

DRAFT 11/30/15 - SUBJECT TO CHANGE
For Review and Adoption by the Council at the December 17, 2015 Meeting

Thursday, November 19, 2015
DELTA STEWARDSHIP COUNCIL
Park Tower Plaza – 2nd Floor Conference Center
980 9th Street
Sacramento, CA 95814

MEETING SUMMARY

1. Welcome and Introductions

The meeting was called to order at 9:02 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 9:03 a.m. The following members were present: Aja Brown, Susan Tatayon, Patrick Johnston, Randy Fiorini, and Phil Isenberg. Frank Damrell arrived shortly after the adoption of the October meeting summary.

3. Adoption of the October 22-23, 2015 Meeting Summary (Action Item)

Chair Fiorini asked if there were any questions, suggestions or comments from the Council or public regarding the meeting summary. Council member Tatayon requested modification of the vote for Agenda Item 15 on page 9 to reflect that Council member Brown did not vote on the motion due to her absence. Staff will amend the meeting summary and delete Council member Brown's name from the vote.

Chair Fiorini asked if there were any other questions or comments. There were none.

Motion: (Offered by Isenberg, seconded by Piepho) to approve the Oct. 22-23, 2015 meeting summary as amended.

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

The video showing this vote can be found on the linked agenda at <http://www.cal-span.org/cgi-bin/archive.php?owner=DSC&date=2015-11-19&player=jwplayer> at 00:58.

The amended meeting summary is posted on the Council website at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-november-19-2015-meeting-agenda-item-5-amended-october-22-23-2015>.

6. Chair's Report

Chair Fiorini reported that the Delta Plan Interagency Implementation Committee (DPIIC) met at the Sheraton Hotel in Sacramento on November 16. Chair Fiorini invited Taryn Ravazzini, DPIIC coordinator, to provide a briefing on the outcomes of the DPIIC meeting for the Council.

6a. Delta Plan Interagency Implementation Committee Outcomes

Ms. Ravazzini reported all DPIIC members were in attendance, as well as four Council members. Ms. Ravazzini discussed the topics addressed at the DPIIC meeting including the Delta Challenges report; the implementation report on high-impact Delta science actions; an overview of California EcoRestore; and the Delta ISB's report on fish and flows in the Delta.

Chair Fiorini asked if there were any questions from the Council. Ms. Ravazzini answered Council members' questions, heard their comments and provided clarification.

7. Executive Officer's Report

Executive Officer Jessica Pearson described the agenda for the Council meeting, noting it had been changed to a one-day meeting so that members, staff and the public might attend a memorial on Friday morning for Laura King Moon, the former chief deputy director for the Department of Water Resources. Ms. Pearson said Ms. King Moon's career encompassed many aspects of Delta issues and that her unique perspective and wise counsel would be greatly missed.

Ms. Pearson briefed the Council on three comment letters sent by staff and provided them as handouts at the meeting. The first is to Tara Beltran of the State and Federal Contractors Water Agency regarding its Notice of Addendum for the Tule Red Tidal Restoration Project. The comment letter is posted on the Council website at: http://deltacouncil.ca.gov/sites/default/files/2015/11/11-2-15%20DSC%20Comments_Tule%20Red.pdf. The next is to Eric Butler of the Central Valley Flood Protection Board regarding Proposed Updates to the Board's California Code of Regulations, Title 23, Division 1, Waters. The comment letter is posted on the Council website at: http://deltacouncil.ca.gov/sites/default/files/2015/11/Comment%20Letter%20to%20CVFPB%20re%20Title%2023%20Regulation%20Update_11052015.pdf. The last letter, to Caitlin Sweeney of the San Francisco Estuary Partnership, is regarding its Draft 2016 Comprehensive Conservation and Management Plan. The comment letter is posted on the Council website at: http://deltacouncil.ca.gov/sites/default/files/2015/11/DSC%20Comments_CCMP_11-13-15.pdf.

Ms. Pearson also provided the Council with copies of the recently released paper prepared by the Public Policy Institute of California (PPIC), *Allocating California's Water:*

Directions for Reform. The paper is posted on the PPIC website at:
http://www.ppic.org/content/pubs/report/R_1115BGR.pdf.

Ms. Pearson concluded with administrative announcements, noting Marla Lynch's retirement and the hiring of Dan Constable. Ms. Lynch began working with CALFED in the 90's and her institutional knowledge will be missed. Mr. Constable is an environmental scientist who will be working with the ecosystem restoration and land use group.

7a. Legal Update

Chris Stevens called Caroline Soto, the Council's legal intern and Bethany Pane, the Council's senior legal counsel, to the table to provide the Legal Update. Mr. Stevens noted that this meeting was to be Caroline's last as her internship had ended. Mr. Stevens expressed his appreciation to Caroline for her work at the Council.

The legal update provided by Ms. Pane and Ms. Soto is posted on the Council website at: <http://deltacouncil.ca.gov/docs/delta-stewardship-council-november-19-2015-meeting-agenda-item-7a-legal-update>.

Ms. Pane, Ms. Soto and Mr. Stevens answered Council members' questions and provided clarification.

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. Approval of Department of Water Resources Interagency Agreement for Science Support Needs (Action Item)

Agenda Item 8 was presented by Dr. Rainer Hoenicke. Dr. Hoenicke said staff recommended the Council approve a reimbursable agreement with the Department of Water Resources in the amount of \$785,000. The agreement would fund three limited-term (two-year) positions for the Delta Science Plan implementation activities relevant to the FloodSAFE Program. The staff report and attached budget for this item are posted on the Council website at: <http://deltacouncil.ca.gov/docs/delta-stewardship-council-november-19-2015-meeting-agenda-item-8-approval-department-water> and at: <http://deltacouncil.ca.gov/docs/delta-stewardship-council-november-19-2015-meeting-agenda-item-8-attachment-1-budget-detail>.

Following Dr. Hoenicke's presentation of Agenda Item 8, Chair Fiorini asked if there were any questions from the Council or public comments. There were none.

Motion: (offered by Piepho; seconded by Isenberg) to approve a reimbursable Interagency Agreement in the amount of \$785,000 to fund three positions authorized by the 2014-15 and 2015-16 budget over the next two years.

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

The video showing this vote can be found on the linked agenda at: <http://www.cal-span.org/cgi-bin/archive.php?owner=DSC&date=2015-11-19&player=jwplayer> at 56:08.

9. Lead Scientist's Report

Dr. Cliff Dahm presented the Lead Scientist's Report, covering a number of science activities. The staff report for Agenda Item 9 is posted on the Council's website at: <http://deltacouncil.ca.gov/docs/delta-stewardship-council-november-19-2015-meeting-agenda-item-9-lead-scientists-report>. The first item was the Long-term Operations Biological Opinions Annual Science Review, held on November 5-6. Dr. Dahm provided a brief update on the review topics and the goal of the review. Next, Dr. Dahm asked for input and consideration of the addendum to the Delta Science Plan on funding mechanisms and conflict of interest. Attachment 1, posted on the Council website at: <http://deltacouncil.ca.gov/docs/delta-stewardship-council-november-19-2015-meeting-agenda-item-9-attachment-1-addendum-delta>, was developed as a way to formalize the funding mechanisms used and to facilitate future funding and implementation of research. Attachment 2 was developed to summarize the procedures addressing conflict of interest to clearly define measures to ensure funding decisions are fair and unbiased. Attachment 2 is posted on the Council website at: <http://deltacouncil.ca.gov/docs/delta-stewardship-council-november-19-2015-meeting-agenda-item-9-attachment-2-addendum-delta>. Next, Dr. Dahm provided a briefing on the Delta Primary Productivity Workshop held on October 28-30. The focus of the workshop was to present and discuss the current understanding and data gaps on the various effects on Delta primary productivity. Dr. Dahm announced the September issue of the San Francisco Estuary and Watershed Science journal was now on line and included three essays on groundwater and a research paper on Delta challenges, all of which were discussed at the October meeting. Today Dr. Dahm highlighted two research articles: *A Conceptual Model of the Aquatic Food Web of the Upper San Francisco Estuary* and *The Aquatic Trophic Ecology of Suisun Marsh, San Francisco Estuary, California, During Autumn in a Wet Year*. Both articles address the Delta aquatic food web. Dr. Dahm said that two posters from the Science Conference were displayed outside the meeting room and encouraged everyone to take a moment to look at them. After Dr. Dahm concluded the Lead Scientist's Report, he invited Daniel Livsey, the Council's Sea Grant state fellow, to discuss the *By the Numbers* report. *By the Numbers* is posted on the Council website at: <http://deltacouncil.ca.gov/docs/delta-stewardship-council-november-19-2015-meeting-agenda-item-9-attachment-3-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.

10. Delta Levees Investment Strategy Update

Executive Officer Pearson provided opening remarks. Ms. Pearson was joined by Supervising Engineer Dustin Jones. Mr. Jones said this is the first report on non-structural options that might be considered by the Council as part of a broader risk

reduction strategy for the Delta. He said that, as the material is developed, additional information will be brought to the Council in the coming months. The staff report for this item is posted on the Council website at: <http://deltacouncil.ca.gov/docs/delta-stewardship-council-november-19-2015-meeting-agenda-item-10-delta-levees-investment>.

Mr. Jones discussed effective emergency preparedness as a means of reducing risks in the Delta due to flooding. He said staff has been coordinating with partner agencies to identify alternatives to levee investments for flood risk reduction and some of the possible alternatives, that are referred to as non-structural measures are listed in Attachment 1, which is posted on the Council website at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-november-19-2015-meeting-agenda-item-10-attachment-1-risk-reduction>. Next, Mr. Jones discussed the National Flood Insurance Program's (NFIP) Community Rating System. Attachment 2, posted on the Council website at: <http://deltacouncil.ca.gov/docs/delta-stewardship-council-november-19-2015-meeting-agenda-item-10-attachment-2-crs-comparison>, shows the number of policies purchased in Contra Costa, Solano, Yolo, Sacramento, and San Joaquin Counties and also many incorporated communities that participate in the NFIP's Community Rating System and their ranking. Mr. Jones said staff will reach out to state and local emergency managers to gather information on the potential proven non-structural measures and estimates of how the cost and risk reduction potential of the alternatives compare to more traditional levee investments.

Mr. Jones discussed the DLIS Project Schedule (Attachment 3) that is posted on the Council website at: <http://deltacouncil.ca.gov/docs/delta-stewardship-council-november-19-2015-meeting-agenda-item-10-attachment-3-project-schedule>.

Throughout the discussions of the Delta Levees Investment Update Mr. Jones heard Council members' comments, provided clarification and answered questions.

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

Public Comment – Agenda Item 10

Melinda Terry, California Central Valley Flood Association, suggested staff contact George Booth at Sacramento County, who has worked on NFIP for over 20 years and would have good recommendations. Ms. Terry said the counties are in charge of implementation and enforcement of the NFIP Program and with Mr. Booth's expertise in this area he would have valuable information regarding funding and projects underway.

Esperanza Vielma, Restore the Delta and chair of the Environmental Justice Advisory Group for the San Joaquin Valley Air District, commented on the CRS. Ms. Vielma was interested in what information could be taken back to the environmental justice communities and what was going to be utilized with the mapping as far as the environmental justice communities were concerned. Chair Fiorini suggested Ms. Vielma meet with staff regarding the DLIS work underway and Mr. Jones said the mapping wasn't ready but regarding the engagement of the community rating system, he welcomed suggestions of whom to contact to start discussions.

At the conclusion of the public comment for Item 10, the Council recessed for lunch at 10:45 and reconvened at 12:20.

11. Delta Independent Science Board Report: Flows and Fishes in the Sacramento-San Joaquin Delta, Research Needs in Support of Adaptive Management

In Ms. Pearson's absence, Chief Deputy Executive Officer Dan Ray made opening remarks on Agenda Item 11. Mr. Ray called on Lauren Hastings of the Council's Delta Science Program to introduce the panelists and provide a brief introduction of the item. The panel was composed of leaders of Delta agencies that are involved in gathering and use of information about water flows and fish in the Delta. They provided comments related to the questions in the staff report intended to help frame the discussion of the review report's recommendations. The staff report for this item is posted on the Council website at: <http://deltacouncil.ca.gov/docs/delta-stewardship-council-november-19-2015-meeting-agenda-item-11-delta-independent-science> and Attachment 1, *Flows and Fishes in the Sacramento-San Joaquin Delta, Research Needs in Support of Adaptive Management*, is posted on the Council website at: <http://deltacouncil.ca.gov/docs/delta-stewardship-council-november-19-2015-meeting-agenda-item-11-attachment-1-flows-and-fishes>.

Next, Dr. Hastings introduced the panelists and provide brief introductions for Dr. Jay Lund of the Delta Independent Science Board; Carl Wilcox of the California Department of Fish and Game; Maria Rea of the National Marine Fisheries Service; Ted Sommer of the Department of Water Resources; Ara Azhderian of the San Luis and Delta-Mendota Water Authority; and Tina Swanson of the Natural Resources Defense Council.

Dr. Lund began by providing the Council with a PowerPoint presentation on the recently completed Delta ISB review of the Flows and Fishes report. The presentation is posted on the Council's website at: <http://deltacouncil.ca.gov/docs/delta-stewardship-council-november-19-2015-meeting-agenda-item-11-delta-independent-science-0>. Dr. Lund heard Council members' comments, answered questions and provided clarification.

Dr. Lund's presentation was followed by the panel discussion to hear responses to the recommendations in the report and receive Council support for and/or suggestions on how to implement the report's recommendations.

The first panelist, Mr. Wilcox, spoke about flow conditions and said generally, when flow conditions are good, the fish do well and when they are not as good the fish don't do as well. He noted there are statistical correlations to this as well as observational data. Mr. Wilcox also spoke about predation and its effects on species and said that understanding predation is an important factor in operating the system. Mr. Wilcox concluded by saying improvement of coordination, such as a workshop among disciplines and institutions as suggested at the DPIIC meeting, is something the Council should pursue – and a long-term commitment to science to address issues spanning agencies and disciplines could be organized through the Delta Science Program.

Ms. Rea thanked Dr. Lund for the report. She said from her agency's perspective many of the recommendations are already underway. Ms. Rea highlighted some of the activities in which her agency is involved such as a set of science priorities released in 2012 by the West Coast Region of NOAA; the NOAA Science Center's work on a salmon lifecycle model, an enhanced vertical tracking model, hydrologic and temperature modeling; and the Collaborative Adaptive Management Team efforts. Ms. Rea said there was a salmon scoping team that produced a report with similar findings and recommendations as the fish and flows report and finally as a result of the drought, there was an opportunity of improved real-time water monitoring in the Delta. Ms. Rea said funding for science was something that was lagging compared to other efforts such as the Columbia River and the Florida Everglades and thought a higher level of funding was needed. Ms. Rea thinks the Council can help by continued support for Delta science and suggested workshops that she thought would be helpful.

Dr. Sommer said the Department of Water Resources might use the recommendations as a communications tool – a means to help fuel more synthesis. He said research is a high priority for DWR and this would allow staff the ability and opportunity to attend other scientific meetings, help to develop more sustainable scientific funding, and to prioritize study and management actions. Dr. Sommer said in response to the second question, if the monitoring information was available, the department could be more effective in its management of flows and gave examples of studies of the Sacramento Splittail and the fall out flow for the smelt. Dr. Sommer concluded by saying Council support for the following would be helpful: funding – a continued issue – and there are some adaptive management actions that may require regulatory support such as the need for more experimental or manipulative studies. He gave examples of the studies.

Mr. Azhderian expressed his appreciation for the report however, he said a lot of the recommendations that focused on cause and effect mechanisms are recommendations that have been around for more than 20 years. Mr. Azhderian said the report is a helpful guide but it doesn't help with management so he wanted to emphasize the importance of focusing on cause and effects, getting a better understanding on the mechanisms in order to improve their actions, improve the efficient use of water, and improve collaboration and buy-in to breed success. He also said funding and accountability are areas that need attention.

Ms. Swanson said she appreciated the opportunity to review the report but said that she was overwhelmed. Ms. Swanson said the key issue for the Council was the challenge of managing flows for the ecosystem and water supply for consumptive use. While the report is a useful and a current inventory of existing knowledge and understanding of fish and flows, she said it is not a synthesis of the information but rather a proposal for research strategy to further enhance the understanding between fish and flows. Ms. Swanson said while there was nothing wrong with that it is not immediately useful for what she understood the Council and agencies need, which is information they can use immediately to move forward with management.

With regard to fish and flows in the ecosystem, Ms. Swanson thinks there is overwhelming evidence that the system, as currently managed, is in very deep trouble and we must use our existing knowledge because the proposed research will take too

long to get the answers as there is an immediate problem. Ms. Swanson said a better job is needed in managing flows for fish and the other coequal goals of water supply reliability. She said the problem is that we are challenged in managing a system and water resources that aren't sufficient to meet the coequal goals as they are currently being articulated, making this not a science problem but a balancing problem of allocating the resource to meet the coequal goals. Ms. Swanson said based on the information we have now, we need to address the very serious ecosystem problems we are facing. All the scientific information is focused on the ecosystem and she had determined that none of it is focused on water supply and water demand and thinks there are numerous adaptive management actions that could be used to augment supply or reduce demand.

Throughout the discussions, panelists heard Council member's comments, provided clarification and answered questions.

Mr. Ray summarized the discussions and following Mr. Ray's closing comments, Chair Fiorini asked if there were any members of the public who wished to comment.

Public Comment – Agenda Item 11

Tim Stroshane, Restore the Delta, commented on broadening the scope of the report because it does not acknowledge or examine the troubling experience of real time management failures that occurred along the upper Sacramento River in the summers of 2013 and 2014 due to loss of control of the water temperatures in Shasta lake. She said this resulted in upwards of 90 percent of the winter run Chinook salmon being lost. While these events didn't take place in the Delta, they point to a need to be cautious of heavy reliance on real-time operational adjustments and triggers as replacements for water flow objectives. Mr. Stroshane said the proposed tunnels of WaterFix would place reliance on real-time operations and adaptive management research agenda to mitigate the project impacts. Mr. Stroshane suggested the Council find and conduct post mortem research as well looking at real-time failures on the upper Sacramento River and how such problems can be avoided in the future.

12. Options for New and Improved Conveyance, Storage, and Operation of Both to Achieve the Coequal Goals (Action Item)

Chair Fiorini and Mr. Ray, joined by Supervising Engineer Kevan Samsam, introduced Agenda Item 12. Mr. Ray noted the Water Code's direction for the Delta Plan to promote options for new and improved infrastructure relating to the water conveyance in the Delta, storage systems, and for the operation of both to achieve the coequal goals. It also required inclusion of the Bay Delta Conservation Plan (BDCP) into the Delta Plan if certain criteria were met. Mr. Ray said the agenda item is part of an ongoing discussion leading to Council consideration of updating the Delta Plan. Mr. Ray explained the staff recommendation for the Council to adopt the revised *18 Principles for Water Conveyance in the Delta, Storage Systems, and for the Operation of Both to Achieve the Coequal Goals* as guidance in developing potential Delta Plan amendments. Mr. Ray said if the Council approves the principles, the next steps will be for staff to develop a work plan, including a schedule, leading the Council from the

adoption of the principles to the eventual updates to the Delta Plan and what the updates might include.

Mr. Samsam began by providing background information on the item, described staff's recommendation of this action item, and discussed next steps. The staff report for Item 12 is posted on the Council website at: <http://deltacouncil.ca.gov/docs/delta-stewardship-council-november-19-2015-meeting-agenda-item-12-options-promote-new-and>. Mr. Samsam said the revised set of guiding principles incorporated comments and suggestions provided by Council members, other state agencies, and experts who participated on panels during previous meetings. The revisions to the draft principles also reflect best available science input from the Delta Science Program. The Council received comments from members of the public and made suggestions to staff to further refine the principles at the October meeting.

Mr. Samsam went through the principles pointing out and explaining the reasoning for the changes and/or additions. The redline version of the revised draft principles staff recommend the Council adopt (Attachment 1) is posted on the Council website at: <http://deltacouncil.ca.gov/docs/delta-stewardship-council-november-19-2015-meeting-agenda-item-12-attachment-1-18-principles> as well as a clean copy (Attachment 2) posted at: <http://deltacouncil.ca.gov/docs/delta-stewardship-council-november-19-2015-meeting-agenda-item-12-attachment-2-18-principles>.

The Council agreed to consider and include technical changes by common consent. The video showing this action can be found on the linked agenda at: <http://www.cal-span.org/cgi-bin/archive.php?owner=DSC&date=2015-11-19&player=jwplayer> at 3:53:20.

The Council members' changes, agreed to by common consent, can be found on the linked agenda at: <http://www.cal-span.org/cgi-bin/archive.php?owner=DSC&date=2015-11-19&player=jwplayer> at the following timestamps:

Council member Tatayon: 3:52:06 – 3:53:39; 3:53:40 – 3:55:01

Council member Piepho: 3:56:20-3:57:17; 3:57:20 – 3:58:47; 3:59:10 – 4:00:11;
4:04:35 – 4:05:25

Council member Isenberg: 4:00:07 – 4:04:30

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

Public Comment – Agenda Item 12

Mr. Stroshane, Restore the Delta, said there is a large gap in content of the principles that are being proposed for the Council adopt. Mr. Stroshane said there needs to be an assessment of the need for actions to be included in the principles to close that gap.

Bob Wright, submitted a letter on behalf of Friends of the River, Restore the Delta and the Environmental Water Caucus. The letter is posted on the Council website at:

<http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-november-19-2015-meeting-agenda-item-12-comment-letter-council>.

Tom Zuckerman, Central Delta Water Agency, said he thought it would be helpful to take some of the sense of the introductory comments from the staff report and include them in the preface (first paragraph) of the principles because the context has changed, and the reason for the changes relate to factors such as the previous reliance that BDCP would be incorporated into the Delta Plan is no longer viable, which requires more examination of storage and conveyance. He said that would be helpful as an explanation. Another helpful explanation to point out is that since the Delta Plan's adoption, we have experienced three years of a drought, which has emphasized the deficiencies in the water supply situation that need to be carefully considered in the context of recommending both conveyance and storage.

Ms. Terry, California Central Valley Flood Control Association and North Delta Water Agency, said she noticed the principles focus on the water supply aspect including the ecosystem for water supply, but there is not as much focus on Delta as Place. Ms. Terry said regarding the tunnels, the impacts of Delta as Place would be significant due to construction impacts. She gave examples of those impacts such as pile driving, dewatering activities, transporting muck, and blight, etc. Ms. Terry concluded by saying staff may need to address what Delta as Place impacts might occur moving forward. With regard to mitigation, Ms. Terry said there is no governance on the measures to know if they are working after being implemented. And finally, regarding ecosystem benefits and the cost of operations and maintenance, she urged the Council to look at the loss of assessment revenues to local agencies.

Following public comment, Chair Fiorini asked if there were any other questions or comments. There were none.

Motion: (Offered by Johnston, seconded by Isenberg) to adopt the revised *18 Principles for Water Conveyance in the Delta, Storage Systems, and for the Operation of Both to Achieve the Coequal Goals* as amended.

Vote: (6/0: Brown, Tatayon, Johnston, Fiorini, Isenberg, Piepho) and the motion was adopted. Council member Damrell was not present at the time of the vote.

The video showing this vote can be found on the linked agenda at: <http://www.cal-span.org/cgi-bin/archive.php?owner=DSC&date=2015-11-19&player=jwplayer> at 4:30:08.

13. Single-Year Water Transfers and the Delta Plan (Action Item)

Chief Deputy Executive Officer Dan Ray introduced Agenda Item 13. He was joined by Supervising Engineer Kevan Samsam, who presented the item. Mr. Samsam briefed the Council on the requested action and the preliminary findings based on staff's review. The staff report for Item 13 is posted on the Council website at:

<http://deltacouncil.ca.gov/docs/delta-stewardship-council-november-19-2015-meeting-agenda-item-13-single-year-water-transfers>.

Throughout the discussion of the single-year water transfers, Mr. Ray and Mr. Samsam heard Council members' comments, answered questions and provided clarification. Following the discussions, Chair Fiorini offered the following motion and then called for public comment.

Motion (Offered by Fiorini; seconded by Piepho) adopt Option 1: Exempt single-year water transfers from regulation as a covered action. Staff will return with draft findings, based on the report's staff analysis, to support the findings that single-year water transfers do not have a significant impact on the coequal goals of statewide water supply reliability and the protection, restoration, and enhancement of the Delta ecosystem. As such, single-year water transfers would not meet the definition of a covered action and exemption would provide clarity and certainty for water suppliers.

The video showing this motion can be found on the linked agenda at: <http://www.cal-span.org/cqi-bin/archive.php?owner=DSC&date=2015-11-19&player=jwplayer> at 4:51:37.

After offering the motion, Chair Fiorini asked if there were any members of the public who wished to comment.

Public Comment – Agenda Item 13

Mr. Stroshane, Restore the Delta, requested the Council direct staff to hold public hearings and complete a draft environmental impact report on the proposal. This would allow for a transparent process in the Sacramento Valley where many groundwater and crop idling impacts could be affected due to ground water transfers. Mr. Stroshane commented on the notion of a "periodic review" and urged the Council to give more specificity to the review. Mr. Stroshane thinks it is imperative to do annual reviews because the transfers occur annually. He also suggested incorporating in the annual review process a review of past transfers to capture some of the cumulative concerns about the impacts of single-year water transfers. Mr. Stroshane echoed Vice-Chair Isenberg's comment about the need for another alternative, and relating to the tunnels Mr. Stroshane said construction and operation of the tunnels should be a trigger for revisiting any exemption provided for by this process.

Bill Croyle, DWR, provided a letter of support of the staff's recommendation (Option 1) to exempt one-year water transfers from regulation as covered actions. Mr. Croyle said they are committed to an open and transparent process. The letter Mr. Croyle provided is posted on the Council website at: <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-november-19-2015-meeting-agenda-item-13-comment-letter-randy-fiorini>.

Steve Hirsch, Metropolitan Water District of Southern California, expressed support of the staff's recommendation (Option 1).

John Mills, representing the upstream water agencies, said he was impressed with the panels, and thought the staff report was thorough and the analysis was well done. Mr.

Mills expressed his support for Option 1, but thought the check-in should be revisited every five years in the context of the bigger picture of long-term transfers.

John Kingsbury, Mountain Counties Water Resource Association, supported staff's opinion on Option 1 and commended staff on the research needed for the issue of single-year water transfers which are very important. Mr. Kingsbury spoke on the benefits of the revenue to the cash-strapped sellers being helpful to finance and fix an aging infrastructure. Mr. Kingsbury concluded his comment by urging the Council to adopt Option 1.

Melinda Terry, North Delta Water Agency, suggested including a definition of what a temporary and/or one-year transfer is and what it isn't. Ms. Terry suggested not permanently exempting single-year water transfers and that it may be important to have the chance to reevaluate.

Subsequent Motion (Offered by Isenberg; seconded by Piepho) Subsequent Motion offered by Isenberg to direct staff to develop and bring back to council for consideration in December, Option 1, as well as an additional option that would extend the current regulation's sunset date by 2 to 4 years. Included in the additional option should be appropriate language directing staff to monitor short term transfer activities and alert the Council if any relevant concerns or issues arise.

Vote: (4/2: Brown, Tatayon, Isenberg, Piepho in support, Johnston and Fiorini opposed) The subsequent motion to bring back Option 1 and an additional option extending the sunset date as described above was adopted. Council member Damrell was not present at the time of the vote.

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=2015-11-19&player=jwplayer> at 5:25:20.

14. Public Comment

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

15. 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 – Dec. 17, 2015.

The Council paused for a moment of silence in remembrance of Laura King Moon and meeting adjourned at 4:15 p.m.