appoint Vice Chair Fiorini as the Chair of the Implementation Committee.

Vote: (6/0: Johnston, Gray, Damrell, Fiorini, Isenberg, Nottoli) and the motion was adopted.

The video showing this vote can be found at: <http://dsc.videoss.com/archives/062713/> Agenda Item 10; Index 1. Archive Segment Number 14 of 30 at 26:16.

c. Priorities for Council Oversight

Dan Ray introduced Agenda Item 10c and gave a brief summary of the oversight function to receive guidance from the Council about the principles and priorities. Mr. Ray cited the statute as it related to oversight functions and discussed the importance of

the oversight functions. Mr. Ray discussed three principles that could be used to identify topics for oversight hearings and reports and gave examples of oversight topics as well as what may be included in outcomes. Mr. Ray explained that sometimes the Council may refer an issue to the implementation committee for resolution. Council member Fiorini encouraged staff to begin the inventory process with agencies as suggested by a recent report by the PPIC.

Throughout the discussion of the priorities for Council oversight, Mr. Ray heard Council members' suggestions, answered questions and provided clarification. Following the discussion of the priorities for Council oversight, Chair Isenberg asked if there were any members of the public who wished to comment.

Public Comment – Agenda Item 10c:

Greg Zlotnick, San Luis and Delta Mendota Water Authority, stated he agreed with Council member Fiorini about the inventory suggestion. He also commented on the three proposed priorities in the oversight hearings and reports, stating he agreed with Items 1 and 2 but had specific suggestions for item 3. Mr. Zlotnick felt that a broad discussion about the other stressors in the system was missing from this item as well as preparations on how to deal with operational issues in the state and federal the shortages that are coming and how to deal with them at a local level. Mr. Zlotnick also made specific suggestions regarding the items included in item 3, such as reduced reliance, Delta habitat, as well as looking at Chapter 5 to develop priorities.

At the conclusion of public comment for Agenda Item 10c, without objection, the Council returned to Agenda Item 10a, Executive Summary.

a. Executive Summary

Council members Nottoli and Johnston offered substitute language for the paragraph on page 9 that addresses Delta-as-Place Policy 1 and Risk Reduction Policy 2. The substitute language offered read, *“The distinctive Delta landscape has been greatly impacted by urban encroachment often including a higher flood risk in this part of the world.”*

Following the discussion of the suggested language offered by Council members Johnston and Nottoli, Chair Isenberg asked if there were any members of the public who wished to comment.

Public Comment – Agenda Item 10a:

Audrey Patterson, San Joaquin Tributaries Authority, had two specific language recommendations for the executive summary, both in the last paragraph on page 7. Ms. Patterson's first suggestion was to substitute the word “sets” with “recommends”. *“The Delta Plan recommends deadlines for these processes (mid-2014 and mid-2018)”*. This recommended change was accepted by the Council. Ms. Patterson's other suggestion was the replacement of the word *“project”* with *“covered actions”* in the last sentence of the paragraph. This change was not accepted by the Council.

Following public comment and after Council deliberation, Chair Isenberg called for a vote on the motion to approve the executive summary with the substitute language offered by Council members Nottoli and Johnston for paragraph 5 of page 9 as well as the accepted word substitution offered by Ms. Patterson included.

Motion: (Offered by Johnston; seconded by Nottoli) to adopt the Executive Summary as amended.

Vote: (6/0: Johnston, Gray, Damrell, Fiorini, Isenberg, Nottoli) and the motion was adopted.

The video showing this vote can be found at: [http://dsc.videosscc.com/archives/062713/Agenda Item 10, Index 5. Archive Segment Number18 of 30 at 02:07](http://dsc.videosscc.com/archives/062713/Agenda%20Item%2010,%20Index%205.%20Archive%20Segment%20Number18%20of%2030%20at%2002:07).

11. Delta Science Program

a. Lead Scientist's Report

The Lead Scientist's report was presented by Dr. Peter Goodwin. Dr. Goodwin reported on 1) the State Water Resources Control Board's (SWRCB) state-wide survey of contaminants in sport fish, 2) highlights from the recent Delta Science Program and UC Davis Seminar titled, "Tidal Marshes and Native Fishes in the Delta: Will Restoration make a Difference?", 3) a summary of the recent Interagency Ecological Program (IEP) review of juvenile fish monitoring in the Delta, 4) an overview of the Puget Sound Institute workshop on science in ecosystem restoration, 5) findings of "Broad Timescale Forcing and Geomorphic Mediation of Tidal Marsh Flow and Temperature Dynamics" by Enright et al (2013), 6) establishment of a Collaborative Adaptive Management Team to guide a robust and collaborative science and adaptive management program for the next iteration of the Biological Opinions, 7) highlights from "Climate Change Vulnerability of Native and Alien Freshwater fishes of California: A Systematic Assessment Approach" by Moyle et al (2013) and 8) a summary of current numbers relevant to Delta water and environmental management. "By the Numbers" is posted on the Council website at:

http://deltacouncil.ca.gov/sites/default/files/documents/files/Item_11a_Attach_1_By_the_Numbers.pdf

Throughout the update of Agenda Item 11, Dr. Goodwin answered Council members' questions and provided clarification.

b. Delta Science Plan

The Delta Science Plan report was presented by Dr. Peter Goodwin. Dr. Goodwin was joined by Dr. Rainer Hoenicke, Dr. Lauren Hastings, Lindsay Correa, and Sam Harader. Dr. Goodwin presented a PowerPoint that is posted on the Council website at

http://deltacouncil.ca.gov/sites/default/files/documents/files/Item_11a_Attach_2_Delta_Science_Plan_One_Delta_One_Science.pdf

Dr. Goodwin provided background about the development of the first complete draft of the Delta Science Plan that was presented to the Council for its review. The plan is a recommendation in the Delta Plan (Recommendation G R1) and was developed by Delta Science Program staff with input from a number of science, agency, and stakeholder leaders. Staff was seeking comments from the Council and public on the draft Science Plan and Council direction on completing it.

Throughout the update of Agenda Item 11b, Dr. Goodwin and the panel heard Council members' comments and answered Council members' questions and provided clarification. Following Dr. Goodwin's report, Chair Isenberg asked if there were any member of the public who wished to comment.

Public Comment – Agenda Item 11b:

Greg Zlotnick, San Luis and Delta Mendota Water Authority, stated it was important to realize there are multiple issues with the science plan and a more difficult challenge is the framework question – how to change the dynamic of what has happened in the past and dealing with the science in the system and how are they all tied together. Mr. Zlotnick made comments on financing and suggested doing an inventory similar to what is described on page 5 of the Executive Summary.

Val Connor, Science Manager for the State and Federal Contractors Water Agency, complimented Dr. Goodwin and his staff on its work. Dr. Connor stated they had some concerns with some of the language included in the draft and they had been working with Science Program staff to discuss where they think greater clarity and specificity would be beneficial. Dr. Connor stated there were concerns with the approach proposed for certain elements in the plan and they are also working with staff on these issues. Dr. Connor hopes the Council will support Dr. Goodwin's approach and support the Delta Science Program as she believes the plan can be transformative for the Delta science with significant benefits for water supply and ecosystem management. Dr. Connor stated through the SFCWA science program, they will also be providing support to the Science Program staff.

Dave Zezulak, Department of Fish and Wildlife, commented on the term "multiple competing agencies with competing views". Mr. Zezulak stated there was a lot of work that is done in common and common goals among the "multiple competing agencies" and he suggested when discussing entities with conflicting goals and objectives, it would be helpful to give examples of these conflicting goals/objectives.

12. Delta Independent Science Board Report

a. Chair's Report

Dr. Tracy Collier, joined by Dr. Jay Lund, reported on the Delta ISB's public meetings held in April, May and June. Dr. Collier went over the attachments included in the meeting materials and began with a discussion of the letter to the Council from the Delta ISB regarding the requested review by Chair Isenberg of BDCP Chapter 7 and Section 6 of chapter 3 (Attachment 1). Dr. Collier and Dr. Lund briefed the Council on the Delta ISB review assignments for the BDCP EIR/S, the charge to the Delta ISB for review of

the draft BDCP EIR/S, and the Delta ISB comments on the current administrative draft of BDCP documents.

Throughout the Delta ISB Report, Dr. Collier and Dr. Lund heard Council members' comments and provided clarification.

Public Comment – Agenda Item 12a:

Greg Zlotnick, San Luis and Delta Mendota Water Authority, commented on the Fish and Flows program review. Mr. Zlotnick stated there were more issues with the system even though flow is part of the equation and he was concerned that with a program named Fish and Flows, it perpetuated that idea. Mr. Zlotnick encouraged the staff to come up with another name for the program.

13. Public Comment

Roberto Valdez, Jr., Solano County resident, applauded efforts to come to a consensus. Mr. Valdez commented on how the Bay Delta Conservation Plan was going to change the Delta, Solano County and the history of California. Mr. Valdez stated that the BDCP staff and Jerry Meral have been very transparent, reached out and responded to the concerns of Congressman Miller. Mr. Valdez stated he hoped the plan could be turned from a political/economic interest to what is right for the people based on science as he respects the scientists. Mr. Valdez stated he thinks he supports the Bay Delta Conservation Plan. Mr. Valdez would like to see a statewide water conservation program for all Californians. Regarding who pays for the water – he believes it should be the people who use the most water.

Cate Kuhne, Reclamation District 2059 Trustee, thanked the Council for their efforts. Ms. Kuhne lives on Bethel Island, one of the eight western islands and urged the Council, before beginning implementation, to come talk/visit the district.

14. 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 – hearing on July 25-26, 2013, at the Sheraton Grand in Sacramento.

The meeting adjourned at 4:13 p.m.