

DRAFT 3/30/16 - SUBJECT TO CHANGE
For Review and Adoption by the DSC at the April 28, 2016 Meeting

Thursday, March 24, 2016
DELTA STEWARDSHIP COUNCIL
West Sacramento City Hall Galleria
1110 West Capitol Avenue
West Sacramento, CA 95691

MEETING SUMMARY

1. Welcome and Introductions

The meeting was called to order at 9:05 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 9:05 a.m. The following members were present: Patrick Johnston, Frank Damrell, Randy Fiorini, and Phil Isenberg. The following member was absent: Mary Piepho. After roll call the Council recessed at 9:05 a.m. for the Closed Executive Session. Council members Susan Tatayon and Aja Brown arrived during the 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 9:10 a.m. and adjourned at 9:44 a.m., with Chair Randy Fiorini presiding.

4. Reconvene Open Session

Upon adjournment of the Closed Executive Session, the Council reconvened in Open Session at 9:45 a.m. Chair Fiorini stated that no action had been taken during the Closed Session.

5. Adoption of the March 24, 2016 Meeting Summary (Action Item)

Chair Fiorini asked if there were any questions, suggestions, or comments from the Council or public regarding the March 24, 2016 Meeting Summary; there were none.

Motion: (Offered by Tatayon, seconded by Isenberg) to approve the March 24, 2016, meeting summary.

Vote: (5/0: Damrell, Tatayon, Isenberg, Brown, Fiorini) and the motion was adopted. Council member Johnston was out of the room at the time of the vote.

The video showing this motion and vote can be found on the linked agenda at <http://www.cal-span.org/cgi-bin/archive.php?owner=DSC&date=2016-03-24&player=jwplayer> at 03:58.

6. Chair's Report

Chair Fiorini provided opening remarks, noting the full agenda and highlighting Item 10, which he said was the next step in the development of a potential amendment to the Delta Plan regarding conveyance and storage. Chair Fiorini recalled the process that began months ago, and after several meetings and public input, the set of 19 principles were developed and on which the Council will base its work. Since the adoption of the Delta Plan in 2013, Chair Fiorini said there have been changes to the Bay Delta Conservation Plan (BDCP); legislation regulating groundwater in California; and passage of a water bond that allocates funds for additional groundwater and surface storage projects, including a number of other changes which make the process of updating and reviewing this item very timely. Staff is asking for direction to help scope the next steps based on the work that has been completed over the last several months.

Chair Fiorini announced that Governor Brown appointed Jessica Law as the new coordinator for the Delta Plan Interagency Implementation Committee (DPIIC) and welcomed her to the Council.

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 by expressing her appreciation that Jessica Law has joined the staff.

Ms. Pearson brought to the Council's attention a comment letter sent by staff and provided as a handout at the meeting. The letter regarding the Addendum for the Tule Red Tidal Restoration Project was sent to Tara Beltran, with the State and Federal Contractors Water Agency and is posted on the Council website at http://www.deltacouncil.ca.gov/sites/default/files/2016/03/DSC%20Comments_Tule%20Red_030416.pdf. Ms. Pearson explained the project and said we might expect the agency to file a certification of consistency with the Delta Plan in the future.

Ms. Pearson welcomed new staff member Virginia Gardner, who is responsible for supporting the Council in seeking federal approval of the Delta Plan as part of California's Coastal Management Program, a requirement of the Delta Reform Act. Ms. Pearson also announced the Council's receptionist, Cindy Whitlock, has been promoted to the Administrative Assistant II position in the Executive Office, supporting her and Chair Fiorini.

7a. Legal Update

No update presented.

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-march-24-2016-meeting-agenda-item-7b-legislative-update>.

Included in Mr. Stanbra's update is 1) the Bill Tracking Report, posted at <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-march-24-2016-meeting-agenda-item-7b-march-legislative-report>; 2) a copy of AB 2087 (Levine), Regional conservation frameworks, posted at <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-march-24-2016-meeting-agenda-item-7b-ab-2087-levine>; 3) a copy of AB 2092 (Frazier), Abandon Watercraft Abatement Fund: grants, posted at <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-march-24-2016-meeting-agenda-item-7b-ab-2092-frazier>; and 4) a copy of SB 1317 (Wolk) regarding conditional use permit: groundwater extraction facility, posted at <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-march-24-2016-meeting-agenda-item-7b-sb-1317-wolk>. Mr. Stanbra also provided the copies of AB 2583 (Frazier) as amended on March 17 and the fact sheet; both are posted on the Council website at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-march-24-2016-meeting-agenda-item-7b-ab-2583-amended-frazier> and <http://deltacouncil.ca.gov/docs/delta-stewardship-council-march-24-2016-meeting-agenda-item-7b-ab-2583-amended-frazier-fact>.

Throughout the Legislative Update, Mr. Stanbra heard Council members' comments, answered questions, and provided clarification. At the conclusion of Mr. Stanbra's report, Ms. Pearson thanked Dan Ray, Ansel Lundberg, Livia Page, and Council member Johnston for their support during a recent Assembly budget hearing.

7c. Approval of *San Francisco Estuary and Watershed Science (SFEWS)* Contract

Ms. Pearson introduced item 7c and Dr. Rainer Hoenicke provided brief comments and answered questions. Staff recommends that the Executive Officer receive Council authorization to enter into a new two-year contract to provide \$664,971 to continue publication of the *San Francisco Estuary and Watershed Science* online journal in fiscal years 2016/17 and 2017/18 (July 1, 2016 to June 30, 2018). The Executive Officer has delegated authority up to \$500,000 to enter into contracts and interagency agreements on the Council's behalf and because this contract would exceed that amount, it must have Council approval. Ms. Pearson said the funding is included in the Council's budget and is contingent upon approval by the Legislature and the Governor.

Dr. Dahm offered his thoughts and said he thought it has been a healthy interaction between the Council and the Journal and supported the request to renew the contract.

The staff report for Agenda Item 7c is posted on the Council's website at <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-march-24-2016-meeting-agenda-item-7c-approval-san-francisco-estuary>. Attachment 1, a list of the *SFEWS* Associate Editors, from 2015-2016 is posted on the Council's website at

<http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-march-24-2016-meeting-agenda-item-7c-attachment-1-sfews-associate>; Attachment 2, *SFEWS* Quarterly Access is posted at <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-march-24-2016-meeting-agenda-item-7c-attachment-2-san-francisco>; and the Budget Summary, Attachment 3 is posted at <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-march-24-2016-meeting-agenda-item-7c-attachment-3-san-francisco>.

Following the Council discussion, Chair Fiorini asked if there were any members of the public who wished to comment; there were none.

Motion: (Offered by Isenberg, seconded by Tatayon) to authorize the Executive Officer to enter into a new two-year contract with U.C. Davis to provide a total of \$664,871 for continued publication of the *San Francisco Estuary and Watershed Science* online journal for FYs 16/17 and 17/18 (July 1, 2016 to June 30, 2018).

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

The video showing the motion and vote can be found on the linked agenda at <http://www.cal-span.org/cgi-bin/archive.php?owner=DSC&date=2016-03-24&player=jwplayer> at 22:17.

Ms. Pearson concluded her report by previewing the day's agenda. 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://www.deltacouncil.ca.gov/docs/delta-stewardship-council-march-24-2016-meeting-agenda-item-8-lead-scientists-report>.

Dr. Dahm announced the selection of the 2016 class of Delta Science Fellows; 10 offers were made and accepted. Dr. Dahm also discussed three research grant proposals reviewed by the Delta Science Program that were originally submitted to the California Department of Fish and Wildlife (CDFW) for funding. The proposals were determined to be high priorities but they were not funded by CDFW due to the large volume of grant proposals received. The three projects shared with the Delta Science Program for review will be on the April Council agenda for Council funding.

Dr. Dahm announced a predation seminar, presented by Sean Hayes on April 6, from 1-2, in the main conference room at the Council Office. Dr. Dahm also said that two posters from the Science Conference were displayed outside the meeting room and encouraged everyone to take a moment to review them.

After Dr. Dahm concluded the Lead Scientist's Report, he invited Daniel Livsey to discuss the *By the Numbers* report. *By the Numbers* is posted on the Council website at <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-march-24-2016-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. Report from the Delta Watermaster about the Voluntary Diversion Reduction Program among in-Delta Riparian Water Rights Claimants

Chair Fiorini introduced Agenda Item 9 and invited Delta Watermaster Michael George, and Lauren Barva, communications and outreach specialist, to provide the quarterly update and information on the voluntary diversion reduction program. Mr. George said Ms. Barva was the project lead on the study and was available to address Council questions about the Voluntary Diversion Reduction Program. Following the introductory remarks, Mr. George presented a PowerPoint that is posted on the Council's website at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-march-24-2016-meeting-agenda-item-9-presentation-quarterly-update>.

The staff report for this item is posted on the Council's website at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-march-24-2016-meeting-agenda-item-9-report-delta-watermaster-about>. Attachment 1, Report on Voluntary Diversion Reduction Program among in-Delta Riparian Water Right Claimants, is posted on the Council's website at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-march-24-2016-meeting-agenda-item-9-attachment-1-voluntary-diversion>.

Throughout the presentation of Agenda Item 9, Mr. George and Ms. Barva 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.

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

10. Proposed Delta Plan Amendment to Address Water Conveyance, Storage and the Operation of Both to Achieve the Coequal Goals

Executive Officer Pearson introduced Item 10 and described the attachments included with the meeting materials. Ms. Pearson was joined by Jessica Davenport acting deputy executive officer for planning, performance, and technology, and senior engineer, Anthony Navasero. Ms. Pearson said the item was listed as an action item and the staff report contained a proposed process and recommendations but she would leave it to the pleasure of the Chair whether to make a formal motion or simply offer informal advice to staff.

After Ms. Pearson's introductory remarks, Mr. Navasero described the application of the *19 Principles for Water Conveyance in the Delta, Storage Systems and for the Operation of Both to Achieve the Coequal Goals* and the conclusions of the evaluations. The staff report for Item 10 is posted on the Council website at <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-march-24-2016-meeting-agenda-item-10-proposed-delta-plan-amendment>.

Mr. Navasero said the purpose the item today was two-fold: 1) to present recommendations and receive input regarding the scope and process for a proposed Delta Plan amendment to address water conveyance, storage, and the operation of both to achieve the coequal goals; and 2) to recommend the Council direct staff to develop a draft Delta Plan amendment that will include new recommendations and/or regulatory policies and performance measures based on the *19 Principles for Water Conveyance in the Delta, Storage Systems and for the Operation of Both to Achieve the Coequal Goals* (Attachment 1) which is posted on the Council's website at <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-march-24-2016-meeting-agenda-item-10-attachment-1-19-principles-water>. Attachment 2, Delta Plan Summary and New Scientific Finding for Delta Plan Update in Storage, Conveyance, and Operations is posted at <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-march-24-2016-meeting-agenda-item-10-attachment-2-delta-plan-summary>, and Attachment 3, Regulatory Context for Water Conveyance, Storage, and Operations in California is posted at <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-march-24-2016-meeting-agenda-item-10-attachment-3-regulatory-context>.

Mr. Navasero said in the development of the principles, the Council had taken preliminary steps to determine the scope of a potential amendment and that staff was seeking input from the Council and the public on seven additional aspects of the scope. He explained them in detail. Mr. Navasero also discussed the three-step process for developing the amendment and concluded his report by describing the next steps in the process: drafting a list of objectives and "strawperson" policies and recommendations based on input from today's discussions on the scope of the amendment.

Throughout the presentation of Item 10, Ms. Davenport and Mr. Navasero heard Council members' comments, provided clarification, and answered questions. Chair Fiorini asked if there were any members of the public who wished to comment.

Motion: (Offered by Isenberg, seconded by Damrell) to approve the three-step process, as described on pages 5 and 6 of the staff report and to develop and evaluate a proposed Delta Plan Amendment for Council review and eventual approval. The proposed process is as follows:

- **Step 1: Define the Problem and Identify Goals and Objectives**
 - The Council developed a problem statement to guide the development of *19 Principles*. This same problem statement can be used as a working draft to shape the amendment.
 - The Delta Reform Act established the coequal goals as State policy and the Delta Plan regulations (Water Code section 5001(h)) provide additional definition of what it means to achieve the coequal goals.

- The *19 Principles* provide additional guidance for the development of the amendment.
- Staff will engage with the Council to develop objectives that will further define the scope of work for the proposed amendment.
- **Step 2: Develop Draft Amendment and Solicit Input and Review**
 - Staff will develop “strawperson” policies/recommendations and obtain feedback from experts, agencies, Council members, and the public through these possible actions:
 - Work with Delta Science Program staff and consultants to develop technical white papers to inform the amendment, as needed.
 - Convene a working group of agencies whose responsibilities affect conveyance, storage, and operations to assist in development of amendment alternatives and help avoid overlap with existing regulations.
 - Hold workshops, as part of Council meetings and potentially outside of Council meetings, to get input from Council members and the public.
 - Staff will develop a draft proposed amendment, including policies/recommendations, associated performance measures, revisions to the narrative, and issues for future evaluation and coordination, and present the proposed amendment at a Council meeting to seek additional public input and Council review, discussion, and comment.
 - Staff will revise the draft amendment, based on input from the Council and the public, and recommend a proposed Delta Plan amendment for adoption by the Council.
 - In conjunction with presenting the draft amendment, staff will recommend an associated action to comply with California Environmental Quality Act (CEQA) requirements.
 - Council will direct staff on whether to proceed with CEQA compliance based on the proposed amendment.
- **Step 3: Council Vote on Proposed Amendment and CEQA Document and Direction on Seeking Regulatory Approval, If Necessary**
 - Council votes on whether to approve amendment and CEQA document.
 - If the amendment included regulatory policies, the Council would direct staff to seek approval of the regulations by the Office of Administrative Law.

The video showing this motion can be found on the linked agenda at <http://www.cal-span.org/cgi-bin/archive.php?owner=DSC&date=2016-03-24&player=jwplayer> at 2:35:26.

Following the motion offered by Vice Chair Isenberg, Chair Fiorini asked if there were any members of the public who wished to comment.

Public Comment – Agenda Item 10

Tom Zuckerman, Central Delta Water Agency, said the water supply upon which the State Water Project (SWP) was based was never developed to the extent it was envisioned because of subsequent federal and State policies. Mr. Zuckerman said there are other ways to operate the system and gave examples. Mr. Zuckerman suggested inclusion of an explicit statement that addresses the issue of supply that was never

developed in the problem description. Mr. Zuckerman said conveyance is the last piece of the puzzle. When speaking of water for the environment, Mr. Zuckerman said we need to look at the whole picture and when the SWP was approved in 1959 the environmental problems were not fully appreciated. It has always been the responsibility of the project to provide water for fish and wildlife in the Delta and to control salinity but because of the reduced supply, the projects have been barely able to meet their contractual obligations.

Ara Azhderian, San Luis and Delta-Mendota Water Authority, said the simple fact is that we have a system that is fundamentally broken on many levels. Mr. Azhderian offered a suggestion for development of the amendment. In Step 2, he suggests convening a workgroup to look at the principles and receive input before developing the “strawperson” in order to avoid a one–step-forward, two-steps-back situation. He also suggested in the Next Steps to change the wording from “The draft policies and recommendations may be vetted through a public process prior to presentation to the Council” to “will be vetted”.

At the conclusion of the public comment, Chair Fiorini said the Council had a motion and a second and asked if there were any further questions or comments. As there were none, the vote was taken.

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

The video for this vote can be found on the linked agenda at <http://www.cal-span.org/cgi-bin/archive.php?owner=DSC&date=2016-03-24&player=jwplayer> at 2:35:26.

11. Delta Levees Investment Strategy (DLIS) and Contract Amendment

Chief Deputy Executive Officer, Dan Ray, introduced agenda item 11. Mr. Ray was joined by principal engineer Dustin Jones to provide an update on the Council’s work to develop updated priorities for State investments in Delta levees and the additional work needed. Mr. Ray said the staff recommends the Council authorize the Executive Officer to amend the contracts with Arcadis and Department of Water Resources (DWR) to complete the work necessary to develop the DLIS. The need for the additional funding is for data development, outreach activities, and the CEQA process. The staff report for item 11 is posted on the Council’s website at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-march-24-2016-meeting-agenda-item-11-delta-levees-investment-strategy>.

Chair Fiorini asked if there were any questions regarding Item 11; there were none. Chair Fiorini asked if there were any members of the public who wished to comment on this item; there were none.

Motion: (Offered by Isenberg, seconded by Damrell) to Authorize the Executive Officer to increase the contracts amount between the Council, Arcadis and DWR for work

related to developing updated priorities for State investments in Delta levees by up to \$1,845,902 for a total contract amount of \$4,308,393.

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

The video for this motion and vote can be found on the linked agenda at <http://www.cal-span.org/cqi-bin/archive.php?owner=DSC&date=2016-03-24&player=jwplayer> at 2:53:51.

12. Public Comment

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

13. 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 – April 28, 2016.

Before adjourning the meeting, each of the Council members expressed their appreciation for Vice Chair Isenberg's service to the Council.

The meeting adjourned at 1:15 p.m.