

DRAFT 10/7/16 - SUBJECT TO CHANGE
For Review and Adoption by the Council at the October 27, 2016 Meeting

Thursday, September 29, 2016 and Friday, September 30, 2016
DELTA STEWARDSHIP COUNCIL
Park Tower Plaza – 2nd Floor Conference Center
980 Ninth Street, Sacramento, CA 95814

MEETING SUMMARY

Day 1: Thursday, September 29, 2016

1. Welcome and Introductions

The meeting was called to order at 9:00 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, Ken Weinberg, Aja Brown, Susan Tatayon, Randy Fiorini and Mary Piepho. 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 9:02 a.m. and adjourned at 10:40 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 10:55 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: (7/0: Johnston, Damrell, Brown, Tatayon, Weinberg, Fiorini, Piepho) and the motion was adopted.

The video showing this motion and vote can be found on the linked agenda <http://www.cal-span.org/cgi-bin/archive.php?owner=DSC&date=2016-09-29&player=jwplayer> at 02:26.

6. Chair's Report

Chair Fiorini discussed the schedule for the two-day meeting. Due to scheduling considerations, however, Agenda Item 9 would directly follow Chair Fiorini's report. Agenda Item 11, Public Hearing: Single-Year Water Transfers Amendments, would be taken out of order and heard at the end of the day in order to allow maximum public comment and participation. The comment period wouldn't close until 5:00 p.m. and the Council would not deliberate and vote until the close of the comment period.

Agenda Item 10, Acceptance of Discussion Draft of Delta Plan Revisions regarding Priorities for State Delta Levees Investment, has been removed from the agenda. Following the Joint Workshop with the Central Valley Flood Protection Board (Flood Board) on Aug. 12, the Council agreed to form a committee with the Flood Board. This meeting has not yet occurred and is scheduled for later in October; the item is delayed until after the committee has met.

Before concluding his report, Chair Fiorini reported on his recent visit to a wetlands project in San Joaquin County. Chair Fiorini said it was good to see a concerted effort on a project that is in support of bird habitat. Member Johnston said he and Member Piepho also participated in the field trip, and noted the compatibility between agriculture and wildlife friendly farming practices.

Chair Fiorini asked if there were any questions or comments from the Council members; there were none.

9. Implementation of the Delta Smelt Resiliency Strategy *(item taken out of order)*

Scott Brandl of the Delta Science Program introduced Agenda Item 9, Implementation of the Delta Smelt Resiliency Strategy and panelists Kris Tjernell, with the California Natural Resources Agency (Resources); Carl Wilcox with the Department of Fish and Wildlife (DFW); and Cindy Messer, with the Department of Water Resources (DWR). The staff report for item 9 is posted on the Council's website at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-september-29-30-2016-meeting-agenda-item-9-implementation-delta-smelt>. The purpose of this item was to present the Delta Smelt Resiliency Strategy (Strategy), a set of 13 immediate and near-term management actions intended to improve the status of delta smelt by promoting drought resiliency and improving habitat conditions. Long-term fish monitoring surveys in the Delta show record low numbers of delta smelt over a period of many years and prompted Resources to issue the Strategy in July 2016.

Mr. Tjernell introduced the Strategy's origin and purpose. Ms. Messer updated the Council on actions that occurred this summer including the food web pulse flow in the Yolo Bypass and provided a PowerPoint presentation which is posted on the Council's website at <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-september-29-30-2016-meeting-agenda-item-9-presentation>. Mr. Wilcox briefed the Council on other high profile actions that are being contemplated and may be of particular interest to the Council, including the possible summer outflow action next year, and a multi-year aquatic weed control and assessment program.

With Resources as the lead agency, the actions are to be implemented by DWR, DFW, and the Division of Boating and Waterways, with assistance from the U.S. Bureau of Reclamation.

At the conclusion of panel briefing, Chair Fiorini said he has come to realize that nothing good happens in the Delta without a champion to move things forward. This project, California EcoRestore, and the Yolo partnership show that obstacles have been overcome by cooperation.

Member Piepho asked if the Biological Opinions (BO) were driving any of these efforts or simply the Endangered Species Act (ESA). Mr. Wilcox said the action was over and above what was required in the BO or the ESA. Member Piepho noted that Ms. Messer discussed the blue-green algae and wanted clarification as to whether it was related to the smelt. Ms. Messer clarified that it wasn't. Member Piepho asked Mr. Wilcox how much the restoration of Frank's Tract would cost. Mr. Wilcox replied that restoration could be very expensive but that it had to be considered if the benefits associated with it would be worth taking the chance, and if something of that scale was needed to see benefits. The 5,000-acre area could also provide other benefits to the smelt particularly as it relates to salinity management and other issues. Member Piepho also asked if the rock barrier that was installed for salinity control and later removed effected the smelt population or was it too isolated of an effort? Mr. Wilcox responded that he didn't think that there was a benefit for the delta smelt associated with it other than to control the salinity.

Member Weinberg commended the interagency cooperation. He asked what the approach was when dealing with conflicts related to enhanced turbidity, flow, contaminants, etc. Ms. Messer responded by stating that they are fully embracing the adaptive management spirit of this project and have the flexibility to make changes as necessary. They are spending a lot of time in planning mode to identify opportunities and challenges moving forward. Member Weinberg asked if there were things we could do as an agency to help facilitate solutions to these challenges and asked Dr. Dahm for his thoughts on this project.

Dr. Dahm provided some background about a similar pulse flow that occurred this past spring, prior to the July pulse that assisted in the Strategy, and asked a number of questions of the panelists regarding the temperature during both pulses, the food web, salinity, and the planning underway to augment outflow for future efforts.

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

At the conclusion of Agenda Item 9, the Council recessed for lunch and reconvened at 2:00 p.m.

7. Executive Officer's Report *(Item taken out of order)*

Executive Officer Jessica Pearson began her report by noting that the two public workshops on the Delta Levees Investment Strategy Discussion Draft scheduled on Oct. 3 and Oct. 24, had been postponed. A notice was sent out using the Council's listserv stating that the workshops would be rescheduled at a later date.

Ms. Pearson briefed the Council on the State Water Resources Control Board's (Water Board) recently released draft flow objectives for the San Joaquin River and salinity objectives for the southern Delta in its Substitute Environmental Document (SED) for Phase One of a four-phase review process. She also drew the Council's attention to a letter from Governor Brown to Water Board Chair Felicia Marcus urging the Water Board to move more quickly to complete the remainder of its analysis on the Sacramento River basin. Executive Officer Pearson reminded the Council that the Delta Plan originally called for timely completion of the Water Board's work.

Ms. Pearson made brief comments on the groundbreaking for the Tule Red project. To date, this is the largest tidal wetland restoration project in the Delta. The project will return salty tides to several hundred acres in the Suisun Marsh to benefit native fish. Staff has worked with the proponents on their adaptive management plan and certified the project with the Delta Plan—without appeal—last spring.

Ms. Pearson announced that the Council's quarterly newsletter has been replaced with a monthly series of short, engaging video blogs highlighting the Council's projects and programs. The best way to view the blogs is to follow the Council on social media such as Twitter, Facebook, and Instagram, or by going to the Council's website at <http://deltacouncil.ca.gov/blogs>.

Ms. Pearson brought to the Council's attention four comment letters sent by staff. The first letter was sent to Claudia Gemberling, of Contra Costa County's Public Works Department on Aug. 30, regarding the Three Creeks Parkway restoration project initial study and mitigated negative declaration; the letter is posted on the Council's website at http://deltacouncil.ca.gov/sites/default/files/2016/08/DSCcomments_Three%20Creeks%20Parkway%20Restoration_ISMND.pdf. The second letter was sent to Dan Riordan, of DWR on Aug. 30, regarding the Decker Island Restoration Project mitigated negative declaration; the letter is posted on the Council's website at http://deltacouncil.ca.gov/sites/default/files/2016/08/DSCcomments_DeckerIslandMND_083016.pdf. The third letter discussed was sent to Kerry Sullivan of San Joaquin County's Community Development Department on Sept. 2, regarding the Draft San Joaquin County 2013 General Plan; the letter is posted on the Council's website at http://deltacouncil.ca.gov/sites/default/files/2016/09/DSC_SJCounty%20Letter_09-02-16.pdf. The last letter Ms. Pearson discussed was sent to David Tilley of the City of

West Sacramento's Community Development Department, on Sept. 19, regarding preparation of a draft EIR report for the City of West Sacramento General Plan Update; the letter is posted on the Council's website at http://deltacouncil.ca.gov/sites/default/files/2016/09/David%20Tilley_09192016.pdf.

7a. Legal Update

Ms. Pearson invited Bethany Pane to present the Legal Update. The Legal Update is posted on the Council's website at <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-september-29-30-2016-meeting-agenda-item-7a-legal-update>.

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

7b. Legislative Update

Ms. Pearson invited Ryan Stanbra to provide the Legislative Update, which is posted on the Council's website at <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-september-29-30-2016-meeting-agenda-item-7b-legislative-update>.

Included in Mr. Stanbra's update is 1) the Bill Tracking Report posted at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-september-29-30-2016-meeting-agenda-item-7b-september-legislative>; 2) AB 1755 and analysis, posted on the Council's website at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-september-29-30-2016-meeting-agenda-item-7b-ab-1755-and-analysis>; 3) SB 554 and analysis, posted on the Council's website at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-september-29-30-2016-meeting-agenda-item-7b-sb-554-and-analysis>; 4) AB 2800 and analysis, posted on the Council's website at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-september-29-30-2016-meeting-agenda-item-7b-ab-2800-and-analysis>; and 5) AB 2480 and analysis, posted on the Council's website at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-september-29-30-2016-meeting-agenda-item-7b-ab-2480-and-analysis>.

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

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 *(Item taken out of order)*

Dr. Cliff Dahm presented the Lead Scientist's Report covering a number of collaborative and science communication activities. The staff report for Agenda Item 8 is posted on the Council's website at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-september-29-30-2016-meeting-agenda-item-8-lead-scientists-report>.

Dr. Dahm reported on a review of the net Delta Outflow (NDO) report which is the four-phase process the Water Board is undertaking to develop and implement updates to the Bay-Delta Plan and flow objectives as noted by Executive Officer Pearson. Phase One

of the review is focused on southern Delta water quality and San Joaquin River flows. It is also focused on other changes that may be needed to update the remainder of the Bay-Delta Plan in order to protect beneficial uses including fish and wildlife. For Phase Two, the Water Board has requested that the Delta Science Program facilitate a peer review of a report provided by DWR that provided technical analysis of appropriate methodologies for determining the NDO. The Delta Science Program received the finished peer review report on Sept. 26, and the report will be available to the public in the near future.

Dr. Dahm provided summaries of journal articles, *Fish Hatchery Genetic Management Techniques: Integrating Theory with Implementation*; and *Mitigating Cyanobacterial Harmful Algal Blooms in Aquatic Ecosystems Impacted by Climate Change and Anthropogenic Nutrients*. Dr. Dahm also provided summaries of a special addition of the *San Francisco Estuary and Watershed Science* journal that includes a section that is also the first part of the State of Bay-Delta Science (SBDS) series of papers – *Predation on Fishes in the Sacramento-San Joaquin Delta: Current Knowledge and Future Directions* and *The Delta as Changing Landscapes*. The next two issues of the journal will include the rest of the SBDS papers. Dr. Dahm provided highlights from a Brown Bag Seminar on Deconstructing the Current California Drought.

Dr. Dahm said a poster that was presented at the July 2016 Delta Independent Science Board meeting was displayed outside the meeting room and encouraged everyone to look at it.

Dr. Dahm made brief remarks on the Science Enterprise Workshop that is taking place Nov. 1-2, at UC Davis. The purpose of the workshop is to bring together people from six large-scale, complex ecosystem groups: Florida Everglades, Chesapeake Bay, Puget Sound, the Great Lakes, coastal Louisiana, and the California Bay-Delta. More information on the workshop is available on the Council's website at <http://deltacouncil.ca.gov/event-detail/13602>.

Dr. Dahm announced that the National Research opened a call for nominations for a new project that is called 2016-17 Grand Challenges and Opportunities for Environmental Engineering and Science for the 21st Century. Information is posted on the National Academy of Science's webpage at <http://nas-sites.org/dels/eeschallenges/>.

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-september-29-30-2016-meeting-agenda-item-8-attachment-1-numbers>. Chair Fiorini asked if there were any questions or comments from the Council or public; there were none.

After the presentation of the Lead Scientist's Report, the Council recessed at 3:20 and reconvened at 4:28 to begin the public hearing.

11. Public Hearing: Single-Year Water Transfer Amendments

Chair Fiorini summarized the purpose, process, and protocols of the public hearing. He stated that a transcript of the hearing and all written materials presented during the hearing will be made part of the rulemaking record.

Chair Fiorini called on Anthony Navasero, senior engineer at the Council, to provide introductions and brief introductory remarks for Agenda Item 11. Mr. Navasero introduced the panelists: Jeremy Brown, of the Attorney General's Office; Gwendolyn Buchholz, project manager for CEQA analysis, CH2M HILL; Ellen Garber, the Council's CEQA consultant, Shute Mihaly & Weinberger, LLP; and Stephen Hatchett, project manager for regulation amendment, CH2M HILL.

Mr. Navasero provided a brief summary of the background, development and stakeholder process, and staff recommendation for the proposed Addendum to the Delta Plan Programmatic Environmental Impact Report (Delta Plan EIR). The staff report for Agenda Item 11 is posted on the Council's website at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-september-29-30-2016-meeting-agenda-item-10-single-year-water>. Attachment 1, Proposed Language of the Amendment of Existing Regulation 23 C.C.R. §5001(dd)(3) to Exclude Single-Year Water Transfers as Covered Actions and Amendment of WR R15 of the Delta Plan, *Enhanced Interagency Cooperation, Review and Reporting of Cross-Delta Water Transfers Improve Water Transfer Procedures* is posted on the Council's website at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-september-29-30-2016-meeting-agenda-item-10-attachment-1-proposed>; Attachment 2, Addendum to the Delta Plan Programmatic Environmental Report dated Sept. 2016, is posted as Exhibit A of Attachment 6, on the Council's website at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-september-29-30-2016-meeting-agenda-item-10-attachment-6-exhibit>; Attachment 3, Statement of Exemption is posted as Exhibit B of Attachment 6, on the Council's website at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-september-29-30-2016-meeting-agenda-item-10-attachment-6-exhibit-b>; Attachment 4, Draft Final Statement of Reason, is posted on the Council's website at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-september-29-30-2016-meeting-agenda-item-10-attachment-4-draft-final>; Attachment 5, STD Form 399 Economic and Fiscal Impact Statement, is posted on the Council's website at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-september-29-30-2016-meeting-agenda-item-10-attachment-5-std-form-399>; and Attachment 6, Resolution 2016-01 Adoption of Addendum to Delta Plan EIR; Determination of CEQA Exemption; Approval of Amendments to California Code of Regulations, Title 23 Section 5001(dd)(3) and Delta Plan Water Reliability Recommendation 15 Regarding Single-Year Water Transfers, is posted on the Council's website at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-september-29-30-2016-meeting-agenda-item-10-attachment-6-resolution>.

Ms. Buchholz stated that 11 comments were received during the 30-day public comment period for the Delta Plan EIR (included in the meeting packet under

Attachment 6, Resolution 2016-01, Exhibit A). She reviewed the following areas of stakeholder concern and stated the concerns were addressed in the Draft Plan EIR:

- The lack of analysis of specific water transfers
- The status of the current litigation on the Delta Plan and the Delta Plan EIR
- The outdated condition descriptions
- The potential impacts not addressed in the findings from other reports that groundwater substitution could be a proposed source of the transferred water
- The possibility that use of the transferred water may lead to other effects

Bethany Pane, acting chief counsel, noted that AquAlliance's comment pointed out that the comment period closes at 5:00 p.m. and wanted to ensure that the Council had the benefit of full receipt of those comments before deliberating and voting. Ms. Pane responded, "...rest [the Council] and the public assured that is our full intent. It is looking like this hearing will be running past 5:00 but we will be sending Anthony to a huddle spot to check the email at 5:00 and also confirm that our upstairs has received no additional mailings or drop-offs this evening and then let you know what the status of those comments are. If we have received new comments we will huddle and report back to you on them. If we haven't we'll let you know and the record will reflect that no new comments have come in."

Ms. Garber gave the staff response to a comment that had been received earlier during the 15-day public review period. She said the proposed extension of the exemption would not cause any change to the physical environment and that CEQA only looks at physical changes in the environment. This exemption will continue the physical status quo and will not have any effect on the existing regulatory measures taken by the other regulatory agencies.

Mr. Navasero reviewed the proposed rulemaking documents included in the meeting packet under Attachments 4-6.

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

Public Comment – Agenda Item 11

Jon Rubin, general counsel, San Luis & Delta-Mendota Water Authority, spoke in support of the staff resolution and encouraged the Council's adoption of the amendments that have been proposed by staff. The amendments before the Council are consistent with State policy and respect the importance of water transfers for the State of California and particularly for the members of the Water Authority.

Eric Chapman, deputy general manager, State Water Contractors, spoke in support of the staff resolution. The State Water Contractors submitted letters in June and September in support of the Addendum for the single-year water transfers exemption from the Delta Plan's regulation. The current level of review for transfers and the formal review going through DWR and the Water Board is sufficient. The exports of all transfers are subject to the flow and quality criteria established by the Water Board in

the BOs. The transfers are subject to at least the 20 percent carriage water reduction that provides beneficial flows through the Delta during these transfers. Mr. Chapman also expressed support based on timing: the contractors do not know how much water is needed through transfers until late into the year. At that point there is limited time to negotiate, establish, and form these agreements, and go through the current process in order to enable the transfer during the limited three-month window.

Greg Zlotnick, San Juan Water District, spoke in support of the staff resolution. He echoed Mr. Rubin's comments about consistency with State policy and urged the Council's support. Mr. Zlotnick said that letters had been sent by the Northern California Water Association and the El Dorado Irrigation District expressing support of the amendments.

Rebecca Franklin, Association of California Water Agencies, spoke in support of the staff resolution. She agreed that single-year water transfers are an important mechanism for meeting water demands, especially in times of water scarcity. Ms. Franklin said she believes the flexibility offered by single-year water transfers helps ensure the coequal goals of water supply reliability and ecosystem restoration. Ms. Franklin said she appreciated the thoughtful approach the Council has used in considering the proposed amendments to exempt single-year water transfers as covered actions under the Delta Plan and urged the Council's adoption of the amendments.

Chair Fiorini summarized comments from members of the public who were not in attendance:

Osha Meserve submitted a letter in opposition to the staff resolution.

John Mills submitted a letter in support of the staff resolution.

Ted Trimble, Western Canal Water District, submitted a letter in support of the staff resolution.

John Kingsbury, Mountain Counties Water Resources Association, submitted a letter in support of the staff resolution.

Comment letters on the Single-Year Water Transfers Amendments are posted on the Council's website at <http://deltacouncil.ca.gov/single-year-water-transfers-amendment-0>.

Following the public comment, the Council began deliberations. Member Piepho suggested adding "water quality in the Delta" after "the protection of water rights" and prior to "and environmental resources" in the bottom section of Attachment 1, Proposed Amendment to the Existing Regulation.

Ms. Garber agreed with the added language but stated the resolution should be amended to acknowledge that the additional language does not change the exemption or CEQA determinations.

Member Weinberg asked how Member Piepho interpreted the protection of water quality.

Member Piepho said the language is currently limited to promoting increased efficiency and flexibility, but this cannot occur without also preserving water quality in order to meet the coequal goals.

Member Weinberg asked staff why it is worded “environmental resources” and if that also includes water quality.

Mr. Navasero said staff interprets “environmental resources” as encompassing water quality as well.

Chair Fiorini summarized Council Member Weinberg’s comments to mean that adding more high-quality water into the flows through the Delta is likely not to degrade water quality but to improve it. Member Piepho said she understood the interpretation of environmental resources and withdrew her suggestion.

Ms. Pane and Mr. Navasero confirmed that no additional public comments had been submitted in person or electronically as of 5:03 p.m.

As there was no further public comment, Mr. Navasero said staff recommended the Council adopt Resolution 2016-01, included in the meeting packet under Attachment 6, as follows:

1. Adopt the Final September Addendum for the Single-Year Water Transfers.
2. Determine that the Project is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3).
3. Approve the amendment to WR R15 in order to encourage DWR, the Water Board, and CDFW to memorialize certain interagency procedures adopted on a temporary basis in response to recent drought conditions.
4. Approve the amendments to Title 23 of the California Code of Regulations, section 5001, subdivision (dd)(3) to permanently exempt single-year water transfers from the Delta Plan’s regulation of covered actions.
5. Direct the Executive Officer to correct any errata or non-substantive changes identified at this meeting and to finalize all elements of the rulemaking package and submit it to OAL once that is complete.
6. Grant the Executive Officer discretion to make changes required by OAL in order to comply with the requirements of the Administrative Procedures Act and inform the Council of any such changes.

Chair Fiorini closed the public hearing.

Motion: (Offered by Piepho, seconded by Damrell) to accept the staff resolution as read into the record.

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

The video showing this motion and vote can be found on the linked agenda at <http://www.cal-span.org/cgi-bin/archive.php?owner=DSC&date=2016-09-29&player=jwplayer> at 3:42:53.

Chair Fiorini adjourned the meeting for the day at 5:06 p.m.

Day 2: Thursday, September 30, 2016

13. Call to Order

The meeting was called to order at 9:00 by Chair Randy Fiorini.

14. Roll Call – Establish a Quorum

Roll call was taken and a quorum established at 9:05 a.m. The following members were present: Patrick Johnston, Frank Damrell; Ken Weinberg, Aja Brown, Susan Tatayon, Randy Fiorini and Mary Piepho.

15. Laying the Foundation for a Proposed Ecosystem Restoration Amendment to the Delta Plan

Before introducing Agenda Item 15, Ms. Pearson announced Jessica Davenport had accepted a position with the California Coastal Conservancy. Ms. Pearson expressed her appreciation for Ms. Davenport and her contributions to the Council.

Ms. Davenport presented Agenda Item 15 and introduced the panelists, Dr. Letitia Grenier of the San Francisco Estuary Institute (SFEI), and Dr. Brooke Jacobs and Dr. Christina Sloop, both with DFW. The staff report for item 15 is posted on the Council's website at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-september-29-30-2016-meeting-agenda-item-15-laying-foundation>. The item includes presentations on two efforts that will help lay the foundation for the development of an amendment to the Delta Plan's ecosystem restoration chapter.

Dr. Grenier presented a PowerPoint that previewed *A Delta Renewed: A Guide to Science-Based Ecological Restoration in the Delta*, funded by DFW. The presentation is posted on the Council's website at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-september-29-30-2016-meeting-agenda-item-15-presentation-guide>.

Dr. Jacobs and Dr. Sloop provided a PowerPoint presentation, updating the Council on the development of the *Delta Conservation Framework* (Framework); posted on the

Council's website at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-september-29-30-2016-meeting-agenda-item-15-presentation-delta>.

At the conclusion of the presentations, Chair Fiorini asked the Council members if they had any questions or comments.

Chair Fiorini said he thought the presentations summarized the need to improve the land/water connection in the Delta and the need to improve habitat, but thought that he would hear more about stressors and stressor control as they relate to the conservation measures. If a goal was to have a native-dominated biota, this is not always possible because of the stressors including non-native species, invasive aquatic weeds, and contaminants. Dr. Grenier said they were using a "nested approach" and stressors were nested in the over-arching strategies. Dr. Sloop added that there was a need for a high-level broad planning document, setting the stage for more regional strategies that locals can pull from the broad strategies and develop for that particular area.

Vice-Chair Tatayon said she found the presentations exciting and agreed that the reports from SFEI and DFW are opportunities to develop a vision in the Delta. Referring to slide 9 of the Framework presentation, when speaking of integration, Vice-Chair Tatayon asked if that was meant to include upstream actions that would impede implementation of the suggested actions in the Framework. Dr. Sloop said that they have received very clear feedback from the stakeholders that the Delta cannot be thought of in isolation, and that upstream issues with regard to the various strategies will be part of the discussion.

Member Damrell asked if the panel felt they had sufficient support from local residents. He said the approach should not be from the "top down." Dr. Sloop responded they were starting the process and inviting people to participate but acknowledged that it will take time to gain their trust. From the feedback received, however, she said people are positively surprised that they are reaching out to get residents at the table. They are also working closely with the Delta Protection Commission (DPC) and the Delta Conservancy (Conservancy). Dr. Jacobs reported that the workshops include small breakout groups to give everyone an opportunity to look at sections of the document as they are being developed. The small groups provide the opportunity to voice concerns, criticisms, suggestions, then integrate them before the next work session. There will be a review period after the plan is developed.

Member Brown commended the work of the panel and suggested outreaching to schools in the area as a way to bring an important topic home to the parents.

As Chair of the DPC, Member Piepho said she appreciated Member Damrell's comment about local input. Regarding slide 9, Member Piepho requested the definition of "low-impact recreation". Dr. Sloop said she had received strong feedback that recreation shouldn't hurt habitat. In response to that concern, she described it as "low-impact" to mean thinking strategically about where and what we do as recreation. Member Piepho inquired about the location of the meetings. Dr. Jacobs responded that the first meeting was held at the Conservancy's office in West Sacramento and all others are being held at the Jean Harvie Center in Walnut Grove. Member Piepho also asked if they were

reaching out to local elected officials and others with listserv mailings. Dr. Sloop responded that they are working with the DPC on local outreach and Dr. Jacobs noted the participation of the Delta Counties Coalition.

Member Peipho also asked them to make a presentation to the DPC and inquired how these documents can be used in the future, especially in terms of permitting. Dr. Jacobs responded that the Framework is a conversation starter and intends for this document to assist agencies and locals in figuring out how to manage permitting.

Member Damrell stressed the importance of getting all counties engaged in this process.

Member Johnston inquired about the status of EcoRestore and how it will benefit from the Framework process. Dr. Jacobs noted that EcoRestore is a separate process, but that the Framework is meant to be a long-term continuation of EcoRestore.

Member Weinberg inquired how the recommendations in the SFEI report would help individual species. Dr. Grenier responded that the recommendations should lift all species by taking a landscape approach to habitat restoration. Member Weinberg also referenced the coequal goals and asked how the collective work of SFEI and DFW will help in achieving these goals.

Chair Fiorini noted that the work Drs. Grenier, Sloop, and Jacobs are doing is helping the Council determine how to affect the coequal goals and in particular how best to address some of these orphan conservation measures and knit them into the Delta Plan.

Member Johnston asked about the scale of projects and how scale will be taken into consideration in the Framework. Dr. Sloop responded that the scale is important. She said that often larger projects are better, but sometimes small projects are also very effective. Dr. Grenier responded that more important is a shared vision. This shared vision that's coming will help us tackle these issues as a team.

Member Johnston asked who's going to be keeping track and monitoring efforts in the Delta and whether an effort is applicable to the Framework? He encouraged real specificity in the Framework around where efforts and projects should occur. Dr. Grenier referenced the Conservancy's intention to link funding to the Framework and other planning documents. Dr. Jacobs and Ms. Davenport referenced similar requests for specificity with Dr. Jacobs noting that the regional plans will get more specific.

Ms. Pearson encouraged the Framework authors to be more explicit in the link between the Framework and the coequal goals and encouraged the authors to think about research needs and identify how the Council can assist in these efforts. Ms. Pearson also asked how the Framework's regional strategies would be developed, if they would include performance measures, and how the funding will be managed. Dr. Sloop responded that the regional strategies would start to be teed up in the third workshop.

Chair Fiorini impressed upon panelists that we're relying on the work they're doing to assist in the Council's efforts.

16. Update on Delta Plan Amendment for Conveyance, Storage, and Operations

Ms. Pearson reminded the Council that with the end of the Bay-Delta Conservation Plan and the Administration's shift to WaterFix, the Council had begun to update the way the Delta Plan addressed conveyance, storage, and operations. Cassandra Enos, deputy executive officer for planning, and Anthony Navasero, senior engineer, briefed the Council on progress in the development of the Delta Plan amendment to promote options for new or improved conveyance, storage and the operation of both to further the coequal goals. The staff report for this agenda item is posted on the Council's website at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-september-29-30-2016-meeting-agenda-item-16-update-delta-plan>. Staff noted the development of the *19 Principles for Water Conveyance in the Delta, Storage Systems and for the Operation of Both to Achieve the Coequal Goals* (posted on the Council's website at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-september-29-30-2016-meeting-agenda-item-16-attachment-1-19>), as well as the role of the Council and the Delta Plan in conveyance, storage, and operations (posted on the Council's website at <http://deltacouncil.ca.gov/docs/delta-stewardship-council-september-29-30-2016-meeting-agenda-item-16-presentation-update-delta>). At a future meeting, staff will bring the Council a discussion draft amendment for conveyance, storage, and operations, as well as a plan for public engagement in the development of subsequent drafts.

Member Johnston referenced the *19 Principles*, noting that the conveyance principles were too brief. Member Johnston said he agrees that we should focus on outcomes, but wants the Council to think about how we can be clear and specific. Additionally, any proposal should include a long-term and well-funded adaptive management plan. Member Damrell agreed with Member Johnston, stating that as is, things are too bare-bones.

Vice-Chair Tatayon said she expects that staff will translate the principles into screening criteria to use to make the principles actionable.

Member Weinberg asked how we make a consistency determination if we're looking at storage above or below the Delta. Ms. Enos responded that one thought is that if a project is funded by Proposition 1, the project must show benefit to the Delta and may be considered a covered action.

Chair Fiorini suggested a framework for moving forward. He said the coequal goals are the umbrella. There are three distinct regions: Delta, watershed, and export area. Not every solution is going to cover all three. Look at the coequal goals through the lens of each of these regions and apply the principles to those. He said one of the best ways the Council may provide value is to provide proscriptions for outcomes. When developing suggested outcomes that are derived from the principles, come up with examples that provide the best for each. Then bring back a suite of recommendations that touch on all of these key areas. Vice-Chair Tatayon also suggested providing a

theoretical observation on how they work together to integrate and achieve the coequal goals. Member Damrell encouraged staff to relate this effort to the larger picture.

Member Piepho recommended a reasonable range of options, the use of best available science, and that we ensure consistency with the coequal goals.

Ms. Pearson noted that staff is approaching this as a comprehensive amendment with planning and science staff engaged in developing the amendment and that staff would bring back a specific discussion draft for the Council.

17. Public Comment

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

18. 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 – October 27-28, 2016.

The meeting adjourned at 11:25 a.m.