

DRAFT 8/1/16 - SUBJECT TO CHANGE
For Review and Adoption by the Council at the August 25, 2016 Meeting

Thursday, July 28, 2016
DELTA STEWARDSHIP COUNCIL
Park Tower Plaza – 2nd Floor Conference Center
980 Ninth Street, Sacramento, CA 95814

MEETING SUMMARY

1. Welcome and Introductions

The meeting was called to order at 9:05 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, Ken Weinberg, Susan Tatayon and Aja Brown. After roll call, the Council recessed at 9:05 a.m. for the Closed Executive Session. Council member Mary Piepho arrived after roll call.

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 9:11 a.m. and adjourned at 10:10 a.m., with Chair Randy Fiorini presiding.

4. Reconvene Open Session

Upon adjournment of the Closed Executive Session, the Delta Stewardship Council (Council) reconvened in Open Session at 10:15 a.m. Chair Fiorini announced that no action was taken during Closed Executive Session.

5. Election of the Vice Chair (Action Item)

Motion: (Offered by Johnston, seconded by Damrell) to nominate Council Member Tatayon as the Vice Chair. As no other nominations were offered, Chair Fiorini asked if there were any comments or discussion; there were none. Council member Tatayon recused herself from the vote.

Vote: (5/0: Johnston, Damrell, Brown, Fiorini, Piepho) and the motion was adopted.

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=2016-07-28&player=jwplayer> at 03:00.

6. Adoption of the July 28, 2016, Meeting Summary (Action Item)

Chair Fiorini asked if there were any questions, suggestions, or comments from the Council or public regarding the July 28, 2016, meeting summary; there were none.

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

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

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=2016-07-28&player=jwplayer> at 05:09.

7. Chair's Report

Chair Fiorini reported on public meetings he attended. On July 11, Chair Fiorini participated in a meeting of Delta residents, stakeholders, and agency representatives sponsored by the State Water Resources Control Board (Water Board) and organized by the Delta Watermaster. The group discussed drought conditions and management. On July 21, Chair Fiorini made a presentation to the Delta Protection Commission (DPC) and appreciated learning more about the DPC's process to update the Land Use Management Plan and the DPC's levee assessment district feasibility study.

Chair Fiorini called on Delta Plan Interagency Implementation Committee (DPIIC) Coordinator Jessica Law to provide an update on DPIIC activities. Ms. Law made brief remarks on the Science Enterprise Workshop. Ms. Law said she is working closely with the U.S. Geological Survey on the two-day workshop and briefly described the agenda for both days. Ms. Law also provided an update on the activities related to the fall DPIIC meeting.

Executive Officer's Report

Executive Officer Jessica Pearson briefed the Council on the Water Board's WaterFix hearing, which has been focusing on technical issues, specifically if water rights will be violated and if the project will harm threatened fish. The hearing is a two-phase process with each phase divided into two parts. Phase one will run between now and July 2017 with project proponents making their case for WaterFix between now and September and project opponents making their case between October and the end of July 2017. Phase two will extend until mid-2017 and will consider environmental factors such as flows and the project's effect on fishes.

Ms. Pearson reported that the Water Board continues working on an update of its Bay-Delta Water Quality Control Plan. The Plan will identify beneficial uses of water in the Bay-Delta watershed; set water quality objectives for the reasonable protection of those beneficial uses; and develop an implementation plan to achieve these objectives. Included as a handout was a copy of a letter from several public water agencies and companies to Water Board Chair Felicia Marcus; the letter calls on the Water Board to formally engage the Council's Delta Science Program in a process to review the scientific basis for Phase II of the Bay-Delta Water Quality Control Plan update. The letter is posted on the Council's website at <http://deltacouncil.ca.gov/sites/default/files/2016/08/Letter%20to%20Marcus.pdf>.

Ms. Pearson briefed the Council on the *Delta Smelt Resiliency Strategy* released by the California Natural Resources Agency on July 12. The strategy identifies 13 near-term, science based actions including one that will allow for 85,000-250,000 acre-feet of water to be released each summer over the next three years. The report is posted on the Natural Resources Agency's website at <http://resources.ca.gov/docs/Delta-Smelt-Resiliency-Strategy-FINAL070816.pdf>.

Ms. Pearson brought to the Council's attention two comment letters sent by staff. The first letter was sent to Norman Richardson, Chair of the Solano Transportation Authority on July 8 regarding the Solano Transportation Authority's Draft Solano Priority Conservation Area Assessment and Implementation Plan; the letter is posted on the Council's website at http://deltacouncil.ca.gov/sites/default/files/2016/07/DSCcomments_Solano%20PCA%20Assessment%20Plan_070816.pdf. The second letter was sent to Chris Lee of the Solano County Water Agency regarding the Council's comments on the Program Environmental Impact Report for the Lower Putah Creek Restoration Project – Upper Reach Program SCH #2015022022; the letter is posted on the Council's website at http://deltacouncil.ca.gov/sites/default/files/2016/07/DSCcomments_LowerPutahCreekRestorationPEIR_071916_final.pdf.

Also included is a letter from the Contra Costa Water District commenting on the Delta Levees Investment Strategy (DLIS) that was sent following the June public meetings and stakeholder briefings. Ms. Pearson said project manager Dustin Jones is preparing a detailed response to Contra Costa Water District. The letter is posted on the Council's website at <http://deltacouncil.ca.gov/docs/delta-levee-investment-strategy/contra-costa-water-district-june-2016>.

Ms. Pearson welcomed new staff member Kate Anderson, who will be joining the meeting services until, primarily supporting DPIIC. Ms. Pearson also welcomed Brittany Young, who has joined the Council as a public information officer specializing in social media. Ms. Pearson announced the Council hosted an intern through California State University Sacramento's LegiSchool Program, Blake Kaiser-Lack. Mr. Kaiser-Lack worked under the supervision of Ansel Lundberg.

8a. Legal Update

Ms. Pearson invited Senior Staff Counsel Bethany Pane to provide the Legal Update. Ms. Pane introduced Rebecca Mills, who presented the Legal Update which is posted

on the Council's website at <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-july-28-2016-meeting-agenda-item-8a-legal-update>.

At the conclusion of Ms. Mills' update, Chair Fiorini asked if there were any questions from the Council or members of the public who wished to comment; there were none.

8b. Legislative Update

Ms. Pearson invited Ryan Stanbra to provide the Legislative Update posted on the Council's website at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-july-28-2016-meeting-agenda-item-8b-legislative-update>.

Included in Mr. Stanbra's update is 1) the Bill tracking Report, posted at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-july-28-2016-meeting-agenda-item-8b-july-legislative-tracking-report>; and 2) a copy of AB 2444 (Levine) and the bill analysis, posted at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-july-28-2016-meeting-agenda-item-8b-ab-2444-bill-and-analysis>.

At the conclusion of the presentation, Chair Fiorini asked if there were questions from the Council. Member Weinberg asked if Mr. Stanbra could discuss SB 1386, the Resources Conservation and Natural Lands bill, specifically how the legislation affects the Council's sphere of interest. Mr. Stanbra responded that he would review the legislation and would follow-up with Member Weinberg.

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

8c. Quarterly Contract Update

The Quarterly Contract Update for the second quarter was included in the members' meeting materials and is posted on the Council website at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-july-28-2016-meeting-agenda-item-8c-quarterly-contract-update>.

Ms. Pearson concluded 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 9 is posted on the Council's website at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-july-28-2016-meeting-agenda-item-9-lead-scientists-report>.

Dr. Dahm provided highlights from the *Sacramento River Temperature Modeling Workshop*, held July 11-12 to provide a broader understanding of the way temperature-related management decisions are made for the Sacramento River.

Dr. Dahm made brief remarks on the July 14-15 Delta Independent Science Board meeting, which focused on seismic and high-water hazards to Delta levees and included talks, poster presentations, and panel discussions with recommendations for future research needs and opportunities.

Dr. Dahm provided a summary of a journal article, *Salinity of Deep Groundwater in California: Water Quantity, Quality, and Protection*; a Brown Bag Seminar on Chinook Salmon growth on inundated floodplains; and research articles from the *San Francisco Estuary and Watershed Science* journal on the State of Bay-Delta Science and on factors affecting an invasive predator.

Dr. Dahm said a poster from the 2016 Interagency Ecological Program (IEP) Workshop was displayed outside the meeting room and encouraged everyone to look at it. After Dr. Dahm concluded the Lead Scientist's Report, he invited Lauren Yamane to discuss the *By the Numbers* report. *By the Numbers* is posted on the Council's website at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-july-28-2016-meeting-agenda-item-9-attachment-1-numbers-summary>.

Chair Fiorini asked if there were any questions or comments from the Council. Member Johnston asked Dr. Dahm to elaborate on the recent ISB meeting where it was indicated that previous Delta ground motion estimates may over predict seismic hazards. Dr. Dahm elaborated that findings since the Napa earthquake—which were after an analysis conducted as part of the Delta Risk Management Strategy—indicated that earthquakes occurring close to but outside of the Delta may not have as large of an impact as previously suspected. As a result, additional sensors have been placed in the Delta to gather more data on the effects of earthquakes—centered both within and without—on the Delta.

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

9. Update from the Delta Watermaster

Ms. Pearson introduced Agenda Item 9 and invited Delta Watermaster Michael George to present his quarterly report to the Council. The staff report for Agenda Item 9 is posted on the Council's website at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-july-28-2016-meeting-agenda-item-10-quarterly-report-delta>.

Mr. George provided the Council with a presentation that is posted on the Council's website at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-july-28-2016-meeting-agenda-item-10-delta-watermaster-presentation>. Mr. George provided updates on a study of consumptive water use in the Delta; the status of the Water Board's process for updating the Delta Water Quality Control Plan; and a new effort to identify whether there is common ground to make progress on coping with future water shortages in the Delta.

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

Following the presentation from the Delta Watermaster, the Council recessed for lunch at 12:15 p.m. and reconvened the meeting at 12:50 p.m.

5. Continuation of the Election of the Vice Chair (Action Item)

After the Council reconvened from lunch break, Member Weinberg requested the vote on Agenda Item 5, Election of the Vice Chair, be revisited in order for him to cast his vote in favor of electing Member Tatayon as the Vice Chair. Chair Fiorini re-opened the item, and motion was restated and follows. Council Member Weinberg's vote was added.

Motion: (Offered by Johnston, seconded by Damrell) to nominate Council Member Tatayon as the Vice Chair. As no other nominations were offered, Chair Fiorini asked if there were any comments or discussion; there were none. Council member Tatayon recused herself from the vote.

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

The video showing this action and vote can be found on the linked agenda at <http://www.cal-span.org/cgi-bin/archive.php?owner=DSC&date=2016-07-28&player=jwplayer> at 1:59:16.

Following the continuation of Item 5, Member Weinberg briefly updated the Council on the Delta tour in which he participated the day before with staff from the Council's Delta Science Program and the U.S. Geological Survey. Member Weinberg said it was great to see the enthusiasm and passion staff has for improving the Delta. He saw areas that are ready for restoration activities and now has a better idea of what restoration involves.

10. Overview of the Central Valley Flood Protection Plan

Chair Fiorini called on Dustin Jones to provide introductions and brief introductory remarks for Agenda Item 10. Mr. Jones introduced panelists from the Central Valley Flood Protection Board (Flood Board) and the Department of Water Resources (DWR), who briefed the Council about the development of the Central Valley Flood Protection Plan (CVFPP) and other key activities of the Flood Board.

The staff report for Item 11 is posted on the Council's website at <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-july-28-2016-meeting-agenda-item-11-overview-central-valley-flood>. The panelists included: Leslie Gallagher, Executive Officer, Flood Board; Nancy Moricz, senior engineer, Flood Board; and Mike Mierzwa, lead flood management planner, DWR. The panelists provided the Council with a PowerPoint presentation that is posted on the Council's website at <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-july-28-2016-meeting-agenda-item-11-central-valley-flood-protection>.

Ms. Gallagher presented brief opening remarks about the Flood Board and the CVFPP that was completed in 2012 and will be updated in 2017. Mr. Mierzwa presented information about the CVFPP and more information about the update. Mr. Mierzwa noted that the CVFPP is a strategic plan coordinated with the Governor's Water Action Plan. Ms. Moricz presented information on the formal public review and the adoption timeline of the CVFPP.

Mr. Jones said Council staff and members of the Arcadis team made a presentation to the Flood Board on July 22. The purpose of the presentation was to inform the Flood Board about the approach being taken to develop the DLIS and how this information may be used by the Council to amend the Delta Plan.

Following the presentation, Chair Fiorini asked if there were any questions or comments.

Member Piepho asked if the timeline for the DLIS coincides with the CVFPP or are they working in parallel. Executive Officer Pearson, noting that the CVFPP only addresses project levees and the DLIS is looking at project and non-project levees in the Delta, said there were opportunities to ensure the plans fit well together, beginning with the Aug. 12 joint workshop with the Council and the Flood Board..

Member Weinberg suggested that as the plan is put together it may be possible to collaborate on many levels especially the prioritization of the project levees by the CVFPP and the project and non-project levees the Council is prioritizing. Member Weinberg asked if staff was looking at groundwater recharge and the ability to move storm water, and questioned if that meant more storage and a reduction of reliance on the Delta. Mr. Mierzwa said opportunities for groundwater recharge both in the Sacramento and San Joaquin basins was analyzed in 2011 and the findings as reported in the 2012 plan were moderate in both basins. Member Weinberg also asked how habitat was being considered. Mr. Mierzwa discussed flood projects and habitat opportunities as well as mitigation to address impacts of flood waters and flood projects.

Member Johnston asked how much money was needed for the identified projects. Mr. Mierzwa reported that in the 2012 report, \$5 billion of general obligation bond funds were identified and approximately \$3 billion would be spent in the next five years as they were nearing the end of the Propositions 1E and 84 funding. One of the components of the update will be to identify future funding. Mr. Mierzwa spoke on a supplement to the update that would address the need for a general obligation bond and possibly a river basin assessment. Other possibilities include a State flood insurance program similar to the National Flood Insurance Program and during years when the flood events don't occur there would be an opportunity for funding from the unused premiums.

Vice Chair Tatayon said it would be helpful for her to have an illustration that shows where the CVFPP fits into the scheme of other plans and how it relates to the DLIS and the Council's coequal goals. It would also be helpful to see the extent of overlap; what plans compliment and contradict each other; and the redundancy among projects. Mr.

Mierzwa replied that he had developed some of this information and he would share it with Council staff.

Chair Fiorini asked if there were any members of the public who wished to comment on this item.

Public Comment – Agenda Item 11

Tom Zuckerman, Central Delta Water Agency, said he was privileged to be one of the lead authors for a plan that was presented to the Delta Vision Blue Ribbon Task Force, 10 years ago, *A Water Plan for the 21st Century*. The plan was based on regional self-sufficiency and urged the integration of flood control and water conservation across the State in order to solve water deficits. One of the main focuses of the plan was the realization that certain tasks had been assigned to different silos at the local, State, and municipal levels. Mr. Zuckerman cautioned if the silos are not integrated, a major opportunity to solve the state's water problems would be missed. Mr. Zuckerman urged the Council to begin to put the silos together again.

11. Discussion of Potential Prioritization of State Investments in Delta Levees as Part of the Delta Levees Investment Strategy

Dustin Jones, supervising engineer, provided opening remarks. For today's briefing, Mr. Jones was joined by consultants Larry Roth and Charles Gardiner of Arcadis.

The staff report for Agenda Item 12 is posted on the Council's website at <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-july-28-2016-meeting-agenda-item-12-discussion-potential>. Attachment 1, DLIS Frequently Asked Questions was provided as a handout and is posted on the Council's website at <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-july-28-2016-meeting-agenda-item-12-attachment-1-delta-levees> and Attachment 2, the DLIS Project Schedule is posted on the Council's website at <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-july-28-2016-meeting-agenda-item-12-attachment-2-delta-levees>.

Mr. Gardiner and Mr. Roth provided a PowerPoint presentation that is posted on the Council's website at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-july-28-2016-meeting-agenda-item-12-delta-levees-investment-strategy>. The presentation included: the background and purpose of the DLIS; risk; risk analysis results; prioritizing options; and next steps. Mr. Roth discussed the approach to risk analysis and risk itself. Mr. Gardiner discussed the risk analysis results and Chief Deputy Executive Officer Dan Ray offered concluding remarks.

Mr. Jones noted that staff plans to bring a draft recommendation on the prioritization of State investments in Delta levees and other related provisions to the August meeting. He asked the Council, based on today's presentation, to provide feedback and perspective, especially whether staff is on the right track and whether there should be different priorities for levee improvement than for levee maintenance. Chair Fiorini noted the Council members affirmed that staff was on the right track. Member Piepho said,

from her perspective, all levees are important whether they are project levees or non-project levees and that she hoped there would be a way to prioritize both. Member Piepho also suggested possibly investing in levees that provide leverage for resources of federal funds should a failure occur.

Member Weinberg commented that, from a moral and liability perspective, it was hard not to consider risk to life as a first priority. Member Weinberg also requested information regarding funding and local cost sharing and balancing the involvement of all interests. Mr. Roth responded that the National Committee on Levee Safety that was formed after Hurricane Katrina states that life is paramount. Ms. Pearson asked Member Weinberg to clarify if he wanted to better understand the current cost-sharing percentages or the amount of money generated? Member Weinberg responded that it would be helpful for the Council to understand if local money is coming in for these areas. Mr. Ray said that staff would provide the information requested at a future meeting.

Member Brown commented that, when thinking about maintenance or additional investments, it would be helpful to have information about the funding that is available locally and regionally to help understand the impact of the proposed local investment. Member Brown said the slide that shows the Perspective Comparisons was a good example of what she would like to see – what investment would produce in savings as well as what the investment would generate in local match.

Chair Fiorini said that six high priority restoration areas have been identified in the Delta – mostly agricultural lands, and asked staff about the difference in costs for levee investments to protect those purely agricultural properties versus the cost for potential ecosystem restoration development. Mr. Ray said that staff would research the answer. Mr. Ray gave an example of how staff may look at a levee on individual sites and determine that it might be more cost effective to use the lands for ecosystem restoration projects rather than invest in rehabilitating the levee.

Chair Fiorini directed a question about transportation to Member Piepho, specifically if Highway 4 and Highway 12 would be the primary east-west corridors through the Delta in 40 years and had there been any discussions at the county level of potentially combining or altering the path of either or both of them. Member Piepho noted that they were State routes but responded yes, she thought their access is becoming more important both economically and recreationally. She said local efforts within Contra Costa County and the Bay Area include significant investments to help with fluidity and traffic mobility.

Chair Fiorini also questioned whether, in terms of reducing risk to life, other things should be considered in addition to levee improvements. Mr. Ray responded that a comprehensive set of recommendations regarding emergency resources, emergency response, and evacuation will be included at a later date.

Chair Fiorini asked if there were any members of the public who wished to comment on this item.

Public Comment – Agenda Item 12

Mr. Zuckerman said it was helpful for the Council to hear the Delta perspective about what's going on and what has been going on for some period of time. Mr. Zuckerman said when looking at all the different perspectives and interests involved, he found it confusing and offered a simpler approach that he said has a lot to do with "follow the money". The general attitude in the Delta is that a lot of time has been spent working to reach a general level of protection using funds from the Special Projects and Subventions Program. There hasn't been a high water flood event in 20 years and there has never been a flood due to an earthquake, making some of the risks overstated.

Given the progress already made, Mr. Zuckerman said the Delta is close to achieving the goal to providing of PL84-99 standard of protection to all the major islands within the Delta that protect agricultural lands and other infrastructure such as pipelines, transmission lines, railroads, etc. Mr. Zuckerman said the effort has been completed with a combination of local funding and State funding and according to the engineers, they are within three-quarters of a billion dollars of achieving that level of protection across the Delta.

Mr. Zuckerman said they would like to see that effort continued to completion along with continuation of the maintenance program with local and State support. From his point of view, you look at severable interests and non-severable interests and the beneficiaries of the interests. The DPC is working on the concept of having an assessment district, a mechanism for reaching the severable interests, and having them participate on a project-by-project basis according to the benefits.

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 – August 25-26, 2016.

The meeting adjourned at 3:15 p.m.