

Meeting Summary

Day 1: May 17, 2012 (9:00 – 11:00 a.m. PDT)

1. Welcome and Introductions

The teleconference was called to order at 9:02 a.m., May 17, 2012, by the Chair of the Delta Independent Science Board (ISB or the Board), Dr. Richard Norgaard. One member of the Board was present: Richard Norgaard. Eight members attended by phone: Brian Atwater, Elizabeth Canuel, Tracy Collier, Edward Houde, Judy Meyer, Jeffrey Mount, Vince Resh, and John Wiens. No members were absent.

None of the Board members reported new conflicts or disclosures.

Delta Science Program (DSP) Staff in attendance: Peter Goodwin, Lauren Hastings, Marina Brand, and Joanne Vinton.

2. Finalize and Approve Memo to the State Water Resources Control Board regarding the Bay-Delta Water Quality Control Plan Update (action)

At the Board's March 8-9 meeting, Les Grober gave Board members an update on the State Water Resources Control Board (SWRCB) efforts in the Delta. To see Grober's handout from the meeting, which includes five questions to the ISB, [click here](#) (the questions are on the bottom of page four). At its May 3-4 meeting, the Board discussed the five questions and its draft responses. Board members then revised their responses and sent them to Collier, who compiled their responses into a draft memo that was discussed at this May 17 teleconference.

Board members asked Collier to include some additional ideas in the memo's summary that are in the body of the memo. In the first sentence of the second paragraph, they suggested underlining a key phrase, so that the sentence would read:

“The Delta Independent Science Board endorses the proposed use of percent of unimpaired flow as a step toward improving the outlook for fish and other wildlife of the San Joaquin River and tributaries.”

The Board also felt that it is inappropriate for the SWRCB to pit impacts to the ecosystem against the cost of water.

Board members discussed deleting the final paragraph of the memo, and made several other suggestions. To see the Board's final responses to Grober's questions, [click here](#). To see the Board's draft responses to Grober's questions, [click here](#).

Public Comment

Dr. Valerie Connor, State and Federal Contractors Water Agency—Connor could not participate in the teleconference, so she sent an email message and attachment to the Board. To see the message and attachment, [click here](#).

Jerry Johns, former employee at the Department of Water Resources—Johns said that he works with Dr. Valerie Connor of the State and Federal Contractors Water Agency. He said that unimpaired flows are a blunt instrument. Fish need minimum critical flows, which should be used instead of unimpaired flows. Unimpaired flows do not take into account water temperature. Nitrogen should also be considered. The important issue is to find the mechanism that best protects the resource. Survival of fish has decreased markedly in the south Delta. The coequal

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goals cannot be achieved without taking this problem into account, and it is not related to flow. Johns said that there is a need to develop expected outcomes for adaptive management. He said that balancing trade-offs in fish and wildlife beneficial use as opposed to the cost of water supply should happen as the SWRCB updates its Bay-Delta Plan and not at the end. Johns supports a system-wide plan.

Sheila Greene, Westlands Water District—Greene said that another biological consequence of decreasing food availability in the Delta is the negative effect on birds that use the Pacific flyway. Low survival of salmon in the San Joaquin River is not explained by flows. Greene said that unimpaired flows are not the same as natural flows, and she asked if it is possible to operate dams to mimic natural flows. Could operating dams to mimic natural flows drain the cold water pools in reservoirs?

John Kingsbury, Mountain Counties Water Resources Association—Kingsbury said that the memo is premature. It does not include analysis of the tributaries. The landscape has changed in northern California counties, so not as much water is flowing into the reservoirs. Increased flows out of reservoirs would drain Folsom Lake and stress levees. Releases from dams are also used to reduce intrusion of salt water into the Delta and if there were a levee failure, there might not be sufficient fresh water to counteract the intrusion of saltier water.

John Shelton, Department of Fish and Game—Shelton supports the memo, especially the first sentence of the second paragraph quoted on page 1 of these notes. He says that reduced fish survival is related to flow. A natural flow regime is better for a river system that evolved with variable flows from year-to-year. Managing cold water pools in reservoirs while mimicking natural flows is not an insurmountable problem. The natural flow regime is not based on making each year the best, but rather recognizes inter-annual variability in flow. It is not as complicated on the San Joaquin River as on the Sacramento River and on the San Joaquin River, affect on migratory birds is not an issue.

B.J. Miller, San Luis Delta-Mendota Water Authority—Miller is concerned about fish mortality in the Delta as the mortality of outmigrating salmon smolts is increasing. He felt that this is due to predation. Small reductions in mortality have high effects on survival and should be investigated. He also asked if mortality is correlated with flow.

Steve Ottemoeller, Friant Water Authority—Ottemoeller said that using percent of unimpaired flow is not scientific; it is political. Endorsing use of percent of unimpaired flow contradicts the last paragraph in the Board's response to question 4, which states:

“Spatial patterns of flow also need further consideration. The proposed plan does not identify areas in the San Joaquin system where investment (e.g. restoring the hydrograph) would have the greatest benefits to fish and ecosystem processes. Adherence to flow regime, alone, assumes equal benefit everywhere, but this is not likely to be the case. Accordingly, we recommend that the approach consider strategic investments in flow, and control flows at locations and times where the return will be greatest.”

Use of percent of unimpaired flow is incompatible with adaptive management. Ottemoeller suggested that the Board read the San Joaquin River Restoration Settlement Act because the hydrograph that was developed for the settlement is not simply unimpaired flows. He requested that the Board not endorse the use of unimpaired flow.

Audrey Kelm, San Joaquin Tributaries Authority—Kelm said that the Board's memo should discuss greater fluctuation in flows instead of percent of unimpaired flow. She said that balancing tradeoffs, which is mentioned in the final paragraph of the memo, is the role of the SWRCB. The Board should avoid policy statements and provide the viewpoint of scientists.

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Kelm wants to know the effects of different percentages of unimpaired flow. She said that 0.7 percent or fewer salmon migrate after June 30.

Greg Zlotnick, consultant for the State and Federal Contractors Water Agency—Zlotnick agrees with Ottemoeller’s comments. Phrases from the Board’s memo could be taken out of context and quoted, such as “The Delta Independent Science Board endorses the proposed use of percent of unimpaired flow...” He asked the Board to edit carefully, to not fall into a trap of grasping a simple solution to a “wicked” problem, and to not forget that the coequal goals are the policy of the state.

Response to Public Comments

Mount recused himself from discussion of this agenda item and work product because his spouse works for the SWRCB, potentially representing a conflict of interest.

Houde, Meyer, Norgaard, Resh, and Wiens all agreed that the science used to write the memo is good, but the memo might need careful editing to assure precision. The memo is just the beginning of their review of the Bay-Delta Water Quality Control Plan Update.

Board members will send their comments on the draft memo to Collier, who will edit the draft memo. Board members’ comments will be based on the public comments and discussion.

3. Review Draft Work Plan for the Delta ISB, Finalize and Approve as Appropriate (action)

In response to a request from the Delta Stewardship Council (DSC), Norgaard, Collier, and Hastings agreed to develop a work plan and schedule to present to the DSC at its next meeting on May 24, 2012. To see the first and revised drafts of the Board’s workplan, [click here](#).

The Board will review the Final Staff Draft of the Delta Plan. The DSC Executive Officer, Joe Grindstaff, explained what key items he would most like the Board to review. The Board will focus its comments on the science used (is it the best available?) and on the Delta Science Plan. Board members assignments are:

Chapter	Title	Board member
0	Executive Summary	All
1	Introduction	All
2	The Delta Plan	All
3	A More Reliable Water Supply for California	Mount
4	Protect, Restore, and Enhance the Delta Ecosystem	Meyer, Houde, Wiens, Resh
5	Protect and Enhance the Unique Cultural, Recreational, Natural Resources, and Agricultural Values of the California Delta as an Evolving Place	Norgaard, Houde
6	Improve Water Quality to Protect Human Health and the Environment	Collier, Canuel, Resh
7	Reduce Risk to People, Property, and State Interests in the Delta	Atwater, Mount

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8	Funding Principles to Support the Coequal Goals	Norgaard
Appendix A	Adaptive Management and the Delta Plan	Wiens, Resh

Board members will send their comments to Norgaard, who will compile them. The Board will discuss the compiled comments at its June 8 teleconference.

Grindstaff announced that he will be retiring in the next few months.

The draft work plan lists discussion of the Delta Science Plan at a March 2013 Board meeting. The DSC wants progress sooner, though, so the date might be adjusted.

The Board also discussed how it might initiate its review of the Delta Science Program. Ideas included looking at how the National Science Foundation (NSF) conducts its reviews and asking the DSP to direct the ISB's review by providing specific questions.

The release dates are uncertain for the Bay Delta Conservation Plan (BDCP) EIR/EIS and the Substitute Environmental Document (SED) for the San Joaquin River flow and southern Delta water quality objectives, so the Board cannot set definite deadlines for its review. This affects the dates provided in the work plan.

4. Public Comment

None.

5. Preparation for Next Delta ISB Meeting

During the June 8 teleconference, the Board will discuss:

- Review of the Final Staff Draft of the Delta Plan
- Organization of science in the Bay Delta Conservation Plan (BDCP)

Atwater wrote a draft memo that includes recommendations to 1) structure the research and monitoring program in the BDCP to promote scientific synthesis and consensus through integration with existing Delta science programs, and 2) provide informative chapter summaries in the environmental impact report (EIR/EIS) and the Plan to facilitate efficient and thoughtful review. The Board will review the memo and revise it, if needed, then discuss and finalize the memo.

- Review of the BDCP Draft EIR/EIS

Board members will discuss the idea of starting a review of sections of the administrative draft EIR/EIS of the BDCP that are not likely to change, such as sections on existing conditions.

The Board delayed continued discussion of how it would initiate its review of the DSP until the July meeting. At that time, the Board may ask that the DSP provide information about how the DSP organizes independent review panels.

10:58 a.m. – Adjourn