

- AMENDED -
January 23, 2014
DELTA STEWARDSHIP COUNCIL
Park Tower Plaza
980 9th Street, Sacramento, CA 95814

MEETING SUMMARY

Thursday, January 23, 2014, 9:00 a.m. – 4:30 p.m.

1. Welcome and Introductions

The meeting was called to order at 9:00 a.m., January 23, 2014, by Chair Phil Isenberg.

2. Roll Call – Establish a Quorum (Water Code §85210.5)

Roll call was taken and a quorum established at 9:42 a.m. The following members were present: Patrick Johnston, Frank Damrell, Randy Fiorini, Phil Isenberg, Hank Nordhoff, Gloria Gray and Larry Ruhstaller.

3. Chair's Report

Chair Isenberg stated he did not have a Chair's Report and suggested the Council move to the adoption of last month's meeting summary. Without Council objection, Item 5, Adoption of December 19, 2013 Meeting Summary, was taken out of order and heard next.

5. Adoption of December 19, 2013 Meeting Summary (Action Item)

Chair Isenberg asked if there were any questions, suggestions or comments from the Council or public regarding the December 19, 2013 meeting summary. There were none.

Motion: (Offered by Nordhoff; seconded by Gray) to approve the December 19, 2013 Meeting Summary.

Vote: (7/0: Damrell, Ruhstaller, Fiorini, Isenberg, Nordhoff, Gray, Johnston) and the motion was adopted.

The video showing this vote can be found at: <http://dsc.videosscc.com/archives/012314/> Agenda Item 5. Archive Segment Number 2 of 31 at 00:20.

After the adoption of the December 19th meeting summary, without Council objection, Agenda Item 4, Election of Council Chair and Vice Chair was heard next.

4. Election of Council Chair and Vice-Chair (Action Item)

Chief Counsel Chris Stevens introduced Item 4, Election of the Council Chair and Vice-Chair. Mr. Stevens discussed provisions of the Delta Reform Act that require Council members to elect a full-time chair to serve up to a four-year term. Mr. Stevens stated current Chair Phil Isenberg was elected by the Council at the inaugural meeting on April 1, 2010 and Council member Fiorini has served as Vice-Chair since April 22, 2010. The new Chair and new Vice Chair can serve up to four years in their new capacity, or the limit of their appointed term, whichever is shorter. Mr. Stevens also discussed the Delta Stewardship Council Meeting Procedures (Adopted on April 22, 2010) and suggested procedures and process for the nominations and motions for the election. Following Mr. Stevens' briefing the election of the Chair and Vice-Chair commenced.

Election of Council Chair

Motion: (Offered by Ruhstaller, seconded by Gray) to nominate Council member Fiorini as Council Chair. As no other nominations were offered, Council member Fiorini accepted the nomination, and then left the dais while the Council deliberated and voted on the nomination.

Vote: (6/0: Ruhstaller, Gray, Nordhoff, Johnston, Isenberg, Damrell) (Fiorini abstained from vote) and the motion was adopted.

The video showing this motion and vote can be found at:

<http://dsc.videosscc.com/archives/012314/> Agenda Item 4, Index 2. Archive Segment Number 4 of 31 at 00:09 and 01:56.

Election of Council Vice-Chair

Motion: (Offered by Damrell, seconded by Ruhstaller) to nominate Council member Isenberg as Council Vice-Chair. As no other nominations were offered, Council member Isenberg accepted the nomination, and then left the dais while the Council deliberated and voted on the nomination.

Vote: (6/0: Ruhstaller, Gray, Nordhoff, Johnston, Fiorini, Damrell) (Isenberg abstained from vote) and the motion was adopted.

The video showing this motion and vote can be found at:

<http://dsc.videosscc.com/archives/012314/> Agenda Item 4, Index 4. Archive Segment Number 5 of 31 at 00:10 and 01:12.

Following the elections, Mr. Isenberg stepped down as Chair and new Council Chair Fiorini presided over the meeting. Chair Fiorini asked if there were any members of the public who wished to comment, there were none.

6. Executive Officer's Report

Chris Knopp began the Executive Officer's Report by recapping the last Council meeting discussions on priorities for 2014. He noted that at the December 2013 meeting 16 recommendations from the Delta Plan's 73 recommendations were identified as first-year priorities. The discussions included how recommendations would move forward and from those discussions, Mr. Knopp stated the Council advised him to prioritize the priorities, being more focused and deliberate on how they are executed, and providing progress reports. Mr. Knopp stated the top priorities within the 16 first year priority recommendations were the assessment of guide state investments in Delta levees; implementation of the Implementation Committee; development of the Science Action Agenda; flow studies, emergency preparedness for the Delta; and a communication plan. Mr. Knopp gave a brief update on the Council's role and the progress made on these priorities.

Mr. Knopp stated that the recommendations were our charge and required coordination with one or more agencies on activities that are relevant and important to Delta water supply or ecological recovery. Mr. Knopp stated a staff member will be assigned to each individual item, reporting directly to Mr. Knopp with a timeline for the assigned recommendation.

Other announcements Mr. Knopp made included the Drought Declaration issued by the Governor the previous day and personnel activities in which the Council is involved. Finally, Mr. Knopp stated the staff is working on a monthly newsletter for the Council with an anticipated release date in February.

Quarterly Contracts Update (Action Item)

Mr. Knopp drew the Council's attention to the Quarterly Contracts Update, which was included with the members' meeting materials. On page 6 of the Contracts Update, a pending "receivables" contract with the Bureau of Reclamation for \$2.024M required Council approval. This contract with Reclamation is a multi-year contract for the Delta Science Program to provide the resources for managing and convening independent review panels for several anticipated synthesis reports on the effects of adaptive management actions.

Motion: (Offered by Johnston, seconded by Damrell) to approve the Quarterly Contract Update (Delta Science Program Independent Review Contract with the Bureau of Reclamation for \$2.024M.)

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

The video showing this vote can be found at: <http://dsc.videosscc.com/archives/012314/> Agenda Item 6 Index 1. Archive Segment Number 8 of 31 at 11:30.

Legislative Update

Jessica Pearson presented the Legislative Update. Ms. Pearson stated the Bill Tracking Report contained bills of interest that have been introduced or successfully carried over from the previous year. Ms. Pearson said she expects there to be many water, flood and drought related bills introduced in the next few weeks.

Ms. Pearson stated it was the second year of a two-year session and also an election year. Ms. Pearson announced upcoming changes in the legislative leadership that are expected to occur - Senator Kevin DeLeon will replace Senator President Steinberg between now and the fall and Assemblymember Tony Atkins will replace Speaker John Perez this summer, after budget is completed. Ms. Pearson made brief remarks about five statewide ballot propositions that were certified – one on the state's June ballot and four on the state's November ballot. The Governor has not stated a position on the water bond first approved for the 2010 ballot but leaders of the Senate and Assembly are calling for a revised water bond for this year's ballot. Ms. Pearson briefly described other water bond bills by Senator Pavley, Senator Wolk, Assemblymember Anthony Rendon and Assemblymember Dan Logue.

Ms. Pearson made brief comments on a visit by House Speaker John Boehner to the Central Valley. Speaker Boehner was joined by Congressmen Devan Nunes, Kevin McCarthy and David Valadao to propose emergency legislation aimed at drought relief. Senator Feinstein responded in a January 22, 2014 letter in which she expressed concern that the proposed congressional legislation would preempt state laws and waive the Environmental Species Act. Ms. Pearson stated Senator Feinstein is drafting her own drought legislation that she plans to introduce soon.

7. Delta Independent Science Board Report

The Delta ISB Report was presented by Dr. Tracy Collier. Dr. Collier briefed the Council on the November 21-22, 2013, and the January 16-17, 2014, Delta ISB meetings. The first day of the November meeting was a joint meeting held with the Council. On the second day the Board, at the request of the Council, discussed the 2013 Draft California Water Action Plan. The Board noted the Water Action Plan mentioned the Council and implementation of the Delta Plan but it didn't mention the Delta Science Plan. At the direction of the ISB, Dr. Lund and Dr. Collier prepared a comment memo to the Secretaries of the Natural Resources Agency, Environmental Protection Agency and Department of Food and Agriculture (Attachment 1). The memo noted the Delta Science Plan provides an opportunity to enhance the scientific basis for policy discussions regarding the Delta and California's water problems. The final California Water Action Plan is intended to lay out goals and vision for the next five years guiding state efforts to enhance water supply reliability, restore damaged and destroyed ecosystems, and improve the resilience of our infrastructure.

Dr. Collier updated the Council on the activities and next steps of the Fish and Flows team. Dr. Collier announced the addition of a new member (Steve Brandt) to the team.

Next, Dr. Collier briefed the Council on the review of the BDCP Draft EIR/EIS. Dr. Collier stated the ISB members discussed their chapter review assignments, the draft framework they would be using for the review, and a list of overarching issues, such as reverse flows, fish screen efficiency, and the potential for substituting habitat for flow. Dr. Collier stated it was the Board's intention to try to get its comments to the Council by mid-March. The ISB continued its review of the BDCP DEIR/EIS, discussing their assigned chapters and reviewing papers generated by other groups at the January 16-17 meeting. Dr. Collier stated the ISB is meeting again on February 24-25 to continue discussing and preparing its comments.

Throughout the ISB Chair's Report, Dr. Collier heard Council members' comments, answered questions and provided clarification.

8. Lead Scientist's Report

Dr. Peter Goodwin presented the Lead Scientist's Report. Dr. Goodwin made brief comments about the prior week's ISB, remarking about how well prepared the ISB members were on their chapter review assignments. Dr. Goodwin stated it was a very productive meeting and by the end of the second day, there were 10 key points and a realistic assessment of what they could achieve in the timeline; identifying areas in which assistance was needed to ensure a comprehensive review, such as adaptive management.

Dr. Goodwin announced the Science Program had two new Sea Grant State Fellows and introduced and welcomed Jennifer Bigman, who will be working with Marina Brand, Dr. Collier and the Independent Science Board. Ms. Bigman joined the panel table and gave the Council a brief description of her studies that include a Master's of Science in marine science with a Bachelor's of Science in marine biology. The other State Fellow, Meiling Roddam, will join the Council the beginning of February and will work with Sam Harader, one of the new fellow's duties will be preparing information for the "By the Numbers".

Dr. Goodwin provided a brief update on the Interim Science Action Agenda. Dr. Goodwin stated it could take two years to develop a supportable list of priorities, which was too long so they are first conducting synthesis of the significant priorities and work plans and identifying where there are overlaps and where there are critical gaps. Dr. Goodwin stated he expected the Final Science Action Agenda will be completed in 2016 and will be a working document.

Other activities taking place over the next few months were briefly described by Dr. Goodwin and included updating the State of the Bay Delta Science with support from USGS. Two other big events coming up are two summit meetings scheduled for May and June to focus on data and modeling. Dr. Goodwin announced the BDCP Effects Analysis Review (Phase 3 review) will be convening the panel on January 28-29 and would be webcast.

Dr. Goodwin stated Sam Harader is working with the State Board on co-convening two workshops that will focus on Delta outflows and related stressors to assist the State Water Resources Control Board in its update of the Bay-Delta Water Quality Control Plan. The first workshop is scheduled for February 10-11 and the second is scheduled for mid-April.

Dr. Goodwin briefed the Council on a talk given at the Fall Annual Meeting of the American Geophysical Union in December, where Dr. Edward Cook, director of the Tree Ring Laboratory at Columbia University's Lamont-Doherty Earth Observatory, suggested that parts of the western US may be in the midst of a megadrought that began in 2000, according to tree ring data. Megadroughts are defined as a drought lasting 20 or more consecutive years. A subsequent presentation by Dr. Toby Ault of Cornell University indicated that the chances of a decade-long drought occurring in the United States this century was about 45 percent, and the occurrence of a multi-decade-long drought was less than 10 percent.

Next Dr. Goodwin commented that the Department of Fish and Wildlife completed its 2013 Fall Midwater Trawl sampling and low abundance was reported for all pelagic species. The delta smelt index was the second lowest index in the Fall Midwater Trawl history. Dr. Goodwin explained that the delta smelt index is used to figure the incidental take limit at the pumps which affects exports of water from the Delta.

Dr. Goodwin announced the Department of Water Resources' findings on the first snow survey taken on January 3, 2014. Dr. Goodwin said the statewide snowpack water content measured about 20 percent of average for this time of year and ties the record low for the first survey snowpack set in 2012.

Finally, Dr. Goodwin announced the invasive quagga mussel was discovered in Piru Reservoir in Ventura County. Dr. Goodwin stated this was the first time quagga mussels have been detected in a Southern California body of water that was not fed by the Colorado River. Mandatory boat quarantines were implemented for the neighboring lakes to prevent further spread.

Throughout the Lead Scientist's Report, Dr. Goodwin heard Council members' comments, answered questions and provided clarification.

9. Discussion of *The Role of Tidal Marsh Restoration in Fish Management in the San Francisco Estuary*

Rainer Hoenicke introduced Dr. Bruce Herbold (retired, U.S. EPA) and began by giving the Council background information about the Delta Science Program's mandate to develop unbiased and authoritative scientific knowledge directly relevant to Bay-Delta actions. Dr. Hoenicke stated the Delta Science Program in collaboration with the UCD Center for Aquatic Biology and Aquaculture and the California Nevada Chapter of the

American Fisheries Society, presented a June 10, 2013 symposium and workshop, "Tidal Marshes and Native Fishes in the Delta: Will Restoration Make a Difference?"

The seminar explored the ecological linkages between tidal marshes and fish in the Delta and focused on the historic and present linkages between tidal marshes and fish production, potential population level benefits of tidal marshes on fish, and identified the remaining key information gaps. Following the seminar, the speakers developed a paper, published in the San Francisco Estuary and Watershed Science online journal that synthesized the information presented at the seminar.

Dr. Herbold presented key findings from the paper about the potential impact of tidal marsh restoration on native fishes and explained how tidal marsh restoration outcomes were site-specific. Dr. Herbold explained how different sites would support different species and functions based on location, changes and invasive species.

Throughout his presentation, Dr. Herbold heard Council members' comments, answered questions and provided clarification.

Following the discussions of the Delta ISB Report, Lead Scientist's Report, and Dr. Herbold's Report Chair Fiorini asked if there were any members of the public who wished to comment on Agenda Items 7, 8, or 9.

Public Comment – Items 7, 8, and 9:

Burt Wilson, Public Water News Service, (responding to Agenda Item 7) requested to elaborate on the comment he made at the December Council meeting on Chapter 22 of BDCP's draft EIR/S concerning Air Quality. Mr. Wilson felt the issue was important to how the Council proceeds – so important he stated he would be filing a complaint with the state and federal EPA. Mr. Wilson stated the example used in the chapter characterized the Delta as holding in bad air all of the time. Mr. Wilson feels that BDCP construction will add to this pollution and gave examples of how construction will contribute particulate matter, toxic contaminants and greenhouse gasses resulting in over pollution in the Delta. Mr. Wilson said Chapter 22 states this pollution will add to the existing bad air quality and BDCP plans to mitigate by buying carbon credits from the San Francisco Air Quality Management District. Mr. Wilson stated that was what Steve Centerwall was referring to at the last meeting when he said they were going to "zero it out". Mr. Wilson stated this is only going to mitigate on paper and in their dreams. Mr. Wilson felt this was fraudulent on the part of BDCP and there was no way BDCP can construct in the Delta and ask people to work in polluted air risking illness or death. Mr. Wilson wanted to bring this to the Council's attention because he felt if the Council accepts BDCP into the Delta Plan; the Council will be responsible for putting workers at risk.

Following public comment, the Council took a five minute break and resumed the meeting at 11:30.

10. Draft Issue Paper: Restoring Habitat with Science and Society in Mind

Agenda Item 10 was presented by Cindy Messer. Ms. Messer introduced Jessica Davenport, who drafted an issue paper on habitat restoration. Ms. Messer gave brief background on the Council's role to promote and provide oversight for habitat restoration in the Delta and Suisun Marsh. The issue paper entitled, "Restoring Habitat with Science and Society in Mind" described how habitat restoration is progressing in the priority areas designated by the Delta Plan. Ms. Davenport stated the paper provided additional analysis and recommendation to follow up on the oversight session, incorporating ideas from the Delta Science plan and draft Delta Restoration Framework, developed by a working group of the Delta Restoration Network, coordinated by the Delta Conservancy.

The eight recommendations developed included: implement regional conservation strategies to employ best science and manage conflicts; prioritize restoration of public lands where appropriate, then acquire private lands; adopt agricultural land stewardship guidelines; use best practices for acquisition of habitat land and conservation easements; improve permit coordination; use a common framework for wetland monitoring to track restoration progress and inform adaptive management; establish reference sites; and report annually on restoration progress. Ms. Davenport was looking for Council input to guide revisions and then planned on providing a revised version of the issue paper and would also request endorsement of the recommended actions.

Throughout the discussion of the draft issue paper, Ms. Messer and Ms. Davenport answered Council members' questions, provided clarification and heard their comments. Chair Fiorini asked if there were any members of the public who wished to comment on the draft issue paper.

Public Comment – Item 10:

Byron Buck, State and Federal Contractors Water Agency, stated they worked with staff on the paper and felt it did a good job laying out the landscape and challenges of habitat restoration. Mr. Buck stated his agency took issue to Recommendation 1; the Department of Fish and Wildlife should use bond funds associated with Ecosystem Restoration Program to support the Delta Restoration Network in implementing regional conservation strategies. Mr. Buck stated the regional conservation strategies is the next level of staff work that would determine what was suitable for restoration short and long-term and what lands should be targeted for land acquisition. Mr. Buck stated the restoration strategy work that is currently being done is within the existing framework of the implementing agencies (DWR, DFW, and SFCWA) and was funded. Mr. Buck stated, he felt it is where it should be because of land speculation and because nothing was broken in this area a solution wasn't needed.

Dave Zezulak, California Department of Fish and Wildlife, thanked Ms. Davenport and the staff for sharing the report with his Department. Mr. Zezulak stated DFW has been working with ecosystem restoration funds from the CALFED Ecosystem Restoration Program for more than a decade and a good portion of the funding goes to acquisition of lands for habitat restoration. Mr. Zezulak stated he was in support of the principle to restore public lands where feasible before acquiring private lands. Mr. Zezulak stated he concurred with Mr. Buck's comments regarding lands and their availability within the target areas on Figure 1. Mr. Zezulak explained how lands are acquired and stated many private lands are handed down through the generations, never making it to the public market and in many cases are not available for acquisition resulting in a state of condition in the Delta. Mr. Zezulak stated the Delta is a strong agricultural based area and felt the people were good stewards of the land.

Tom Zuckerman, Central and South Delta Water Agencies, referred to Figure 1 – The Delta Plan's Priority Habitat Restoration areas on page 4 and stated the area designated as the Lower San Joaquin River Floodplain was incorrectly characterized on the map. Mr. Zuckerman explained the area the South Delta Water Agency and others have agreed upon as a possible restoration area in the San Joaquin River Flood Plain was the appendage that goes down to the word Stanislaus on the map and it does not extend up into Union and Middle and Upper Robert's Island. Mr. Zuckerman stated in the area shown in Figure 1 was an attractive area for restoration because it was above or at sea level however, the area is also the most productive agricultural land in San Joaquin County mainly because it is not threatened by flood and there is no local support for habitat restoration in these areas. Mr. Zuckerman apologized for not noticing the error in the Delta Plan earlier but felt staff should go back and properly characterize the area that is noted as the Lower San Joaquin River Floodplain especially if it was going to continue to be identified as the area the South Delta Water Agency and others have been working on together, conceptually, to improve the situation at Tom Payne Slough and Paradise Cut. Mr. Zuckerman felt that leaving the map this way will create a problem. Mr. Zuckerman also pointed out on page 7 of the issue paper, there were no projects identified in this area and leaving the figure as it currently appeared would concern the local residents.

Steven Chappel, Suisun Resource Conservation District, thanked the staff for sharing the draft issue paper and stated, in his opinion, the comments he provided and the revisions that were made significantly improved the document. Mr. Chappel focused his comments on Suisun Marsh. Mr. Chappel stated Suisun Marsh has a long history of wetland conservation and stewardship and when doing habitat restoration in Suisun Marsh, it really means trading one wetland resources for another. Mr. Chappel felt the document was short on specific recommendations for converting public lands. Mr. Chappel stated when the Suisun Marsh's restoration lands were purchased in the 1930s as waterfowl habitat sanctuaries as well as some of the private lands that were acquired by donations of lands to Department of Fish and Wildlife, it was done with the intended purpose for the land to continue to be maintained by the Department for public benefit but around waterfowl interests. Mr. Chappel explained that some of the properties may have high restoration potential but the stewards of the Marsh that donated the lands or

the sportsmen dollars that were used to acquire them support the existing land use of the Marsh. Mr. Chappel said if the sanctuaries were eliminated and there was a decline in waterfowl populations or if the restoration activities increased salinity so the adjacent landowners cannot manage viable wetlands, there would be a decline in winter waterfowl as well as the viability of the local stewardship of the Marsh. Mr. Chappel felt existing land use and conservation of wetlands in the Marsh should not be seen as barriers or impediment but as a reality that will have to be dealt with in order to meet multiple benefits and objectives.

Stuart Siegel, Wetlands and Water Resources, commented on regional conservation strategies, stating he was the author of the two that exist. Mr. Siegel explained that looking at the map in Figure 1, Suisun was a large footprint with the premise that at no time in the future would the area all be restored but somewhere inside of the footprint is an effort to restore some of the lands needing choices to be made as to the location and why. Mr. Siegel stated the conservation strategies apply science and understanding of the landscape to determine which location in the footprint will result in the most benefit rather than working in another location within the footprint. Mr. Siegel went on to say questions about economic and cultural feasibility remain along with engineering and physical questions that need to be addressed. Mr. Siegel stated the purpose was to use a knowledge base to determine where to prioritize these actions so that when land is acquired, it is done in places where it is determined to likely yield the most benefits and as well as being economically feasible.

Campbell Ingram, Delta Conservancy, thanked Ms. Davenport for her efforts. Mr. Ingram said Mr. Buck correctly stated that for the biological opinion and the FERPA agreement, the agencies are coordinating and working together to do suitability analyses. Mr. Ingram wanted to point out that the regional conservation strategies are being designed and thought of while recognizing there is a lot of restoration happening now. He said he anticipates more, resulting in an even greater need for coordination and integration. Mr. Ingram described the regional conservation strategies and the "Concept of hub" as the place where the tools and resources exist to hold the complexity of the ecosystem along with the complexity of the agricultural overlay and the land use component and the complexity of the flood protection system in the Delta. It allows them to look at it all collectively with the Delta community and involve the Delta community in helping to identify where the opportunities really are and where effective restoration that best fits the landscape will occur. Mr. Ingram stated what they really want is landscape scale functional ecosystem restoration and the conservation strategies are a way to achieve that together.

Following public comment, the Council recessed for lunch at 12:00. After resuming the meeting at 1:34 and without Council objection, Agenda Item 12 was taken out of order and heard next.

12. Drought and the Delta: A Report on Dry Year Conditions and their Impacts on the Reliability of California's Water Supplies and Water Flows Affecting the Delta

Chair Fiorini introduced Agenda Item 12 and stated that the Council had a press advisory highlighting this agenda item and the Drought panel. The title of the advisory was entitled, "Balancing State's Coequal Goals during the Drought" and Chair Fiorini stated he felt that was a more accurate description/title for the agenda item. Next Dan Ray gave background information on the drought conditions and what measures were being put in place or could be triggered to respond, how the drought conditions may affect the operation of the water projects that influence to the Delta, and the implications for areas that depend on water from the Delta and its watershed. Following Mr. Ray's remarks he introduced the panel members, Craig Wilson, Delta Watermaster; Elizabeth Kiteck, Bureau of Reclamation; Tom Gohring, Water Forum; and Bill Croyle, Department of Water Resources.

Craig Wilson, the Delta Watermaster, stated California was in uncharted waters regarding the drought conditions and said unprecedented conditions may result in unprecedented actions. Mr. Wilson stated he would speak specifically on his role as the Delta Watermaster and the role of the State Water Resources Control Board in dealing with the drought conditions. While conditions may change, Mr. Wilson said the state needs to be planning for the worst case scenario. Mr. Wilson said the proclamation issued by the Governor gave a good road map for the activities and set the stage for the Board to act in three major areas – water transfers, considering modifications of the water quality control standards and objectives, and considering curtailing water diversions by other water right holders other than the projects themselves.

Regarding water transfers, Mr. Wilson stated that the proclamation had specific provisions about both the Department and the Water Board expediting transfers. It also has provisions about the Board changing the place of use of the two major water projects to consolidate their places of use, easing the ability to conduct transfers. Mr. Wilson explained how this would expedite water transfers and stated the decision to consolidate uses was a temporary measure and didn't create vested rights. Mr. Wilson stated the Board had a good process in place for expediting transfers but it remains to be seen how much water will be available for transfer.

Regarding possible modification to the water quality standards and objectives in the Delta, Mr. Wilson stated the Board developed a series of water quality control plans that were last enacted in 2006. That plan established beneficial uses for the Delta to protect agricultural uses, municipal uses and fish and wildlife uses. Under the operating water right permits of Reclamation and DWR, it is the obligation of the projects to ensure the standards are met. Those standards include flow standards, in-flow standards, out-flow standards in the Delta and various salinity standards in the Delta. Mr. Wilson explained as of February 1, the Delta out-flow standard will be increased substantially and the consequences of that if nothing is done and explained the process for a Temporary Urgency Use Change Order.

Another aspect the Board may be involved in is the possible curtailment notices of water diversions for people other than non-project water users. The Board could consider

extending term 91-like curtailments on more senior licensees and permittees and possible riparian users. A notice of possible curtailment was sent to a wide range of water users warning them of a possible curtailment.

Elizabeth Kiteck, the Chief of Water Operations Division for the Central Valley Projects in the Bureau of Reclamation's Central Valley Operations Office spoke next. Ms. Kiteck presented a PowerPoint that is posted on the Council's website at http://deltacouncil.ca.gov/sites/default/files/documents/files/Item_12_Reservoir%20Conditions_Drought_Presentation_Bureau_of_Reclamation_Kiteck.pdf.

Ms. Kiteck provided an update on current water conditions and how the Bureau is managing the reservoirs to meet current and future demands. The reservoir storage in the Central Valley Project was very low and Ms. Kiteck spoke on percentage of storage capacity of the reservoirs and releases from the reservoirs, historical and current precipitation for the state, the water content of the snow pack, the inflow projections for the reservoirs and finally, the 90 day precipitation outlook.

Tom Gohring, Executive Director of the Sacramento Water Forum, presented a PowerPoint that is posted on the Council's website at http://deltacouncil.ca.gov/sites/default/files/documents/files/Item_12_Sacramento_Regional_Drought_Conditions_and_Response_Tom_Gohring_Water_Forum_Presentation.pdf.

Mr. Gohring's presentation highlighted the local perspective and the impacts of the drought for the Sacramento Region (Sacramento, Placer, El Dorado Counties and the communities of Carmichael, Granite Bay, Citrus Heights, Fair Oaks and Rio Linda). After giving background information of the formation of the Water Forum, Mr. Gohring stated some of the communities will have to switch over to groundwater (wells) to make up for the lack of surface water/storage in order to get through this year and most every water supplier in the region has announced a 20% reduction, either voluntary or mandatory. The cities of Folsom and Roseville and the San Juan Water District take water from Folsom Reservoir and are moving into a full scarcity mode. If the situation remains the same, Mr. Gohring stated a prohibition on outdoor watering may occur. Mr. Gohring also explained how the drought will affect the fisheries and stated the Water Forum is aggressively monitoring salmonids in the American River.

Mr. Gohring stated as they begin to think about a multi-year drought, they are beginning to think about accelerating investments in long-term projects such as the ability to move water west to east from the Sacramento River up to the areas that are dependent on Folsom Reservoir storage and moving water from Sacramento County and Sacramento Suburban into a cooperative transmission pipeline that moves the water from Sacramento County south of the river up to the City of Folsom. Mr. Gohring stated if done right, it would not only move the water in direction but both directions, allowing true conjunctive use.

Bill Croyle, DWR's recently named Drought Manager, briefed the Council on the current conditions and the Department's preparations for coordinating drought response measures with other agencies. Mr. Croyle presented a PowerPoint that is posted on the Council's website at

http://deltacouncil.ca.gov/sites/default/files/documents/files/Item_12_Drought_Preparedness_and_Response_Presentation_Bill_Croyle_DWR.pdf.

Mr. Croyle stated the Department is working on critical dry shortage conditions since last August based on the long-range climate predictions for California to be dry. Mr. Croyle said the state was in a serious statewide drought and in unprecedented territory concerning reservoir operations, Delta flows, allocations and beneficial uses. Mr. Croyle stated within the Department and the Task Force is trying how to come together with all the other agencies and all the resources and deal with all the policies and procedures as information on the impacts to the communities and environment is received, and make changes in the very dynamic environment to do advance planning and respond to the impacts of the drought.

He noted that the Governor's Office has requested, through the Office of Emergency Services, to receive information on real time conditions - an ongoing process as well as asking the key agencies what their next steps and efforts are to deal with the impacts of the drought. Mr. Croyle stated this was the time agencies should work in a mutual aid environment and in order to achieve this they are changing how they communicate and work together to solve problems that result from the drought.

Mr. Croyle described the elements of the Governor's proclamation such as a 20% reduction in demand; climate forecasting; groundwater issues; Delta actions; consolidation of places of use; water contingency plans; accelerating projects for local agencies to achieve water conservation, etc; water transfers; etc. and stated the elements are the foundation for tasks that the state agencies to address. Mr. Croyle described the Drought Task Force's organization as being implemented through a unified coordination group. The Task Force has a policy group, made up of the four primary agencies and includes process for reporting, operating, finance, response as well as a recovery process.

Throughout the discussions of the Drought, Mr. Ray and the panel members answered Council members' questions, provided clarification and heard their comments. Chair Fiorini asked if there were any members of the public who wished to comment on Item 12. There were none.

At the conclusion of the Drought panel, the Council recessed for a ten minute break. The meeting reconvened at 3:40.

11. Evaluating the Feasibility of Shore-based Treatment of Ballast Water to Avoid Introductions of Invasive Non-native Species

Agenda Item 11 was presented by Dr. Rainer Hoenicke. Dr. Hoenicke introduced panel members Chris Brown, a senior scientist with the State Lands Commission; John Berge, Pacific Merchant Shipping Association; and Marc Holmes, the Bay Institute. Dr. Hoenicke briefed the Council on a feasibility study that the Delta Science Program is managing at the request of the State Lands Commission. Dr. Hoenicke explained that one of the policies in the Delta Plan addresses invasive species and states the potential for new introductions must be avoided. He said one way to achieve this is through better management of ballast water discharges. The study, to be completed in 12 months, is to determine if shore-based treatment facilities are feasible alternatives to ship-board technology. If the study determines shore-based treatment facilities are infeasible the State Lands Commission will have the option of recommending modification of the performance standards.

Chris Brown began by giving an overview of the State Lands Commission's role and statutory responsibilities in the management of ballast water discharges. Mr. Brown stated the shipboard treatment systems have been unable to consistently meet the performance standards for California and because of that, the standards have been delayed until 2016 for existing vessels and 2018 for newly built vessels. The use of a shore-based ballast water treatment system has not been evaluated and the State Land's Commission decided this is the ideal time to conduct this feasibility study.

Marc Holmes, the Bay Institute, stated he was on the Advisory Panel that was established by the Legislature and comprised of scientists and stakeholder experts. Mr. Holmes stated they knew the California standards were attainable on land and it was a matter of whether the standards could be attained shipboard. The Advisory Panel was asked to look at land as a treatment option but in error made the decision that shipboard technology was feasible and that private industry just needed to explore it. Because of this decision land-based treatment was investigated. Mr. Holmes stated that now they are going back to study the feasibility of shore based treatment systems because it has become clear that shipboard ballast water treatment systems were not as feasible as they thought compelling them to investigate land-based technology. This is critical as they are running out of time to comply with the performance standards for California.

Next, John Berg, Pacific Merchants Shipping Association, stated a year ago the consensus opinion was that the existing technology for shipboard treatment would not meet California's standard in the near future. There was some discussion about changing the standard but that idea lacked political support and it was determined they should explore other potential options such as shore-based treatments to meet the standard. Mr. Berg stated the industry felt this question needed to be answered and agreed to use their fees to pay for the study in order to obtain a comprehensive idea of what was possible from a shore-side perspective. Mr. Berg said not only is this a critical issue for California, it is a critical issue globally and because their industry operates globally, at this time it is moving toward the development, installation and use of on-board treatment systems. Mr. Berg stated these treatment systems are geared toward meeting an international and federally adopted standard; however, it is not clear if an

additional obligation for California would be needed as the on-board treatment systems may not meet California's standards.

Throughout the discussions of the Agenda Item 11, Dr. Hoenicke and the panel members provided clarification and answered Council members' questions and heard Council members' comments. Chair Fiorini asked if there were any members of the public who wished to comment. There were none.

13. Public Comment

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

14. Preparation for Next Council Meeting – Discuss (a) expected agenda items; (b) new work assignments for staff; (c) requests from Council members; and (e) confirm next meeting date – February 27, 2014.

The meeting adjourned at 4:10 p.m.