

***DRAFT 2/2814 – SUBJECT TO CHANGE
For Review and Adoption by the DSC at the March 27-28, 2014 Meeting***

**DELTA STEWARDSHIP COUNCIL
February 27, 2014
Holiday Inn Capitol Plaza
300 J Street, Sacramento, CA 95814**

MEETING SUMMARY

February 27, 2014, 9:00 a.m. – 4:30 p.m.

1. Welcome and Introductions

The meeting was called to order at 9:01 a.m., February 27, 2014, by Chair Randy Fiorini.

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, Randy Fiorini, Phil Isenberg, Frank Damrell, Larry Ruhstaller, and Gloria Gray. Absent: Hank Nordhoff

**3. Closed Executive Session – (Not open to the public) (Action Item) Litigation:
Delta Stewardship Council Cases, Coordinated Proceeding JCCP No. 4758
(Government Code §11126 (e)(2)(a), (e)(2)(B)(i))**

**Closed Executive Session – (Not open to the public) (Action Item) Personnel
Matter: (Government Code §11126 (a)(1))**

The Closed Session (Litigation) convened at 9:10 a.m. and adjourned at 9:30 a.m., with Chair Randy Fiorini presiding. The Closed Session (Personnel) convened at 9:30 a.m. and adjourned at 10:15 a.m., with Chair Fiorini presiding.

4. Reconvene Open Session

Upon adjournment of the second Closed Session, the Delta Stewardship Council reconvened in Open Session at 10:25 a.m.; Chair Fiorini indicated that no actions had been taken.

5. Chair's Report

Chair Fiorini began his report by formally recognizing and expressing his appreciation to Vice Chair Isenberg for being a mentor with whom he's worked with closely the last four years. Next, Chair Fiorini briefed the Council on meetings in which he has been involved with agencies and stakeholders to formulate and set plans for the Delta Implementation Committee meeting scheduled for April 9th. Chair Fiorini stated he has had an opportunity to evaluate the progress on implementing the entire Delta Plan. He also met recently with

Delta stakeholders from Contra Costa and San Joaquin Counties and discussed levee recommendations, invasive species, storage recommendations that are in the Delta Plan as well as risk management. Chair Fiorini stated he has had several meetings with the Administration regarding the California Water Action Plan as well as work that is being done to implement it – several issues included in the Action Plan are also in the Delta Plan as well as drought issues. Chair Fiorini stated he recently addressed the Capitol Weekly and UC Davis Water Conference where he focused on continued areas of cooperation in implementing the Delta Plan and the Administration's Water Action Plan. Chair Fiorini stated it was his hope after the drought subsides that the cooperation continues in the implementation of the initiatives.

6. Executive Officer's Report (Information Item)

Chris Knopp presented the Executive Officer's Report, updating the Council on the following priority tasks in which staff is involved:

Levee Prioritization Project – The interagency agreement with DWR was in place on January 16, 2014, providing funding; the Proposal Solicitation Package was released on February 25 and responses will be due on March 21; the anticipated date of execution of the consultant contract is mid-May.

Delta Plan Interagency Implementation Committee – first meeting is scheduled for Wednesday, April 9, 9 a.m. -12 p.m., at the Sacramento Embassy Suites; outreach meetings have been held with US Bureau of Reclamation, US Fish and Wildlife Service, National Marine Fishery Service, Army Corps of Engineers, Department of Fish and Wildlife, and the State Water Resources Control Board; meetings are pending with the Department of Water Resources and Central Valley Flood Protection Board.

Science Action Agenda – staff reviewing existing documents and soliciting broad science community input to help refine an initial list of Delta science actions.

Emergency Preparedness and Response – representatives from FEMA and Cal OES will provide a presentation at today's meeting discussing several key changes in federal disaster recovery programs related to Delta flood emergency response and recovery and the National Flood Insurance Program. Mr. Knopp stated the presentation would focus on the changes and potential impacts to the Delta region as a result. Council staff is planning for the Department of Water Resources to present an update on its Emergency Facilities Improvement Project at the March Council meeting. This was previously discussed at the October meeting.

Following the update on the priority tasks, Mr. Knopp updated the Council on the drought conditions. Mr. Knopp stated the Bureau of Reclamation announced a zero allocation for Central Valley Project agriculture users south of the Delta on February 21st, similar to the Department of Water Resources allocation in late January, both of which reflect the historic lows in available water this year. The allocation will be updated by DWR and the Bureau in the coming months based on changes in precipitation and drought conditions.

Mr. Knopp stated the previous week Governor Brown, Senator Steinberg and Assembly member Perez announced emergency legislation that provided funding for shovel-ready water projects and emergency assistance to communities hurt by the drought. Funding in

the bill included: \$549 million for infrastructure grants to increase storm water capture and use of recycled water, improve management of groundwater storage, and strengthen water conservation; \$40 million from the proceeds of the state's cap-and-trade program to help local water agencies improve their water and energy efficiency, help farmers upgrade irrigation and water pumping systems to reduce water and energy use, and to enable retrofits in commercial and residential buildings that improve water and energy efficiency; \$25 million for emergency food assistance in areas hard-hit by the drought; \$21 million for housing-related assistance to drought victims; \$15 million to help communities that face drinking water shortages across alternative water supplies; and \$14 million to improve groundwater management across the state, including help to disadvantaged communities with groundwater contamination exacerbated by the drought.

Mr. Knopp announced the Bureau of Reclamation highlighted actions that will increase the reliability and sustainability of the federal water system in California. Mr. Knopp stated the federal actions align with California's recently released Water Action Plan. Mr. Knopp also announced the federal agencies, led by the US Department of Agriculture, are working with state agencies to prepare the federal government's emergency aid that was announced during President Obama's recent trip to the San Joaquin Valley. USDA and Department of Food and Agriculture are conducting outreach meetings throughout the state to inform communities of the aid. The Bureau of Reclamation announced funding up to \$2 million in CALFED Water Use Efficiency Grants. The federal funding cap is \$300,000 per award, not to exceed 50 percent of the project cost.

Activities to collect information regarding new surface water storage sides, groundwater options and the potential for expansion of existing storage facilities are being done, in a collaborative effort, by the California Water Commission, Association for California Water Agencies, Department of Water Resources and the DSC. Mr. Knopp stated the survey is directly linked to the storage issue paper authored by Chair Fiorini and Recommendation WR14.

In wrapping up, Mr. Knopp announced a new hire of an Associate Planner, Sandra Hamlat. Ms. Hamlat will be working on a variety of tasks including covered actions; sustainable community strategies, Delta as Place topics and efforts as described in Chapter 5 of the Delta Plan, and GIS and performance measures. Mr. Knopp announced that Interagency Ecological Program (IEP) Lead Scientist Anke Muller-Solger, had accepted a position at the US Geological Survey and would be leaving the Council in the Spring.

6a. Legislative Update

Jessica Pearson presented the Legislative Update. Ms. Pearson stated there had been a lot of activity in February and she summarized those and gave the Council an idea what to look for in the coming months. Ms. Pearson stated Friday, February 21 was the deadline for bill introductions this year. Ms. Pearson briefly updated the Council on the status of the water bond bills (currently 10 water bond bills, 5 in the Senate and 5 in the Assembly). Ms. Pearson provided the Council with an updated Bill Tracking Report that is posted on the Council website at http://deltacouncil.ca.gov/sites/default/files/documents/files/Item_6a_Legislative_Update_February%202014%20Bill%20Tracking%20Report%20revised.pdf. Ms. Pearson stated this was the second year of a two-year session and there was also a lot of interest and activity on Delta water issues among the federal agencies. Ms. Pearson provided the Council with a report entitled *Federal Investments for the California Bay-Delta Region*. The report is

posted on the Council website at http://deltacouncil.ca.gov/sites/default/files/documents/files/Item_6a_Legislative_Update_Federal-Investments-for-the-California-Bay-Delta-Region.pdf.

Ms. Pearson introduced Elizabeth Marsolais. Ms. Marsolais is a recent graduate from University of California Berkeley with a Political Science degree and serving in the Capitol Fellows Program. Ms. Marsolais will be working with the Council as an Executive Fellow through August.

Throughout the Legislative Update, Ms. Pearson answered Council members' questions and provided clarification.

6b. Update on Development of Implementation Committee

Taryn Ravazzini briefly updated the Council on the progress of the development of the Implementation Committee. Ms. Ravazzini announced the date and location of the Implementation Committee meeting, the morning of April 9, 2014, at the Embassy Suites. Ms. Ravazzini stated the outreach meetings and the meetings dealing with participation on the Implementation Committee have been well received with good feedback.

7. Lead Scientist's Report

Dr. Peter Goodwin presented the Lead Scientist's Report. Dr. Goodwin also commented on Dr. Muller-Solger, upcoming departure. Dr. Muller-Solger is the IEP Lead Scientist and will be joining the US Geological Survey, and although she will be involved in California water issues, Dr. Goodwin stated she would be missed. Dr. Goodwin stated the California Water and Modeling Forum and IEP meeting was held in Folsom along with the ISB meeting. Dr. Goodwin stated the ISB meeting focused on the BDCP review with preliminary documents had been discussed. These preliminary documents are posted at <http://deltacouncil.ca.gov/event-detail/10304>. The other topic of discussion at the ISB meeting was science and drought.

Next, Dr. Goodwin highlighted the discussions during the evening sessions at the Water Modeling Forum and made brief comments on the IEP Workshop discussions. Other activities the Delta Science Program was involved with were the Modeling summits. Dr. Goodwin announced the Delta Science Conference is scheduled on October 28-30, 2014. Dr. Goodwin announced the dates of the two summits – Environmental Data Summit will be June 5-6, 2014 and the Modeling summit will be June 9-10, 2014.

Dr. Goodwin reported on the Bay Delta Conservation Plan Effects Analysis Review, held on January 28-29. Dr. Goodwin felt the meeting was productive and well received with constructive dialog among the scientists. Next, Dr. Goodwin reported on the State Water Resources Control Outflows Workshop, held on February 10-11. Dr. Goodwin stated the workshop focused on identifying the best available science on Delta outflows and related stressors. Dr. Goodwin acknowledged Sam Harader of the Science Program staff for his efforts on both the BDCP Effects Analysis Review and the SWRCB Outflows Workshop. The seminar on Lower Food Web Dynamics, by the UC Davis Center for Aquatic Biology and Aquaculture, was held on February 18. The event provided a forum to synthesize knowledge about lower food web dynamics and identified research and management actions to support effective activities.

Dr. Goodwin updated the Council on progress made on the Interim Science Action Agenda and stated the current task is to examine existing documents and gain broad science community input. The input from the science community will be collated and developed into an initial list of Delta science actions. A progress report from the Collaborative Adaptive Management Team was provided. The Delta Science Program staff participated in the Collaborative Science and Adaptive Management Process designed to assist with revisions to the Biological Opinions under the Endangered Species Act. It is intended to develop a durable science process and program that will be useful for implementation of existing Reasonable and Prudent Alternatives and improvement of the next Biological Opinions.

Finally, Dr. Goodwin asked Meiling Roddham, the Sea Grant Fellow, to give a summary of the current numbers related to Delta water and environmental management. *By the Numbers*, was provided to the Council and is posted on the Council website at http://deltacouncil.ca.gov/sites/default/files/documents/files/Item_7_Attach_2_By_the_Numbers.pdf.

Throughout the discussion of Lead Scientist's Report, Dr. Goodwin heard Council members' comments, answered questions and provided clarification. Following the discussion of Agenda Item 7 Chair Fiorini asked if there were any members of the public who wished to comment.

Public Comment – Agenda Item 7

Burt Wilson, Public Water News Services, commented about problems encountered by a Seattle tunneling project and tunneling machine. Mr. Wilson provided written information on his comment that is posted on the Council website at http://deltacouncil.ca.gov/sites/default/files/documents/files/Burt_Wilson_Public_Comment.pdf.

8. Adoption of the January 23, 2014 Meeting Summary (Action Item)

Chair Fiorini asked if there were any questions, suggestions or comments from the Council or public regarding the January 23, 2014, Meeting Summary. Vice Chair Isenberg requested on page 2, Item 4, Election of Council Chair and Vice Chair, staff should include a sentence stating the Meeting Procedures and Rules required the nominee for Chair and Vice Chair to abstain from the vote.

Motion: (Offered by Gray; seconded by Damrell) to approve the January 23, 2014, meeting summary, as amended.

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

The video showing this vote can be found at: <http://dsc.videossc.com/archives/022714> Agenda Item 8. Archive Segment Number 9 of 24 at 00:50.

The amended January 23, 2014, Meeting Summary is posted on the Council website at http://deltacouncil.ca.gov/sites/default/files/documents/files/Item_8_Amended_Meeting_Summary.pdf.

Following the adoption of the January 23, 2014 Meeting Summary, the Council recessed for lunch at 11:42 and reconvened at 1:00.

NOTE: Agenda Item 9, Drought and the Delta was removed from the agenda.

10. Bay Delta Conservation Plan (Information Item)

Dan Ray introduced Agenda Item 10 and was joined by Carl Wilcox of the Department of Fish and Wildlife. In Mr. Ray's introductory remarks, he said the Natural Resources Agency and the Department of Water Resources released the final draft of the Bay Delta Conservation Plan and its draft EIR/S on December 9 and this information item, the fifth and final in a series presented to the Council, was provided in anticipation of the Council's review and comment on these documents in spring 2014.

Mr. Wilcox provided an overview of the BDCP's regulatory assurances – the commitments of regulatory and financial predictability that Department of Fish and Wildlife and federal fish agencies will provide to the BDCP's water agencies in recognition of their promises to carry out the BDCP's conservation measures. Mr. Wilcox felt the staff report outlined the issues and he would go through them, simply, stating they were pretty clearly defined in the Fish and Game Code and stated he would refer to those sections and suggested he would respond to Council members' questions.

Throughout the discussions of Item 10, Mr. Ray and Mr. Wilcox heard Council members' comments, answered questions and provided clarification. Chair Fiorini asked if there were any members of the public who wished to comment. There were none.

11. Groundwater and the Delta Plan (Information Item)

Cindy Messer and Kevan Samsam presented Agenda Item 11 – Groundwater and the Delta Plan. Ms. Messer and Mr. Samsam provided an overview of Groundwater use upstream and downstream of the Delta and its implications for the health of the Delta and for statewide water supply reliability. Ms. Messer and Mr. Samsam were joined by a panel of representatives from the U.S. Geological Survey, the Department of Water Resources, the State Water Resources Control Board, Stanislaus County and the California Water Foundation, who discussed the range of current challenges, opportunities, and policy initiatives related to California's groundwater management, particularly in California's Central Valley. The panel members also discussed the activities their respective agencies were engaged in to implement the Delta Plan and the California Water Action Plan.

The first panelist, Michelle Sneed, a hydrologist with USGS presented a PowerPoint, *Land Subsidence along the Delta-Mendota Canal in the Northern Part for the San Joaquin Valley, California*. The presentation is posted on the Council website at http://deltacouncil.ca.gov/sites/default/files/documents/files/Item_11_Groundwater_Panel_Sneed_Presentation.pdf.

Mary Scruggs, a supervising engineer with DWR, presented a PowerPoint briefing the Council on the status of Bulletin 118 and the California Statewide Groundwater Elevation Monitoring Program (CASGEM). Ms. Scruggs' presentation is posted on the Council website at

http://deltacouncil.ca.gov/sites/default/files/documents/files/Item_11_Groundwater_Panel_Scruggs_Presentation.pdf.

Eric Oppenheimer, Director of the Office of Research and Planning with the State Board, presented a PowerPoint and briefed the Council on the status of developing the Board's Groundwater Workplan. Mr. Oppenheimer's presentation is posted on the Council website at

http://deltacouncil.ca.gov/sites/default/files/documents/files/Item_11_Groundwater_Panel_Oppenheimer_Presentation.pdf.

Walt Ward, the Water Resources Manager for Stanislaus County, presented a PowerPoint and briefed the Council on current groundwater management in the County. Mr. Ward's presentation is posted on the Council website at

http://deltacouncil.ca.gov/sites/default/files/documents/files/Item_11_Groundwater_Panel_Ward_Presentation_0.pdf.

The last panelist was Andrew Fahlund, a Deputy Director at the California Water Foundation. Mr. Fahlund briefed the Council on the Foundation's efforts to convene a diverse group of stakeholders to prepare policy recommendations on groundwater management reform. The Foundation's efforts will result in a report to Governor Brown and the state Legislature with recommendations for achieving sustainable groundwater management that prepares for future droughts, avoids and reverses harm, protects water quality and the environment, reduces conflict among water users, and enhances the use of groundwater as a valuable source of water storage.

Throughout the discussions of Agenda Item 11, Ms. Messer and Mr. Samsam and the panel members answered Council members' questions and provided clarification. At the conclusion of the Groundwater and the Delta Plan Report, Chair Fiorini asked if there were any member of the public who wished to comment on this item. There were none.

At the conclusion of the Groundwater Panel, the Council recessed at 3:40 p.m. for a 10 minute break and reconvened at 3:50 p.m.

12. Delta Flood Emergency Response and Recovery (Information Item)

Cindy Messer and You Chen Chao presented Agenda Item 12 – Delta Flood Emergency Response and Recovery. Before Ms. Messer began, Chair Fiorini reminded the audience that even though we were a drought, floods can occur any time and gave the example of the flood in upper Jones Tract on June 3, 2004, on a clear, sunny day. Ms. Messer opened the discussion and stated the presentation today was the third in a series made to the Council. Ms. Messer briefly described the previous panels on October 25, 2012 and October 24, 2013. The purpose of this presentation was to highlight several key changes to the federal disaster recovery programs that could result in major implications for the Delta in the case of a major disaster such as a levee failure. Ms. Messer turned the presentation over to You Chen Chao, who introduced the panel members and gave a brief bio for each of them.

Charles Rabamad, Assistant Director for Recovery, Cal OES introduced the first panelist, Marcia Sully, Division Chief of the Technical Assistance Program, Cal OES, who used Hurricane Sandy as an example of the amount money provided by the federal government

for financial assistance to the impacted area and residents. She said, however, key events related to disaster recovery programs have occurred and that FEMA terminated its 2010 Memorandum of Understanding with Cal OES on December 8, 2012. The termination of the MOU removed some certainty that FEMA Public Assistance would be provided to the Delta and RDs in the event of an emergency. FEMA and Cal OES have been negotiating a new MOU since that time. Ms. Sully handed out a timeline for the Sacramento/San Joaquin Legal Delta MOU that has been posted on the Council website at http://deltacouncil.ca.gov/sites/default/files/documents/files/Item_12_Panelists_Handout_Marcia_Sully.pdf.

Sam Ronveaux, Infrastructure Branch Chief, for FEMA Region IX addressed the Council next. Mr. Ronveaux made brief comments on the Delta MOU and why the MOU was terminated and is now being renegotiated and introduced Edie Lohmann, the National Flood Insurance Specialist for FEMA Region IX, who briefed the Council on the National Flood Insurance Reform Act of 2004 and impacts to Delta residents. Ms. Lohmann presented a PowerPoint that is posted on the Council website at http://deltacouncil.ca.gov/sites/default/files/documents/files/Item_12_Delta_Flood_Emergency_Response_and_Recovery_Edie_Lohmann_Presentations.pdf.

Chair Fiorini stated that the Council had heard about the National Flood Insurance Program and OES and the fact that they are operating without an MOU. The last speaker was Paige Caldwell of the Readiness Section, Sacramento District, US Army Corps of Engineers. Chair Fiorini asked her what would happen now if there was a flood in the Delta. Ms. Caldwell responded that some of the levees belong to the Corps levee rehabilitation inspection program and they could come to the Corps for assistance in rehabilitating their levees and to apply for post disaster assistance. Chair Fiorini asked how many certified levees were currently in the Delta and Ms. Caldwell responded there were 101 systems that are contained in/or touch the legal Delta. She estimated about half that are active in the Corps' program and would be available for assistance, however, they are all eligible for emergency repair.

Ms. Messer closed by stating the priorities that the Council recommends for state investment in Delta levees could be shaped by federal eligibility standards for disaster recovery and the state investment recommendations could reflect strategies for maximizing eligibility for federal assistance for key elements of the levee system. Ms. Messer stated next steps for the Council may be to provide assistance and coordination to participating agencies as these needs are more clearly identified.

Throughout the report, Ms. Messer and Mr. Chao and the panel members answered Council members' questions and provided clarification. At the conclusion of the Delta Flood Emergency Response and Recovery Panel, Chair Fiorini thanked the panel members and asked some follow-up questions about the MOU. Mr. Ronveaux briefly added that when the MOU was presented to OES in December, FEMA made it clear it was probably the best MOU they were going to get. Mr. Ronveaux explained that there are two major components included in the MOU, one which would allow eligibility of levees that made it to the HMP standard, not PL84-99, for the next five years, while encouraging everyone to get up to PL84-99 so they would be the Corps' responsibility. The proposed MOU would retain reclamation districts' eligibility for reimbursement for post-disaster levee repairs through FEMA even if the Corps determined the repairs would not have a favorable benefit-cost ratio. Mr. Ronveaux stated without an MOU that is not in place.

Chair Fiorini asked if there were any members of the public who wished to comment on this item. There were none.

13. Public Comment

Chair Fiorini asked if there were any members of the public who wished to address the Council. There were none.

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 – March 27-28, 2014, at the West Sacramento City Hall Galleria.

The meeting adjourned at 4:53 p.m.