

DRAFT 8/1/16 - SUBJECT TO CHANGE
For Review and Adoption by the Council at the September 29-30, 2016 Meeting

Thursday, August 25, 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: Randy Fiorini, Ken Weinberg, Susan Tatayon and Mary Piepho. The following members were absent: Aja Brown and Patrick Johnston. After roll call, the Council recessed at 9:07 a.m. for the Closed Executive Session. Council member Frank Damrell 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 10:30 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 10:40 a.m. Chair Fiorini announced that no action was taken during Closed Executive Session.

5. Adoption of the August 25, 2016, Meeting Summary (Action Item)

Chair Fiorini asked if there were any questions, suggestions, or comments from the Council or public regarding the August 25, 2016, meeting summary; there were none.

Motion: (Offered by Piepho, seconded by Tatayon) to approve the August 25, 2016, meeting summary.

Vote: (5/0: Damrell, Tatayon, 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=2016-08-25&player=jwplayer> at 01:59.

6. Chair's Report

Chair Fiorini called on Jessica Law to provide an update on Delta Plan Interagency Implementation Committee (DPIIC) activities including the Science Enterprise Workshop and an update on the fall DPIIC meeting. Ms. Law said she is working closely with co-hosts, the U.S. Geological Survey, on the two-day workshop, scheduled for Nov. 1-2, 2016 at U.C. Davis. Ms. Law briefly described the agenda for both days. Registration will open in late September. The save the date flyer is posted on the Council website at <http://deltacouncil.ca.gov/docs/save-date-science-enterprise-workshop>.

Chair Fiorini made brief comments on the August 12 Joint Workshop with the Council and the Central Valley Flood Protection Board (Flood Board). Chair Fiorini said this was the first opportunity for the Council and the Flood Board to meet to discuss the Council's Delta Levees Investment Strategy and the update of the Central Valley Flood Protection Plan. The webcast for the workshop is posted at <http://www.cal-span.org/cgi-bin/archive.php?owner=DSC&date=2016-08-12&player=jwplayer>.

Chair Fiorini asked if there were any questions; there were none.

7. Executive Officer's Report

Executive Officer Jessica Pearson began her report with a few news items. She reported that the U.S. Fish and Wildlife Service announced that the numbers of the green sturgeon are up significantly in the Sacramento-San Joaquin Delta system. The green sturgeon was federally listed as threatened in 2006. Ms. Pearson said that the Council will receive information on the sturgeon in future *By the Numbers* reports.

Ms. Pearson reported that the Strategic Growth Council recently announced a \$7.8 million grant to the Brentwood Agricultural Land Trust to acquire a 551-acre agricultural conservation easement immediately east of Discovery Bay. The grant was included in a \$37.4 million program to help acquire easements throughout California as part of the Sustainable Agricultural Lands Conservation Program.

Ms. Pearson said Council staff has received inquiries about the notice that was sent out late last week regarding a recent Delta Plan consistency certification for the Twitchell Island-San Joaquin River Setback Levee and Channel Margin Habitat Project. The consistency request had been submitted and withdrawn by Reclamation District (RD) 160I. Ms. Pearson said she believed that RD 160I realized more time was needed on the development of a well-rounded adaptive management plan. Staff is working with RD 160I staff and expects the RD certification will be resubmitted.

Ms. Pearson brought to the Council's attention four comment letters sent by staff. The first letter was sent to Jim Starr, Chair of the Delta Levee and Habitat Advisory Committee (DLHAC) on August 10, regarding a request for Council coordination with the DLHAC prior to taking any actions related to legislative changes or actions related to the Delta Levees Investment Strategy (DLIS) findings; the letter is posted on the Council's website at

http://deltacouncil.ca.gov/sites/default/files/2016/08/response%20to%20Jim%20Starr%20re%20DLHAC%20request_DJ_enos_DJ%20%282%29.pdf.

The second letter was sent to Marguerite Patil, of Contra Costa Water District on Aug. 16, 2016 regarding their June 21, 2016 comment letter to the Council about the Delta Levees Investment Strategy; the letter is posted on the Council website at

http://deltacouncil.ca.gov/sites/default/files/2016/08/8-10-2016%20ltr%20to%20Marguerite%20Patil%20%28002%29enos_DJ.pdf. The third letter

Ms. Pearson discussed was sent to Zachary Wasserman, Chair of the San Francisco Bay Conservation and Development Commission (BCDC) on Aug. 16, 2016, regarding the public hearing on State and Federal Contractors Water Agency and Westervelt Ecological Services, LLC's application for BCDC permit; the letter is posted on the Council's website at

http://deltacouncil.ca.gov/sites/default/files/2016/08/SMP%20Principals%20Comments_Tule%20Red%20BCDC%20permit%20Clean.pdf. The last comment letter Ms. Pearson

discussed was sent to Bill Orme of the State Water Resources Control Board on Aug. 17, 2016 regarding proposed procedures for discharges of dredged or fill materials to waters of the State; the letter is posted on the Council's website at

http://deltacouncil.ca.gov/sites/default/files/2016/08/Wetland_Regs_Comment_DSC_20160817.pdf.

Ms. Pearson welcomed new staff member Andy Voong, who joins the Information Technology team this month. Mr. Voong comes from the California State Lottery. Ms. Pearson also announced that Ansel Lundberg's executive fellowship is coming to an end and expressed her appreciation for Mr. Lundberg's contributions to the Council during his fellowship.

7a. Legal Update

There was no Legal Update presented.

7b. Legislative Update

Ms. Pearson provided a brief update in Ryan Stanbra's absence. Ms. Pearson reported that SB 554 (Wolk) proposed to eliminate a sunset date for the Delta Levees Subvention Program; it has been amended to extend the sunset rather than delete it. The bill is now on the Assembly floor for its third reading. AB 1755 (Dodd) Open and Transparent Water Data Act, is listed in the Legislative Report as dead, however, it is now in the Assembly Conference committee. Amendments from the Senate are pending and may be considered on or after August 25. August 31 is the last day for both houses to pass bills. The Governor will have a month to sign or veto bills.

The Legislative Update is posted at <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-august-25-2016-agenda-item-7b-legislative-update>. Included in the update is 1) the bill tracking report; 2) a copy of AB 2800 (Quirk) and the bill analysis;

and 3) a copy of SB 554 (Wolk) and the bill analysis; and 4) a copy of AB 1755 (Dodd) and the bill analysis.

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

7c. Update on the Habitat Restoration White Paper

Ms. Pearson directed Members to Item 7c, which includes a memo from Jessica Davenport to update the Council on progress made over the past two years on multiple habitat restoration projects related to the recommendations in the Habitat Restoration White Paper endorsed by the Council in 2015. The memo and attachments are posted on the Council website at

<http://deltacouncil.ca.gov/docs/delta-stewardship-council-august-25-2016-agenda-item-7c-update-habitat-restoration-white-paper>.

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. Presentation of Discussion Draft of Delta Plan Revisions Regarding Priorities for State Delta Levees Investment

Ms. Pearson said the item being heard today was a culmination of technical, public, Council, and peer review input. Comments have been received on the decision support tool. Staff will now begin the work of defining the information that has been generated out of the tool in addition to incorporating the comments that have been received. Chief Deputy Executive Officer Dan Ray and Supervising Engineer Dustin Jones provided brief introductions for the panelists, consultants Larry Roth and Hollie Ellis, and background on the item. Staff presented a draft of an amendment to the Delta Plan's current regulatory policies and recommendations to reduce risk to people, property, and State interests in the Delta. The draft Delta Plan revisions include a potential prioritization of State investments in Delta levees as required by the Delta Reform Act.

The staff report for Item 8, Attachment 1, Discussion Draft of Potential Revisions to Chapter 7 Policies and Recommendations; and Attachment 2, Discussion Draft Map of Prioritization of Islands and Tracts are posted on the Council's website at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-august-25-2016-agenda-item-8-dlis-staff-report-and-attachments-1-and>. A revised redline-version of Attachment 1 was provided to the Council as a hand-out and is posted on the Council's website at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-august-25-2016-meeting-agenda-item-8-attachment-1-revised-discussion>. Attachment 3, Discussion Draft Prioritization of Islands and Tracts is posted on the Council's website at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-august-25-2016-agenda-item-8-attachment-3>; and Attachment 4, Areas where Easements to Mitigate Subsidence Would be Required; Attachment 5, DPC Resolution of Support for Bicycle Lanes Along Improved Levees in the Delta; and Attachment 6, Letter from Friends of the Sacramento River Parkway are posted on the Council's website at

<http://deltacouncil.ca.gov/docs/delta-stewardship-council-august-25-2016-agenda-item-8-attachments-4-5-and-6>.

Mr. Ray briefed the Council on the next steps. Staff will make revisions and refinements to the discussion draft based on today's feedback. In September, the Council will be asked to approve a public review draft that will be used to solicit additional input from Delta agencies and stakeholders at public outreach sessions scheduled in October. Mr. Ray discussed the activities of the Council staff, assisted by Arcadis, over the past two years, in addressing the Delta Plan's recommendation for the development of the DLIS. Mr. Ray and Mr. Jones walked through the revised discussion draft page by page, explaining the changes and the rationale as well as hearing Council members' comments, answering questions and providing clarification.

Pages 1-2

After Mr. Jones' described the changes to the recommendations regarding implementation of emergency preparedness and response, Chair Fiorini asked if the Council had any questions or comments.

Member Piepho requested a copy of the Delta Plan's Figure 7-6, referred to in the new language in the last paragraph of page 1. Mr. Ray and Mr. Jones agreed to provide the referenced figures to members.

Page 2, regarding the U.S. Army Corps of Engineers' (USACE) revisions of guidelines for the cost benefit analysis, Member Weinberg asked if this was specific to the USACE's program in the Delta or a national standard. Mr. Ray said that USACE has reinterpreted the program and few RDs can meet this standard and the requirement to remove vegetation from the levees. In addition, should those requirements be met and a disaster was to occur, Mr. Ray said there still might not be assistance because USACE could determine the costs of the repair outweigh the benefits of the repair. The benefits are determined by a basic cost-benefit analysis and the value of the real estate is the benefit considered. Mr. Ray noted that the USACE does not take into consideration the value of the infrastructures the levees protect. In response, Member Weinberg suggested that the new language advocated for USACE to change their cost benefit analysis. Member Weinberg asked if receiving more federal funding would be used to reduce State costs or if it would be for levee work. Mr. Jones replied that the intention would be to reduce the State's portion. Mr. Ray also clarified that at this time post-disaster claims not paid by the federal government can be submitted to the State.

Page 3

Mr. Jones explained the suggested language to encourage the Flood Board to update its guidelines for the Delta Levees Maintenance Subventions Program to require local participation by the levee maintaining agencies. He said it would be in accordance with DWR's guidelines for Local Agencies and Project and Nonproject Levee Maintenance Inspections and the costs should be reimbursable to the Subventions Program.

Vice Chair Tatayon, noted on page 4 of the staff report, the first bullet, second paragraph where it is reads "*...it is suggested that the Flood Board make participation in USACE's Rehabilitation and Inspection Program (PL 84-99) a precondition of eligibility*

for levee maintenance funding.” Vice Chair Tatayon expressed her concern that it could be difficult for a maintaining agency to meet that requirement. Mr. Ray clarified that the statement was “if” the USACE revised their guidelines.

Member Piepho made two suggestions: 1) the problem statement on page 2 should be clearer that the beneficiaries could be the recipients of the State Subventions Program; and 2) page 4 under RR R(xx) a) *Update the Delta Levees Maintenance Subventions Program Deductible Provision*, in the last sentence where the suggestion is to reevaluate “periodically”; “periodically” should be fine-tuned to reflect a specific amount of time.

Continuing on page 3, Mr. Ray discussed the new suggested policy of acquiring easements to reduce subsidence. Member Piepho asked about the economic impacts to the landowner with regard to this policy. Mr. Ray responded that easements would be acquired at fair-market value. Member Piepho asked if the maintenance would then be the responsibility of the landowners and Mr. Ray said it would be the responsibility of the RDs.

Page 4

Mr. Jones discussed the recommendation to encourage participation in the PL 84-99 Program, RR R(xx), and said that they touched upon this recommendation when responding to Vice Chair Tatayon’s questions about making PL 84-99 a pre-condition of eligibility for levee maintenance funding. Mr. Jones emphasized the recommendation was “if” USACE revised their guidelines. There were no further questions on this recommendation.

Mr. Ray discussed DP P3: *Provide Public Access on Appropriately-Located Delta Levees*. This regulatory policy included in the discussion draft requires DWR to obtain easements for providing public access along appropriately-located Delta levees. Included in the meeting materials are a Delta Protection Commission (DPC) Resolution of Support for Bicycle Lanes along Improved Levees in the Delta (Attachment 5) and a letter from the Friends of the Sacramento River Parkway regarding recreational uses of Delta levees (Attachment 6). Both are posted on the Council’s website at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-august-25-2016-agenda-item-8-attachments-4-5-and-6>. There were no questions or comments on the recommendation.

Pages 5-6

Mr. Jones reminded the Council that RR P1 was adopted as interim guidance as the Council worked with the Department of Water Resources (DWR), the Flood Board, the DPC, the California Water Commission and local agencies to develop funding priorities for State investments in Delta Levees (RR R4). Mr. Jones presented a PowerPoint for this item that is posted on the Council’s website at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-august-25-2016-meeting-agenda-item-8-powerpoint-presentation>. Mr. Jones then summarized the designations of the Delta islands and tracts protected by levees that were ranked in the following three priorities of “very high priority”; “high priority”; and “other priorities”. The rationale for the ranking of the various islands and tracts, funding recommendations, as well as alternatives that the Council could consider

(Attachment 3) are posted at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-august-25-2016-agenda-item-8-attachment-3>). Mr. Ray explained how the priorities will guide State discretionary investments in the improvement and rehabilitation of Delta levees. As DWR selects levee improvement projects through its levee funding programs, projects at the very high priority ranking, should be approved before projects ranked at a high priority or other priority.

Chair Fiorini asked if Highway 160 was included in the High Priority category. Mr. Ray responded that routes included in this area were freight routes and high traffic routes such as Interstate 5, Highway 12, and Highway 4. Highway 160 did not meet this threshold and wasn't included. The roads are in the middle tier to signal Caltrans to work with the Council.

Vice Chair Tatayon requested clarification on the table. She said she presumed the decision support tool had certain parameters and that adjustments could be made. Mr. Jones said it did. Vice Chair Tatayon asked how it was determined which islands/tracts ranked high as opposed to ranking as other. Mr. Jones explained the criteria for the ranking (i.e., threat to multiple State interests or one interest). Consultant Larry Roth explained the risk as the probability of failure multiplied by the consequences. Mr. Roth said staff was mindful of Member Weinberg's request that life should be given highest priority.

Member Damrell said he thought there would value in breaking down the criteria/factors within each tier and showing more detail. He thinks as the table appears now it invites resistance especially if you're located in the "other" tier. More explanation in the chart could alleviate this issue.

Member Weinberg asked for clarification of how probability of failure contributes to the rankings. Mr. Roth responded that property or expected annual damage to assets were considered risks. Member Weinberg was also concerned about funding with regard to a local match and what would happen if the local district couldn't come up with the match or share? Mr. Ray responded that for local agencies it is important to see where the local match would come from and gave examples of local options and assessments. Chair Fiorini also pointed out the educational aspect and said that when people realize they are in a very high tier, there may be incentive to raise local funding.

Member Piepho asked why Discovery Bay was not included in the Byron Tract with respect to the life or property statistics. Mr. Ray clarified that there may be two reasons, first are there assets or populations that could be damaged by flooding; or the risk is less because of the local RD.

Page 7

Member Piepho asked why the problem statement starting with "*Continued residential development*" only addressed residential development and not commercial development or other infrastructure. Mr. Ray responded that the problem statement was tied to the other regulatory policies applicable to this section to set a base elevation for new rural residential development above 100-year flood protection and climate change. Member Piepho suggested the wording of the problem statement makes it not as "global" as it

could be. Mr. Roth confirmed that the reason the probability of levee failure at Discovery Bay was low was because the levees surrounding the area were in good shape. Member Piepho requested clarification on the ranking of the islands and tracts, specifically, why water supply and ecosystem were listed as very high risk on Twitchell Island but life and property were not.

Member Damrell said he would be interested in seeing a list of probability of failure ranking added to the table (Attachment 3). Mr. Ray said staff would work on Member Damrell's request for the next Council meeting.

Page 8

Mr. Jones said the recommendation is to maintain lower risk uses of flood-prone rural lands. This recommendation is in keeping with DP P1. There were no questions on this recommendation.

Page 10

Mr. Jones described the change in this section, striking out the language for RR R8, *Develop Setback Levee Criteria*. Mr. Jones said DWR has fulfilled this recommendation and it can be deleted. The setback levee criteria is recommended through DWR's Flood System Conservation Strategy. There were no questions or comments on this change.

Page 11

RR RX - *Improve National Flood Insurance Program Community Rating System Program Ranking*. This new recommendation states that Delta communities should improve their current National Flood Insurance Program Community Rating System ranking through the implementation of risk reduction management practices, when feasible, in order to receive additional discounts on flood insurance premium rates. The intention of this recommendation is to enhance participation in the National Flood Insurance Program. There were no questions or comments on this change.

Chair Fiorini noted at the Aug. 12 joint workshop with the Flood Board, there was mention that hydrologic and water quality studies in the Delta should take sea level rise into account. Mr. Ray responded that through the development of the tool, we have an understanding of rising waters due to climate change, through 2050.

Mr. Ray made concluding remarks on how the improvements would be implemented.

A five-minute break was taken prior to receiving public comment. Before beginning the public comment period, Chair Fiorini highlighted a letter received from the DPC and provided as a handout to the Council. The letter is posted on the Council's website at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-august-25-2016-meeting-agenda-item-8-comment-letter-delta-protection>.

Public Comment – Agenda Item 8

Gilbert Cosio, MBK Engineers. He said stockpiling material for post-disaster repairs will be good to have but can't be relied upon to save the Delta. Mr. Cosio also commented on the USACE's Rehabilitation Program and said that he supports it, but can't get past

the inspections; there are many potential deficiencies and one deficiency alone makes you ineligible. He believes it will be very hard to get the USACE to change its national flood protection policies. Ms. Pearson asked if there was a downside to this policy. Mr. Cosio responded, yes, in a past experience of trying to get the non-project levees qualified, they were unsuccessful; if they had been successful, they would have lost the funding from FEMA. Mr. Cosio said that even if funding is provided by the USACE, there is also a local cost-share, and on project levees, that would be provided by the State.

Mr. Cosio also expressed concern regarding adequate levee inspections. DWR surveyed and inspected the levees, but he said it's like comparing apples to oranges because of the different standards for project and non-project levees. Mr. Cosio said even without a formal inspection, the levee districts know where the problems are because they are out there every day. Mr. Cosio suggested rather than implement the current law requiring easements to reduce subsidence, the funds would be better spent on improvements to the levees. Regarding public access, Mr. Cosio said that while supportive, considerations must be made for private property, vandalism, and levee driving. There are also homeland security issues, which are addressed in Emergency Action Plans. Chair Fiorini said that this recommendation will be given to the DPC. Included in the packet are a resolution from the DPC in support of bicycle lanes along improved levees in the Delta and a letter from Friends of the Sacramento River Parkway. Both are posted on the Council's website at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-august-25-2016-agenda-item-8-attachments-4-5-and-6>. Member Piepho reported that the DPC will include a discussion on levees at the September meeting and she will bring up the issue of public access.

Mr. Cosio's last comment regarded the update of the Delta Levees Subvention Program's cost sharing provisions. Mr. Cosio explained that the RDs get their funding through assessments and those assessments are based on the lowest value crop. Mr. Cosio noted a report that was received by the Council last year on the RDs and their assessments; the report was wrong because income included State reimbursements. The Council should look at individual RD budgets. Chair Fiorini asked Mr. Cosio to provide some budgets to staff; Mr. Cosio agreed.

Steven Mello, Mello Farms, Inc., Reclamation District 563 (Tyler Island). Mr. Mello expressed concern that the matrix (Attachment 3) is flawed. Mr. Mello gave examples of improvements made by Tyler Island to improve system reliability and flood risk. These costs have been offset by funding from the Levees Subvention Program because public use of the Delta has contributed to levee damage. Mr. Mello suggested that they were a benefactor to the State and not a beneficiary.

Based on Mr. Cosio and Mr. Mello's comments, Vice Chair Tatayon suggested that staff include costs avoided by past investments as another factor to consider when adjusting cost-share. Mr. Ray and Mr. Jones agreed to examine Vice Chair Tatayon's suggestion.

Rogene Reynolds, South Delta Landowner – Upper Roberts Island (RD 544). Ms. Reynolds commented on the rankings and stated that it still erroneously reports population. She also noticed that it would be more helpful to use the tool and manage

the rankings of the islands and tracts and list them based on actual assets, liabilities, and risks. Ms. Reynolds also suggested the islands that only have value as habitat should be in a completely separate category and not combined with any ranking where there are other assets. As the ranking appears now, Ms. Reynolds said she does not believe the tool depicts an accurate view of the Delta.

Glenn Gebhardt, Reclamation District 17, the City of Lathrop and the other land use agencies in RD 17. Mr. Gebhardt spoke of concerns with statements limiting levee funding to only those levees that protected existing development. Mr. Gebhardt isn't aware of any basis for limiting levee improvements to only those that protect existing development. Mr. Gebhardt suggests that the definition of the flood prone Delta islands exclude areas that have already been identified for development as of May 16, 2013; furthermore, funding should not be excluded from these areas.

Melinda Terry, California Central Valley Flood Control Association. Ms. Terry encouraged the Council to have another joint meeting with the Flood Board because the Flood Board may have suggestions for the amendment. Ms. Terry said the subvention program with DWR has been working and suggests that stockpiling not be an alternative to prevent a breach from happening. Regarding PL 84-99 active status conditions for subventions funding, Ms. Terry spoke on the multiple inspections the RDs have. She also spoke on the inspections done periodically by the USACE where they look at groups; if any one island/tract does not meet the criteria, the entire group is ineligible even if individually they could qualify. Ms. Terry said having subvention funding is key to getting the Delta RDs to where they need to be.

Ms. Terry also spoke on the challenge of trying to get the USACE to change its policy on vegetation and asked for support from the Council. Regarding subsidence easements, Ms. Terry suggested fixing the levee as opposed to purchasing easements and discussed access issues associated with the easements. Regarding Subvention Program legislation discussed on page 4 of the staff report; Ms. Terry said she was concerned that the legislature will be looking for legislation in January and suggested that the report that is provided to the legislature in December factor in costs for permitting, regulatory costs, maintenance, and other factors that didn't previously exist. The last point Ms. Terry made was about levee funding prioritization. She said she thinks that we have complied with the Delta Reform Act requirements, but some Delta residents don't believe that the data is accurate and this could create a credibility issue. Ms. Terry suggested that now that the tool has been developed, it would be helpful to develop procedures on how to add data and information.

Tom Zuckerman, Central Delta Water Agency. Mr. Zuckerman cautioned that the Council not interfere with past successes related to DWR and RD partnerships. Funding strategies with cost shares have been successful. Mr. Zuckerman agrees with Mr. Mello that this is not a subsidy program for the Delta but rather a cost-sharing program. If we are trying to make a defensible Delta and prevent a domino effect in the system, the work done by Arcadis on the risk analysis is very helpful. Mr. Zuckerman thinks we should strive to get the Delta up to the Bulletin 182-92 standard which would allow us to react when these events occur. He also said he thinks there should be recognition that there is not one pool of funds, but rather all kinds of funding that is available and gave

examples. He said the DPC is looking at funding—the beneficiaries and the severable beneficiaries. He encourages us to cooperate with the DPC on that study. Mr. Zuckerman encouraged more cooperative studies and joint meeting with other programs such as the Flood Board, the DPC, the Independent Science Board, and the DLHAC.

Dave Mraz, Delta Levees Program, Department of Water Resources, clarified he was commenting on behalf of the Delta Levees Program and not DWR. He said the stockpiling of material is an excellent idea and has proven its usefulness especially when the material is placed on the backside of a levee and also supports that levee section. Mr. Mraz said he supported the concept of fat levees and he thought it was an excellent method of having the material that's necessary for emergencies at the right spot. Referring to pages 3 and 4 of the staff report, acquisitions of easements and adequate levee inspections, Mr. Mraz said he agreed with Mr. Cosio and didn't think a change was necessary. DWR would defer to the RD engineers, having them run the calculations and recommend if an easement is needed. Mr. Mraz said with respect to the subventions cost-share, he also agreed with Mr. Cosio. As mentioned by Mr. Mello, increasing the costs for a mile of levee takes away from the maintenance and improvement of the levee system. Mr. Mraz also said he believes a high priority is to maintain the on-going, existing relationships between the State and its partners in the Delta. The farmers and RDs were key to Delta sustainability and a valuable benefit for the State. Mr. Mraz also commented on the guidelines and inspections and said that the fact that the inspections are not documented in the State's files doesn't take away from the fact that they are actually being done. Whatever priorities are developed must remain flexible because the Delta is a dynamic place. A key element of understanding past investments' successes and how they can be improved upon would be to examine the avoided expenses resulting from investments that have been made.

Following Mr. Mraz' comments, Mr. Ray concluded the discussion by explaining the fundamentals of why the PL 84-99 program was important. He called on consultant Hollie Ellis to explain the analysis done by his firm. Mr. Ellis said the analysis was based on multiple simulations of what could occur in the Delta, in terms of hazards or earthquakes, and how the levees would respond dependent on the understanding of seismic activity and levee fragility. The simulations showed that the failure of 10-15 islands was a real possibility. Mr. Ellis said this was not a risk analysis but more of an analysis of how the State and public would respond to this sort significant event. State law wouldn't provide protection from a catastrophic event of that size. Mr. Ray noted federal assistance would be essential. Member Piepho suggested that a catastrophe of this magnitude would be of national significance and thinks the State would receive assistance.

Mr. Jones said the tool is posted on the Council's website at <http://deltacouncil.ca.gov/dlis-decision-support-tool>. Next month, staff will bring a discussion draft back for Council approval, to be used for public review in October.

At the conclusion of Agenda Item 8, the Council recessed for lunch at 2:10 p.m. and reconvened at 2:45 p.m.

9. 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-august-25-2016-agenda-item-9-lead-scientists-report>.

Dr. Dahm reported the Council's Science Program conducted the first of a two-phase peer review of the Delta Regional Monitoring Program (RMP) monitoring design. The RMP program is vital for doing adaptive management as well as helping us assess our performance measures. The Delta RMP is currently focused on four types of pollutants. Implementation of a Delta regional monitoring program is a Delta Plan recommendation (WQ R9).

Dr. Dahm briefed the Council on the ballast water feasibility study. The State Lands Commission requested the Council manage this feasibility study of shore-based treatment of ballast water including the independent review of study results. An initial public workshop was held on Oct. 6, 2015 and a second workshop is scheduled on Aug. 30, 2016 at the Long Beach Aquarium. The workshop will serve as a check-in and provide analysis of potential technologies.

Dr. Dahm provided a summary of a journal article, *Characterizing the Extreme 2015 Snowpack Deficit in the Sierra Nevada (USA) and the Implications for Drought Recovery*; a Brown Bag Seminar – Assessing Extinction in Fishes: Preparation for Extinction of Delta Smelt; and two research articles from the San Francisco Estuary and Watershed Science Journal on delta smelt and anadromous salmonids in the Delta. Dr. Dahm said a poster from the 2016 Society for Freshwater Science Meeting was displayed outside the meeting room and encouraged everyone to look at it.

Chair Fiorini asked if any members of the Council had questions; there were none.

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-august-25-2016-meeting-agenda-item-9-attachment-1-numbers-summary>. Chair Fiorini asked if there were any questions or comments from the public; there were none.

10. Launch of DeltaView

Ms. Pearson provided introductory remarks for Item 10. Data collection and reporting are a foundational part of the DeltaView framework and provide Council staff with the ability to effectively track and report on projects, programs, and plans that support the implementation of the Delta Plan. Ms. Pearson invited Council staff Cassandra Enos-Nobriga and Lita Brydie to demonstrate the new tracking database. The staff report for Item 10 is posted on the Council's website at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-august-25-2016-agenda-item-10-launch-delta-view>.

A short video demonstrating DeltaView was previewed by the Council and can be found at the on the linked agenda <http://www.cal-span.org/cgi-bin/archive.php?owner=DSC&date=2016-08-25&player=jwplayer> at 4:06-58.

Following the video, Chair Fiorini asked if there were any questions from the Council or public; there were none.

11. Public Comment

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

12. 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 – September 29-30, 2016.

The meeting adjourned at 3:35 p.m.