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DELTA STEWARDSHIP COUNCIL

Date: May 20, 2010

Chair
Phil Isenberg

To: Delta Stewardship Council Members

Members
Randy Fiorini
Gloria Gray
Patrick Johnston
Hank Nordhoff
Don Nottoli
Richard Roos-Collins

From: Joe Grindstaff, Acting Executive Officer

Subject: Meeting, May 27-28, 2010

Interim Executive Officer
P. Joseph Grindstaff

The agenda for our third meeting, and supporting material, is attached. Some additional handouts may be provided at the meeting. I offer some brief comments on the agenda and materials here for your perusal.

In addition to administrative items, a key part of the agenda on the first day is the review of the Interim Plan and Delta Plan outlines. The second day's meeting focus is the Bay Delta Conservation Plan. There are other key issues as well.

Delta Protection Commission Funding Assistance Request (Agenda item 6)

The Delta Stewardship Council received a written request from Delta Protection Commission Chair Don Nottoli to transfer funding for the preparation of the Primary Zone Study which is due to the Legislature and Council on or before July 1, 2010.

The Council staff is recommending that we enter into an interagency agreement with the Delta Protection Commission from June 1, 2010 to June 30, 2010 in the amount of \$86,750. The intent of this interagency agreement is to work together to accomplish the co-equal goals of ecosystem restoration, and providing a reliable water supply. The study will be considered in the preparation of the Council's Interim Plan and Delta Plan which is required by SBX 7 1.

Resources Agency and Department of Food & Agriculture are possible providers of additional funds to meet the overall cost of \$104,000. All parties agree this is critical to complete our efforts as outlined under SBX 7 1.

Work under this contract will be funded using FY 09/10 DSC general funds.

Appointments to the Delta Independent Science Board (Agenda item 7b)

The Delta Stewardship Council is required by the Sacramento-San Joaquin Delta Reform Act of 2009 to appoint a Delta Independent Science Board (ISB) of no more than ten members as one of their early actions. Per direction from the Council at their April 1, 2010 meeting, the Interim Delta Lead Scientist issued a call for applications for appointment to the Delta ISB. The

"Coequal goals" means the two goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. The coequal goals shall be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place."

– State Water Code §85054

Interim Delta Lead Scientist, the previous CALFED Independent Science Board chair and the Delta Stewardship Council chair reviewed the applications and present a list of 10 Delta Independent Science Board nominees for consideration by the Council. We recommend the Council appoint the ten recommended scientists to the ISB.

Remarks from Annemieke Nijhoff, Director-General, Directorate-General of Water Affairs at the Ministry of Transport, Public Works and Water Management (Agenda item 9).

Annemieke Nijhof is Director-General at the Directorate-General of Water Affairs at the Ministry of Transport, Public Works and Water Management for the Netherlands since 2008. In this capacity she is responsible for water policy, which pertains to Flood Protection, Peak and Drought management, and Water Quality. Under her supervision the Directorate-General of Water Affairs issued the National Water Plan, the Delta Act and the Basin Management Plan. She directed the official support for the Delta Committee and the reorganizing concept for the Water Management Structure in the Netherlands.

From 2005 to 2008 Annemieke was the Advisor to the Prime Minister on Spatial Development, Sustainability and the Environment at the Ministry of General Affairs. Hearing the perspective of someone who faces some of the same issues, especially in the areas of flood protection and levee management should be informative.

Progress Report on Interim Plan and Delta Plan and Discussion of Direction for Next Steps (Agenda item 10).

In this item we expect to take at least a couple hours to discuss the draft interim plan, the Delta plan outlines, and adopt a schedule that should get us to our legislatively mandated adoption of a Delta Plan by January 1, 2012. We also need to talk about the transparency and public engagement. This involves a variety of ways to get input and yet make rapid progress to getting a plan the Council can agree on. A last part of the discussion is what we do with projects that clearly will be covered actions under the law and which might be before the Council in the future.

The law says the Council should have early consultation and we will propose that the Council notify entities that this process can begin. The Delta Wetlands Project committee members came to us and asked us verbally and through their written submission of suggestions on the Interim Plan to consult with them. They provided an Environmental Impact Report which we need to review. We are asking the Council to direct staff to start this process which we will use during the next 20 months until the Delta Plan goes into effect.

Progress Report Regarding Bay Delta Conservation Plan and Discussion of the Council's Roles and Responsibilities (Water Code 85320) (Agenda item 14).

The Bay Delta Conservation Plan (BDCP) is perhaps the most controversial planning program currently underway in the State. It is a plan that would, if successful, significantly restore Delta fisheries and at the same time increase water supply reliability. The Council is directed in the legislation to be a responsible agency and also has a potential appellate role with regard to the plan, which if it meets certain standards will be included in the Delta Plan. The Delta Independent Science Board, which you will be appointing also has a

specifically legislated role to review the plan and the environmental documentation for the plan. This issue is one that the Council will hear about during every meeting for the next several months. The Council will need to be briefed and aware of these issues so that when the time comes they are prepared to make key decisions.

If I can answer any questions or provide any information, please contact me at (916) 445-4500 or jgrindstaff@deltacouncil.ca.gov



May 17, 2010

**Meeting of the DELTA STEWARDSHIP COUNCIL
Thursday, May 27 and Friday, May 28, 2010
Secretary of State's Office Auditorium
1500 11th Street
Sacramento, California 95814**

-- AGENDA --

THE AGENDA ITEMS LISTED BELOW MAY BE CONSIDERED IN A DIFFERENT ORDER AND HEARD ON EITHER DAY OF THE COUNCIL MEETING PURSUANT TO THE DETERMINATION OF THE COUNCIL CHAIR. AGENDA ITEMS NOTED BELOW WHICH ARE NOT COMPLETED ON MAY 27, WILL BE HEARD ON MAY 28, BEGINNING AT 9:00 A.M.

At the discretion of the Delta Stewardship Council, all items appearing on this agenda, whether or not expressly listed for action, may be deliberated upon and may be subject to action.

DAY 1: Thursday, May 27, 2010, (10:00 a.m. – 4:00 p.m.)

- 1. Welcome and Introductions**
- 2. Roll Call – Establish a Quorum (Water Code §85210.5)**
- 3. Chair's Report**
- 4. Interim Executive Officer's Report**
 - a. Legislative and Legal Update**
[Attachment 1: Other Bills of Interest](#)
 - b. Follow-up on Informational Requests from Council**
- 5. Consent Calendar**

(Items for consent calendar are expected to be routine and non-controversial. The Council will be asked to approve items 5a through 5c at one time without discussion. If any Council member, staff, or interested person requests that an item be removed from the consent calendar, it will be taken up in the regular agenda order.)

 - a. April 1, 2010, Meeting Summary**
 - b. April 22-23, 2010, Meeting Summary**
 - c. Policy Review of Pending Legislation (Water Code §85210)**
[Attachment 1: Bill Analysis Form](#)

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– State Water Code §85054

6. **Request from the Delta Protection Commission (Action Item) (Water Code §85210)**
Attachment 1: May 7, 2010, Letter Regarding Request for Transfer of Funding (\$104,250.00) to the Delta Protection Commission for Preparation of Primary Zone Study Required by SBX7 1
Attachment 2: May 24, 2010, Letter Regarding Request for Transfer of \$500,000.00 to the DPC for Preparation of an Economic Sustainability Plan for the Delta (*Bucket*)
7. **Delta Science**
 - a. **Interim Lead Scientist's Report**
 - b. **Staff Recommendations on Appointments to the Delta Independent Science Board (per Council direction of April 1, 2010) (Action Item) (Water Code §85080)**
Attachment 1: Affiliation and areas of expertise for the 10 individuals recommended for appointment to the Delta ISB
8. **Approval of Department of Water Resources Proposition 1E Expenditures for Selected Projects (Action Item) (Water Code §83002 (a)(1))**
PowerPoint Presentation
9. **Remarks from Annemieke Nijhoff, Director-General, Directorate-General of Water Affairs at the Ministry of Transport, Public Works and Water Management, Netherlands**
PowerPoint Presentation
10. **Interim Plan and Delta Plan (Discussion/Action Item) (Water Code §85084 and Water Code §85300)**
PowerPoint Presentation
Attachment 1: Delta Plan and Interim Plan Schedule
Attachment 2: Draft Delta Plan Outline
Attachment 3: Draft Interim Plan Outline
Attachment 4: Items for Possible Inclusion in the Delta Plan or Interim Plan
Attachment 5: Interim Plan Public Comments
Attachment 6: Status of Early Actions
Attachment 7: Major Ongoing Programs, Projects, and Studies Relating to the Delta
11. **Public Comment**

DAY 2: Friday, May 28, 2010 (9:00 a.m. – 4:00 p.m.)

- 12. Call to Order**
- 13. Roll Call – Establish Quorum (Water Code §85210.5)**
- 14. Progress Report Regarding Bay Delta Conservation Plan and Discussion of the Council's Roles and Responsibilities (Water Code §85320)**
PowerPoint Presentations
Attachment 1: Overview of Bay Delta Conservation Plan
Attachment 2: May 10, 2010 Letter to BDCP Steering Committee and Karen Scarborough, Undersecretary, Natural Resources, from P. Joseph Grindstaff regarding Delta Stewardship Council Roles in BDCP Process
Attachment 3: Memo to Chris Stevens, from Tara Mueller, Office of the Attorney General Regarding the DSC's "Responsible Agency" Role Regarding the BDCP
Attachment 4: BDCP Key Decisions by Major Issue
Attachment 5: May 25, 2010, Letter to David Hayes, Deputy Secretary, Department of the Interior from Congressman John Garamendi Regarding BDCP
- 15. Public Comment**
- 16. 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.**

ADJOURN

Legislative Update

Summary: This report includes a description of AB 2092 (Huffman), which would require the Delta Stewardship Council (DSC) to develop a long-term financing plan, as well as an updated list of legislation regarding Delta water policy and other matters.

Purpose of the Bill

AB 2092 (as amended 04/20/2010) would implement key recommendations of the Delta Vision Taskforce.

Description

This bill would require the Council to develop, by January 1, 2013, a long-term financing plan to pay for the costs of implementing the Delta Plan and for the ongoing administration of the Council. The plan would evaluate the benefits to all groups resulting from implementation of the Delta Plan including the public, water users and diverters, dischargers into the Delta, and recreational users.

The finance plan would allocate program costs based on benefits identified for each specified group. Private benefits associated with Delta Plan implementation would be paid for with fee revenues. When completed, the plan is to be submitted to the Legislature for approval. Prior to assessing a fee, the Council would be required to obtain statutory authorization.

In addition, the Council would be required to seek early funding from groups that benefit from the Delta Plan. This early funding would stand as a credit to these groups against any future fee or funding requirements.

Comments: If this bill is enacted and becomes effective January 1, 2011, the Council may not be able to collect any fees before 2014. This is because regulations would have to be developed and then reviewed and approved by the Office of Administrative Law (OAL), a process that can take six to eight months, following completion of the financing plan. In this light, the bill should be amended to include an exemption from the requirement for submitting regulations to OAL for approval. Also, while a statute would have to be enacted in order to grant the Council authority to collect fees, there is no provision in the bill specifying how the Legislature is supposed to approve the plan itself.

Under current and proposed expenditure levels, the Council has about 13 months of funding for operations and planning. Given the state of the General Fund and the

nature of the Council mission, some kind of fee authority will be essential to its future success. Because fee collections would presumably be ongoing throughout the fiscal year, the bill should be amended to provide for continuous appropriation of fee revenues.

In addition, it is not clear why any group would make an early funding contribution and thus bet or hope that the state would make good on the promise to provide a credit against future fee or funding requirements.

Legislative History

SB 12 (Simitian) 2009, would have established the Delta Ecosystem and Water Council and would have authorized it to impose a per acre-foot fee on water diversions within the Delta and on water conveyed through or around the Delta. The fee revenue would be used to support programs of the Council, the Delta Protection Commission, the Department of Fish and Game, the Department of Water Resources, and the State Water Resources Control Board. The bill was placed on the Senate inactive file.

List of Attachments

Attachment 1: Other Bills of Interest

Contact

Curt Miller
Legislative Director

Phone: (916) 445-0134

Tracked Bills - 2010 Delta Stewardship Council

- [AB 1585](#) **(Committee on Accountability and Administrative Rev) State government: reporting requirements: required repealer.**
Introduced: 7/9/2009
Last Amend: 2/8/2010
Status: 2/26/2010-Chaptered by the Secretary of State, Chapter Number 7, Statutes of 2010
Location: 2/26/2010-A. CHAPTERED
Summary: Would require that the report submitted by a state or local agency to the Members of either house of the Legislature generally, be submitted as a printed copy to both the Legislative Counsel and the Secretary of the Senate, and as an electronic copy to the Chief Clerk of the Assembly. The bill would further require that the summary of a report made by a state agency to either house of the Legislature be submitted to the Members of the appropriate house by that agency, instead of by the Legislative Counsel. The bill would also specifically require the Legislative Counsel to maintain the list of state and local agencies' reports in a specified manner, including maintaining the list in an electronic format and deleting specified reports from the list. This bill contains other related provisions.
- [AB 1594](#) **(Huber D) Sacramento-San Joaquin Delta: peripheral canal.**
Introduced: 1/4/2010
Last Amend: 4/15/2010
Status: 5/7/2010-Failed Deadline pursuant to Rule 61(b)(6). (Last location was W.,P. & W. on 4/27/2010)
Location: 5/12/2010-A. DEAD
Summary: Would prohibit the construction of a peripheral canal, as defined, that conveys water from a diversion point in the Sacramento River to a location south of the Sacramento-San Joaquin Delta, unless expressly authorized by the Legislature. The bill would require the Legislative Analyst's Office to complete an economic feasibility analysis prior to the enactment of a statute authorizing the construction of a peripheral canal. The bill would prohibit the construction and operation of a peripheral canal from diminishing or negatively affecting the water supplies, water rights, or quality of water for water users within the Sacramento-San Joaquin Delta watershed , or imposing any new burdens on infrastructure within, or financial burdens on persons residing in, the Delta or the Delta watershed .
- [AB 1659](#) **(Huber D) State government: agency repeals.**
Introduced: 1/19/2010
Last Amend: 4/28/2010
Status: 5/5/2010-In committee: Set, second hearing. Referred to APPR. suspense file.
Location: 5/5/2010-A. APPR. SUSPENSE FILE
Summary: Would create the Joint Sunset Review Committee to identify and eliminate waste, duplication, and inefficiency in government agencies and to conduct a comprehensive analysis of every "eligible agency," as defined, to determine if the agency is still necessary and cost effective. The bill would define an "eligible agency" as an entity of state government, however denominated, for which a date for repeal has been established by statute on or after January 1, 2011. The bill would require each eligible agency scheduled for repeal to submit a report to the committee containing specified information. The bill would require the committee to take public testimony and evaluate the eligible agency prior to the date the agency is scheduled to be repealed, and would require that an eligible agency be eliminated unless the Legislature enacts a law to extend, consolidate, or reorganize the agency. The bill would specify the composition of the committee, which would be appointed by the President pro Tempore of the Senate and the Speaker of the Assembly, and certain aspects of its operating procedure.
- [AB 1677](#) **(Caballero D) Public resources.**
Introduced: 1/25/2010
Last Amend: 4/8/2010
Status: 5/6/2010-Referred to Com. on N.R. & W.
Location: 5/6/2010-S. N.R. & W.
Summary: Would grant that extension to an urban wholesale water supplier, as specified. This bill contains other related provisions and other existing laws.
- [AB 1780](#) **(Yamada D) Delta Stewardship Council: certifications of consistency.**
Introduced: 2/9/2010
Status: 5/7/2010-Failed Deadline pursuant to Rule 61(b)(6). (Last location was PRINT on 2/9/2010)
Location: 5/12/2010-A. DEAD
Summary: Existing law requires the state or a local public agency that proposes to undertake certain actions within the boundaries of the Sacramento-San Joaquin Delta or the Suisun Marsh to prepare, and submit to the Delta Stewardship Council, a specified written certification of consistency with a prescribed Delta Plan prior to taking those actions. This bill would make a technical, nonsubstantive change to this requirement.
- [AB 1787](#) **(Swanson D) Administrative procedure: regulations: narrative description.**
Introduced: 2/10/2010
Last Amend: 4/7/2010

Status: 5/5/2010-In committee: Set, first hearing. Referred to APPR. suspense file

Location: 5/5/2010-A. APPR. SUSPENSE FILE

Summary: Would additionally require the agency to include a narrative description of the additions to, and deletions from, the California Code of Regulations, as specified, and would state the intent of the Legislature to require state agencies to provide regulatory amendments in a narrative format that can be accurately translated by software used by the visually impaired.

[AB 1797](#) ([Berryhill, Bill R](#)) **State Water Resources Development System: Delta Corridors Plan.**

Introduced: 2/10/2010

Last Amend: 4/7/2010

Status: 4/28/2010-In committee: Set, first hearing. Referred to APPR. suspense file.

Location: 4/28/2010-A. APPR. SUSPENSE FILE

Summary: Would require the department to undertake an expedited evaluation and feasibility study with regard to the implementation of a specified Delta Corridors Plan as part of the State Water Resources Development System. The bill would require the department to consult with the Department of Fish and Game to study specified impacts and benefits of the Delta Corridors Plan and to include in the study an assessment of the incorporation of the Two-Gates Fish Demonstration Project managed by the United States Bureau of Reclamation into the Delta Corridors Plan. The department would be required to prepare and submit to the Legislature, on or before January 1, 2012, a report that includes its feasibility findings. If the department determines the implementation of the plan is feasible, the department would be required to include recommendations with regard to specific facilities to be constructed, and to identify potential funding sources, for the purposes of implementing the plan. This bill contains other related provisions and other existing laws.

[AB 1993](#) ([Strickland, Audra R](#)) **Reports: declarations.**

Introduced: 2/17/2010

Last Amend: 5/11/2010

Status: 5/12/2010-Re-referred to Com. on APPR.

Location: 5/12/2010-A. APPR.

Calendar: 5/19/2010 9 a.m. - State Capitol, Room 4202 ASSEMBLY APPROPRIATIONS, FUENTES, Chair

Summary: Would require any entity submitting a written report to the Legislature, a Member of the Legislature, or a committee of the Legislature to include a signed statement by the head of the entity submitting the written report declaring that the factual contents of the written report are true, accurate, and complete to the best of his or her knowledge.

[AB 2006](#) ([Hill D](#)) **Governmental linguistics.**

Introduced: 2/17/2010

Last Amend: 4/6/2010

Status: 4/14/2010-In committee: Set, first hearing. Referred to APPR. suspense file.

Location: 4/14/2010-A. APPR. SUSPENSE FILE

Summary: Would until January 1, 2015, require the California Research Bureau to survey state agency documents to determine the extent to which existing documents use language that suggests a particular religious faith or sect. This bill would also require the bureau to consult with experts to identify religiously neutral and inclusive terms to replace existing language and to identify any legal or fiscal ramifications, as specified. This bill would require the bureau to submit a report based on its findings to the Chief Clerk of the Assembly, the Secretary of the Senate, and the Judiciary Committees of the Assembly and Senate.

[AB 2049](#) ([Arambula I](#)) **State Water Resources Development System: transfers of water.**

Introduced: 2/18/2010

Last Amend: 4/19/2010

Status: 5/5/2010-In committee: Set, first hearing. Referred to APPR. suspense file.

Location: 5/5/2010-A. APPR. SUSPENSE FILE

Summary: Would additionally prohibit a water user that transfers surface water pursuant to a contractual change in an entitlement to water from the State Water Project from replacing that surface water with groundwater, unless the groundwater use is consistent with either of the 2 requirements described above. This bill contains other related provisions and other existing laws.

[AB 2092](#) ([Huffman D](#)) **Delta Stewardship Council: planning and administration: long-term financing plan.**

Introduced: 2/18/2010

Last Amend: 4/20/2010

Status: 5/17/2010-Read second time. To third reading.

Location: 5/17/2010-A. THIRD READING

Calendar: 5/20/2010 #93 ASSEMBLY ASSEMBLY THIRD READING FILE

Summary: Would require the council to develop a long term financing plan to pay for the costs of implementing the Delta Plan and for the ongoing administration of the council by January 1, 2013. The bill would require the long term financing plan to include fee proposals to pay for private benefits associated with implementation of the Delta Plan. The bill would prohibit the council from adopting a fee for these purposes unless authorized by statute. The bill would require the council, before adopting and collecting fees or long term revenue sources, to seek to obtain early funding contributions from entities that may benefit from implementation of the Delta Plan and to track those contributions to provide credit against future fee or funding requirements.

[AB 2146](#) ([Berryhill, Bill R](#)) **Water resources: bond funds: appropriations.**

Introduced: 2/18/2010

Last Amend: 4/5/2010

Status: 4/23/2010-Failed Deadline pursuant to Rule 61(b)(5). (Last location was W.,P. & W. on 4/6/2010)

Location: 4/23/2010-A. DEAD

Summary: Would appropriate an unspecified amount from these funds for purposes of certain projects.

[AB 2304](#) **(Huffman D) Groundwater management plans: components.**

Introduced: 2/19/2010

Last Amend: 5/3/2010

Status: 5/10/2010-Read second time. To third reading.

Location: 5/10/2010-A. THIRD READING

Calendar: 5/20/2010 #61 ASSEMBLY ASSEMBLY THIRD READING FILE

Summary: Would add coordination with local planning agencies to develop and implement land use strategies that protect prime recharge areas to the list of authorized components of a groundwater management plan. This bill contains other related provisions and other existing laws.

[AB 2336](#) **(Fuller R) Delta Stewardship Council.**

Introduced: 2/19/2010

Last Amend: 5/17/2010

Status: 5/17/2010-Read third time, amended, and returned to third reading.

Location: 5/17/2010-A. THIRD READING

Calendar: 5/20/2010 #53 ASSEMBLY ASSEMBLY THIRD READING FILE

Summary: Would require the council, in the course of developing and adopting the Delta Plan, to direct the board to conduct an assessment of certain stressors on populations of native fish species in the Delta, the Sacramento and San Joaquin rivers, and the tributaries to those rivers below the rim dams of the central valley, and recommend changes in statute and actions by state agencies to remedy the situation in as timely a manner as possible.

[AB 2376](#) **(Huffman D) Fish and wildlife: strategic vision.**

Introduced: 2/19/2010

Last Amend: 4/5/2010

Status: 4/28/2010-In committee: Set, first hearing. Referred to APPR. suspense file.

Location: 4/28/2010-A. APPR. SUSPENSE FILE

Summary: Would require the Secretary of the Natural Resources Agency to convene a committee, with membership as prescribed, to develop and submit to the Governor and Legislature, before July 1, 2012, a strategic vision for the department and the commission that addresses specified matters relating to state fish and wildlife resource management.

[AB 2405](#) **(Buchanan D) Delta flood protection.**

Introduced: 2/19/2010

Status: 5/7/2010-Failed Deadline pursuant to Rule 61(b)(6). (Last location was W.,P. & W. on 4/8/2010)

Location: 5/12/2010-A. DEAD

Summary: Existing law governing levee maintenance in the Sacramento-San Joaquin Delta requires the Department of Water Resources to develop and submit to the Central Valley Flood Protection Board, for adoption by the board, criteria for the maintenance and improvement of levees that are not project facilities under the State Water Resources Law of 1945, known as nonproject levees, as prescribed. If the department finds that the annual routine maintenance work specified in the plans approved by the board is not being performed in accordance with the agreement entered into between the local agency and the board, the department is authorized to establish a maintenance area and thereafter annually maintain the nonproject levee in accordance with those plans and subject to specified provisions of law. This bill would make technical, nonsubstantive changes to that authorization.

[AB 2420](#) **(Huffman D) Protected species: incidental take: consistency determinations.**

Introduced: 2/19/2010

Last Amend: 3/24/2010

Status: 4/23/2010-Failed Deadline pursuant to Rule 61(b)(5). (Last location was W.,P. & W. on 3/25/2010)

Location: 4/23/2010-A. DEAD

Summary: Would require the inclusion in the notice of a specified additional information, including copy of the biological opinion along with an incidental take statement or a copy of the conservation plan with an incidental take permit. The bill would authorize the department to adopt regulations to implement those revised incidental take and consistency determination provisions. This bill contains other existing laws.

[AB 2421](#) **(Nielsen R) Water development projects: Sacramento-San Joaquin watersheds.**

Introduced: 2/19/2010

Status: 5/7/2010-Failed Deadline pursuant to Rule 61(b)(6). (Last location was PRINT on 2/19/2010)

Location: 5/12/2010-A. DEAD

Summary: Existing law adopts and authorizes specified projects in areas within the City of

Sacramento and the Counties of Sacramento and Sutter at an estimated cost to the state of the sum that may be appropriated by the Legislature for state participation upon the recommendation and advice of the Department of Water Resources or the Reclamation Board. This bill would make technical, nonsubstantive changes to those provisions.

- [AB 2575](#) (Chesbro D) Resources: watersheds.**
Introduced: 2/19/2010
Last Amend: 4/27/2010
Status: 4/28/2010-Re-referred to Com. on APPR.
Location: 4/28/2010-A. APPR.
Calendar: 5/19/2010 9 a.m. - State Capitol, Room 4202 ASSEMBLY APPROPRIATIONS, FUENTES, Chair
Summary: Would require the department and the board when implementing a pilot project to protect and restore the riparian zone in watersheds with listed anadromous salmonids to, among other things, ensure that the industry, agencies, and the public have equal opportunity to participate in the development of the pilot project in a transparent manner and that the pilot project have certain goals. This bill contains other related provisions.
- [AB 2669](#) (V. Manuel Perez D) The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006: integrated water quality and wastewater treatment program plan: Riverside County.**
Introduced: 2/19/2010
Status: 4/21/2010-In committee: Set, first hearing. Referred to APPR. suspense file.
Location: 4/21/2010-A. APPR. SUSPENSE FILE
Summary: Would appropriate \$2,000,000 of those bond funds to the department, for allocation to Riverside County, as specified, for an integrated water quality and wastewater treatment program plan to address drinking water and the wastewater needs of disadvantaged communities in the unincorporated areas of Riverside County. The bill would require the plan to primarily address arsenic contamination of drinking water and would prescribe other requirements for the plan.
- [AJR 38](#) (Caballero D) Public resources: Two-Gates Fish Protection Demonstration Project.**
Introduced: 2/25/2010
Last Amend: 5/13/2010
Status: 5/13/2010-Amended. To third reading.
Location: 5/13/2010-A. THIRD READING
Calendar: 5/20/2010 #75 ASSEMBLY ASSEMBLY THIRD READING FILE
Summary: Would request the United States Department of the Interior to prioritize completion of its study of the Two-Gates Fish Protection Demonstration Project in the Sacramento-San Joaquin Delta.
- [SB 565](#) (Pavley D) Water resources.**
Introduced: 2/27/2009
Last Amend: 2/1/2010
Status: 2/1/2010-From committee with author's amendments. Read second time. Amended. Re-referred to Com. on W.,P. & W.
Location: 2/1/2010-A. W.,P. & W.
Summary: Would expand the exemption to other provisions relating to water use, including provisions that require the payment of fees to the State Water Resources Control Board (board) for official services relating to statements of water diversion and use. This bill contains other related provisions and other existing laws.
- [SB 808](#) (Wolk D) Delta levee maintenance.**
Introduced: 2/27/2009
Last Amend: 1/25/2010
Status: 4/27/2010-From committee: Do pass, but first be re-referred to Com. on APPR. with recommendation: To Consent Calendar. (Ayes 11. Noes 0.) Re-referred to Com. on APPR. (Heard in committee on April 27.)
Location: 4/27/2010-A. APPR.
Calendar: 5/19/2010 9 a.m. - State Capitol, Room 4202 ASSEMBLY APPROPRIATIONS, FUENTES, Chair
Summary: Would declare legislative intent to reimburse up to 75% of those described costs until July 1, 2013, and on and after that date, to reimburse up to 50% of those described costs. This bill contains other related provisions and other existing laws.
- [SB 918](#) (Pavley D) Water recycling.**
Introduced: 2/1/2010
Last Amend: 4/26/2010
Status: 5/11/2010-Placed on APPR suspense file.
Location: 5/10/2010-S. APPR. SUSPENSE FILE
Summary: Would require the State Department of Public Health to adopt uniform water recycling criteria for indirect potable water reuse for groundwater recharge, as defined, by December 31, 2013, and develop and adopt uniform water recycling criteria for surface water augmentation, as defined, by December 31, 2016. The bill would require the department to investigate the feasibility of developing uniform water recycling criteria for direct potable reuse and to provide a final report on that investigation to the Legislature by December 31, 2016. The bill, from July 1, 2011, to June 30, 2017, inclusive, would require funds generated by the imposition of specified liabilities for violations of water

quality requirements to be made available, upon appropriation by the Legislature to the department for purposes of developing and adopting the water recycling criteria, in accordance with a specified schedule.

[SB 934](#) **(Cogdill R) Water Resources: The California Water Plan.**

Introduced: 2/2/2010

Status: 2/18/2010-To Com. on RLS.

Location: 2/18/2010-S. RLS.

Summary: Under existing law, the Department of Water Resources operates the State Water Project and exercises specified water planning functions. Existing law requires the department to update The California Water Plan, which is a plan for the conservation, development, and use of the water resources of the state, every 5 years. This bill would make technical, nonsubstantive changes to these provisions.

[SB 942](#) **(Dutton R) Regulations: review process.**

Introduced: 2/3/2010

Last Amend: 4/5/2010

Status: 4/26/2010-Placed on APPR suspense file.

Location: 4/26/2010-S. APPR. SUSPENSE FILE

Summary: Would establish an Economic Analysis Unit within the office. The bill would require agencies to make publicly available and submit to the unit specified cost estimates that pertain to a proposed regulation and specified information used to develop the cost estimates, as prescribed. The bill would require the unit to review final revised cost estimates for regulations that the agency determines to have a cost estimate of \$50,000,000 or more. The bill also authorizes a stakeholder to petition the director of the office to direct the unit to review a regulation that does not meet the \$50,000,000 cost estimate threshold. The bill requires the unit to approve or reject the cost estimates of regulations that it reviews, as specified. This bill contains other related provisions.

[SB 1013](#) **(Denham R) Safe, Clean, Reliable Water Supply Act: Central Valley Project Improvement Program.**

Introduced: 2/10/2010

Status: 2/18/2010-To Com. on RLS.

Location: 2/18/2010-S. RLS.

Summary: The Safe, Clean, Reliable Water Supply Act, a bond act approved by the voters as Proposition 204 at the November 5, 1996, statewide general election, authorizes the issuance and sale of a total of \$995,000,000 in general obligation bonds. The act continuously appropriates \$93,000,000 of the proceeds from the sale of those bonds to the Controller for allocation to the Department of Fish and Game or the Department of Water Resources to pay the state's share of the costs for fish and wildlife restoration measures required pursuant to the federal Central Valley Project Improvement Act and specified administrative costs of the Department of Fish and Game and the Department of Water Resources. This bill would make technical, nonsubstantive changes to those provisions.

[SB 1014](#) **(Denham R) Safe Drinking Water, Clean Water, Watershed Protection, and Flood Protection Bond Act: groundwater storage projects.**

Introduced: 2/10/2010

Status: 2/18/2010-To Com. on RLS.

Location: 2/18/2010-S. RLS.

Summary: The Safe Drinking Water, Clean Water, Watershed Protection, and Flood Protection Bond Act (bond act), approved by the voters as Proposition 13 at the March 7, 2000, statewide primary election, authorizes the issuance and sale of a total of \$1,970,000,000 in general obligation bonds. The bond act requires that \$630,000,000 of the proceeds from the sale of those bonds be allocated for purposes of water supply reliability projects. Existing law authorizes the Department of Water Resources, upon appropriation by the Legislature, to use \$200,000,000 from the moneys allocated for water supply reliability projects for purposes of providing grants for groundwater storage projects that produce water supply benefits for local agencies and water users. The bond act defines various terms for these purposes. This bill would make technical, nonsubstantive changes to those definitions.

[SB 1173](#) **(Wolk D) Recycled water.**

Introduced: 2/18/2010

Last Amend: 3/24/2010

Status: 5/5/2010-Read second time. To third reading.

Location: 5/5/2010-S. THIRD READING

Calendar: 5/20/2010 #55 SENATE SENATE BILLS-THIRD READING FILE

Summary: Would define raw water for purposes of the act. This bill contains other related provisions and other existing laws.

[SB 1234](#) **(Kehoe D) Water: unreasonable use.**

Introduced: 2/19/2010

Status: 4/23/2010-Failed Deadline pursuant to Rule 61(b)(5). (Last location was N.R. & W. on 3/4/2010)

Location: 4/23/2010-S. DEAD

Summary: Would require the board, by January 1, 2012, to adopt regulations to identify unreasonable uses of water during various periods of water shortage, as specified, and would set

forth related legislative findings and declarations.

- [SB 1334](#) **(Wolk D) Natural community conservation plans.**
Introduced: 2/19/2010
Last Amend: 5/10/2010
Status: 5/10/2010-Read second time. Amended. To third reading.
Location: 5/10/2010-S. THIRD READING
Calendar: 5/20/2010 #64 SENATE SENATE BILLS-THIRD READING FILE
Summary: Would include in the required finding that the plan has been developed consistent with the planning agreement process an additional finding of cooperation with a local agency that has land use permit authority over the activities proposed to be addressed in the plan.
- [SB 1351](#) **(Wright D) California Global Warming Solutions Act of 2006: State Air Resources Board regulations.**
Introduced: 2/19/2010
Last Amend: 4/28/2010
Status: 5/17/2010-From committee: Be placed on second reading file pursuant to Senate Rule 28.8.
Location: 4/28/2010-S. APPR.
Calendar: 5/20/2010 #11 SENATE SENATE BILLS-SECOND READING FILE
Summary: Would require the state board to make available to the public, at the time that the state board adopts a regulation pursuant to the act, any implementation schedule that is required to initiate compliance with that regulation. The state board would be required to make available to the public on the state board's Internet Web site any reporting form that is required to initiate compliance with a regulation adopted pursuant to the act at least 45 days prior to the date required for filing that form in accordance with the implementation schedule.
- [SB 1443](#) **(Simitian D) Sacramento-San Joaquin Delta Multi-Hazard Coordination Task Force.**
Introduced: 2/19/2010
Last Amend: 4/14/2010
Status: 5/10/2010-In Assembly. Read first time. Held at Desk.
Location: 5/10/2010-A. DESK
Summary: Would provide that the task force shall cease to exist upon the submission of the report . The bill would change the repeal date of these provisions to January 1, 2013.
- [SB 1450](#) **(Simitian D) Water: Delta Stewardship Council: contracts.**
Introduced: 2/19/2010
Last Amend: 3/23/2010
Status: 4/22/2010-In Assembly. Read first time. Held at Desk.
Location: 4/22/2010-A. DESK
Summary: Would provide that a contract made or entered into by the department is not binding on the council unless the contract is approved by the council. This bill contains other existing laws.
- [SB 1468](#) **(Padilla D) Sacramento-San Joaquin Delta.**
Introduced: 2/19/2010
Status: 3/11/2010-To Com. on RLS.
Location: 3/11/2010-S. RLS.
Summary: Would state legislative findings and declarations relative to the development of the Bay Delta Conservation Plan and the activities of the Delta Vision Blue Ribbon Task Force and the Delta Vision Committee.
- [SB 1469](#) **(Simitian D) Sacramento-San Joaquin Delta: California Water Plan: water quality.**
Introduced: 2/19/2010
Last Amend: 4/14/2010
Status: 5/3/2010-Placed on APPR suspense file.
Location: 5/3/2010-S. APPR. SUSPENSE FILE
Summary: Would require the board , by January 1, 2012, to identify all parties, including public and private parties, that benefit from waters originating in the Sacramento-San Joaquin Delta watershed and whose activities impact the Delta watershed. The bill would also require the board , by that date, to develop a process for determining the degree of responsibility attributable to each of the identified parties for physical and environmental impacts on the Delta. This bill contains other related provisions and other existing laws.
- [SB 1478](#) **(Committee on Natural Resources and Water) Water conservation: urban water management.**
Introduced: 3/2/2010
Last Amend: 4/5/2010
Status: 5/13/2010-To Com. on W.,P. & W.
Location: 5/13/2010-A. W.,P. & W.
Summary: Would grant the extension for adoption of an urban water management plan that is due in 2010 to an urban wholesale water supplier to permit coordination between an urban wholesale water supplier and urban retail water suppliers . The bill would revise the requirements that apply to an urban retail water supplier that supplies water to that described military installation by requiring the supplier to consider the prior water conservation of that military installation for the purpose of preparing that implementation plan. This bill contains other existing laws.

Introduced: 2/12/2010

Status: 3/15/2010-Final adjournment: Eighth Extraordinary Session on 3/15/2010. (Last location was RLS. on 2/12/2010)

Location: 3/15/2010-S. DEAD

Summary: with regard to those bond funds, would appropriate \$569,900,000 to be allocated as follows: of the funds made available pursuant to the Disaster Preparedness and Flood Prevention Bond Act of 2006, \$200,000,000 to the Department of Water Resources for flood protection projects and \$70,000,000 to the department for grants for stormwater flood management projects; and, of the funds made available pursuant to the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006, \$250,000,000 to the department for integrated regional water management grants and expenditures for programs and projects to increase local water supply reliability, \$9,900,000 to the department to implement specified urban and agricultural water management planning and water demand reduction programs, \$32,000,000 to the department for flood control projects in the Sacramento-San Joaquin Delta designed to reduce the potential for levee failures, and \$8,000,000 to the Wildlife Conservation Board for grants to local agencies to implement, or assist in the establishment of, specified natural community conservation plans. This bill contains other related provisions and other existing laws.

Total Measures: 38

Total Tracking Forms: 38

Delta Litigation: Presentation to Delta Stewardship Council May 27, 2010

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Outline of Presentation

- Wanger Cases-ESA and NEPA
- California Endangered Species Act related litigation
- BDCP related litigation

Background: Original Challenges to CVP and SWP Biological Opinions

- Judge Wanger invalidated both the 2004 Salmon BO and 2005 Delta Smelt BO in 2006-2007 based on ESA adequacy challenges raised by environmental plaintiffs
- Federal Agencies were instructed or agreed to prepare new BOs
- Issued an interim remedy order to protect smelt

New Delta Smelt Biological Opinion

- New Biological Opinion issued December 15, 2008
- New Reasonable Prudent Alternatives (RPA)
- RPA's are conditions in addition to state water rights
- Adopted Old and Middle River (OMR) flow requirement from December 1 to June 30
- Adopted fall Delta outflow requirement
- Adopted 8,000 acre intertidal or subtidal habitat mitigation requirement

New Salmon Biological Opinion

- New Biological Opinion issued June 2, 2009
- Significant new RPA's to protect salmon
- Some overlapping requirements with Smelt BO

Key RPA's in the BO

- Exports tied to San Joaquin River inflows from April 1 to May 31
- OMR flow requirements similar to Smelt BO from January 1 to June 15
- Floodplain rearing habitat requirement of 17,000-20,000 acres
- Use of Yolo By-Pass as passage corridor
- Modification of Fish Collection Facility to improve salvage efficiency

Current Wanger Cases

- 2 consolidated cases challenging Smelt and Salmon BOs in federal court in Fresno before Judge Wanger
- Arguably the most significant pending ESA/water cases
- Plaintiffs are testing the scientific validity of BOs

Current Wanger Cases

- Smelt Case: *Coalition for Sustainable Delta etc. v. USFWS*
- Salmon Case: *SLDMA etc. v. Locke*
- Parties—SLDMA, SWC, KCWA, MWD, Oakdale ID, San Joaquin County, Farm Bureau, PLF, federal government, NRDC, DWR

Status of Litigation

- BOs failed to comply with NEPA
- Authority to regulate Delta smelt
- Temporary Restraining Orders
- Preliminary Injunction issued for smelt on May 25
- Smelt preliminary injunction pending
- Summary judgment on the merits to be heard this summer (smelt) and fall (salmon)

Preliminary Injunction Ruling

- Enjoined export restrictions based on San Joaquin River flow (RPA IV.2.1) from May 26 to May 30
- Enjoined export restriction based on OMR flow (RPA IV.2.3) from May 26 to June 15
- SWP and CVP may begin ramping up operations on May 26
- Federal government may seek to dissolve injunction if take numbers at pump increase to jeopardy level

CESA Related Litigation

- Longfin litigation relating to Section 2081 permit
- Consistency Determination litigation relating to Smelt BO and Salmon Bo
- All cases pending in Sacramento superior court

BDCP Related Litigation

- Challenge to BDCP process under NEPA in federal court—resolved
- Challenge to BDCP process under CESA in State court--resolved
- CEQA challenge to DWR land-side surveys for BDCP—pending
- CEQA challenge to DWR water-side surveys for BDCP--pending
- Challenge to DWR Temporary Entry Permits for BDCP surveys—200+ cases—pending

Food for Thought

“Never stir up litigation. A worse man can scarcely be found than one who does this”—A. Lincoln

Questions?



**Informational Follow-up Items
Delta Stewardship Council
April 22-23, 2010**

The following is a list of questions and follow-up tasks requested by Council members during the April 22, 2010, Delta Stewardship Council meeting. This list does not include details about formal actions taken by the Council, which will be documented in the official meeting summary.

The following responses were provided by a number of organizations: Department of Water Resources (DWR), Department of Fish & Game (DFG), Delta Protection Commission (DPC), Delta Stewardship Council (Council) and Contra Costa County. If you have any questions please contact: Angela D'Ambrosio at 916.445.5797.

Delta Background

1. What is the amount, in both acre-feet and percentage, of recycled water supply and use in the state?

DWR Response: *The most recent information is taken from the State Water Resources Control Board 2002 survey of recycled water production. The survey determined that approximately 10% of the total amount of treated wastewater (5 million acre-feet) was recycled; totaling about 525 thousand acre feet per year of recycled supplies. This quantity represents about 1.5% of agricultural and urban water use in California. A new survey is going to be conducted by the SWRCB in 2010. However, a rough estimate of current recycled water use is about 600 to 650 thousand acre feet per year. Based on the Recycled Water Task Force work, the California Water Plan Update 2009 estimated that an additional 0.9 to 1.4 million acre feet by the year 2030. The SWRCB adopted a new Recycled Water Policy in 2009 setting a goal of increasing the use of recycled water over 2002 levels by at least one million acre feet per year by 2020 and by at least two million acre feet per year by 2030. The policy can be viewed here: http://www.swrcb.ca.gov/water_issues/programs/water_recycling_policy/docs/recycledwaterpolicy_approved.pdf*

2. What is the percentage of precipitation as rain? As snow?

DWR Response: *With a total natural runoff of approximately 70.8 million acre-feet (MAF), approximately 75 to 80% is generated by precipitation in the form of rain with the remaining 20 to 25% generated from precipitation falling as snow.*

3. Make printouts of slides full page so the text is readable.

Council Staff Response: *This has been completed.*

4. Discussion about terminology suggested a need to provide a glossary to the Council.

Council Staff Response: *This information is available in the DWR water plan. The glossary can be viewed at: http://www.waterplan.water.ca.gov/docs/cwpu2009/0310final/v4c01ag_cwp2009.pdf*

5. What is the amount of water storage in the state?

DWR Response: *Jurisdictional dams account for approximately 21.3 MAF in storage, and federal dams approximately 21.1 MAF, therefore total state reservoir storage is approximately 42.4 MAF. In addition, in an average year (based on 1998-2005 data) groundwater meets about 35% or about 15 MAF of California's water needs. In dry years this percentage can increase to 40% or higher statewide.*

6. What is the amount of carryover water in the state?

DWR Response: *The lowest average end of October storage for all reservoirs is about 23.6 MAF or about 56 percent of the total storage capacity of 42.4 MAF for all reservoirs.*

7. What is the amount of groundwater overdraft in the state?

DWR Response: The amount of groundwater overdraft is estimated to be 1 to 2 million acre-feet per year (from DWR Bulletin 118, Update 2003 and the California Water Plan). (This is an estimated value because groundwater data is not available to calculate the overdraft in all 515 of the groundwater basins/sub basins in California. Implementation of SB X7 6 is a step towards getting more groundwater data. SB X7 6 requires collection and submittal of only groundwater elevation measurements for all of the groundwater basins. Lack of groundwater data statewide has been a longstanding issue and it will take time to get to the point that DWR can provide more than a statewide estimate.)

8. What is the amount of cumulative overdraft in the state?

DWR Response: NASA has new measurements that show 24 million acre-feet of overdraft in the central valley between 2003 and 2009. The report is available at <http://www.jpl.nasa.gov/news/news.cfm?release=2009-194>

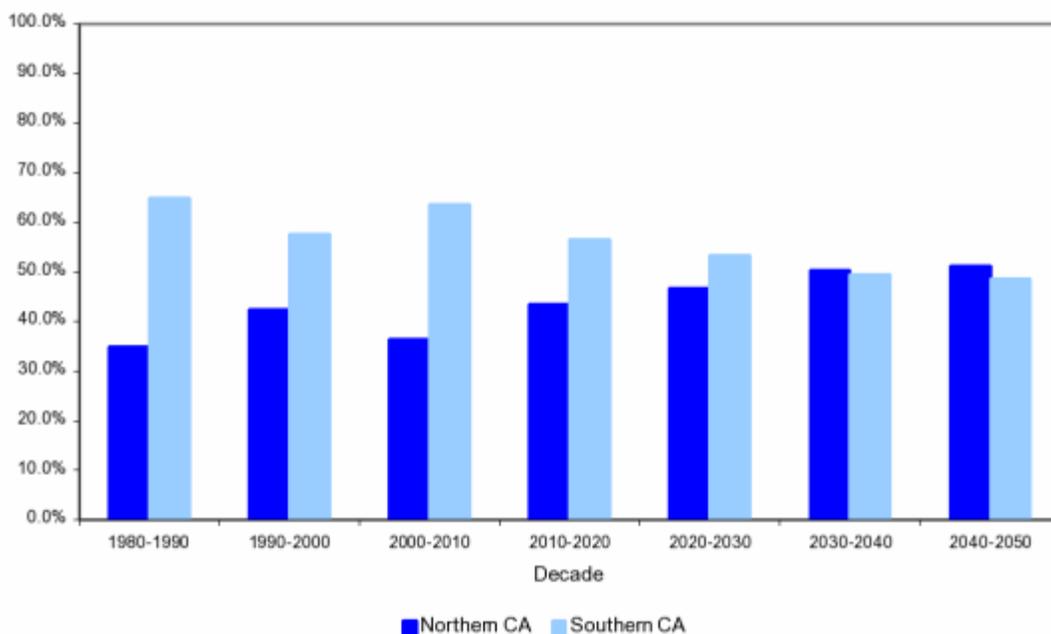
9. What is the trend for recycled water use in the state?

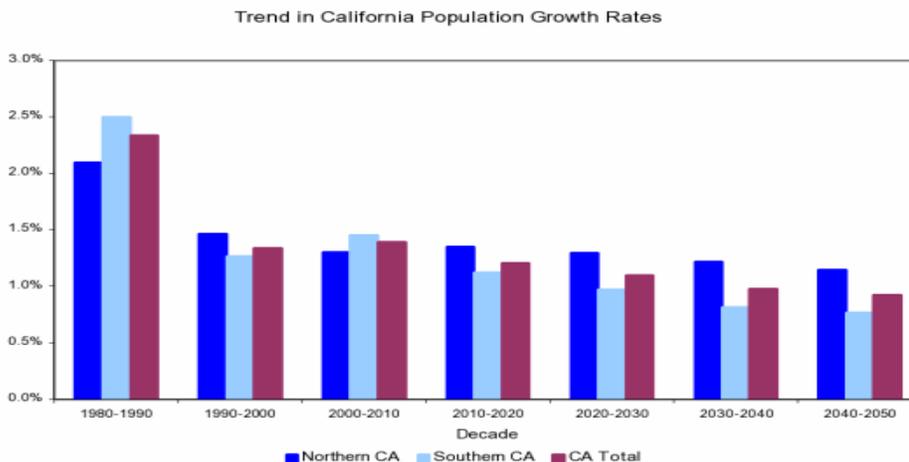
DWR Response: There is an increasing trend for recycled water production and use in the State. Since the 2002 SWRCB survey, several recycled water facilities and projects have been developed. A rough estimate of the current level of recycled water use ranges from 600-650 thousand acre feet per year. The California Water Plan Update 2009 estimate of potential additional recycled water supplies ranges from 900 thousand to 1.4 million acre-feet through the year 2030 with an associated capital cost range of 6.0 to \$9.0 billion, respectively. The 2009 SWRCB Recycled Water Policy set a goal of increasing the use of recycled water over 2002 levels by at least one million acre feet per year by 2020 and by at least two million acre feet per year by 2030.

10. What is the percentage of shift in population growth between the north and south part of the state?

DWR Response: The first chart shows the shares of the change in statewide population attributable to Northern California and to Southern California by decade. The second chart compares the decadal rates of population growth for Northern California, Southern California, and the State.

Trend in Northern and Southern California
Shares of Statewide Population Change





11. What is the lag time to assimilate water information? What is the best way to stay current with information?

DWR Response: Assimilation of water information is dependent on the type and complexity of information that needs to be collected and analyzed, the methodologies employed to measure and collect it, and most importantly, an understanding how it will be eventually used.

Generally, most water use and supply information used in the California Water Plan including completion of annual statewide data summaries lags about 4-5 years. The goal of Update 2013 (and beyond) is to publish data no more than two-years in arrears. This would include one year for data collection, plus one year to process and prepare statewide data for presentation. Accomplishing this goal is dependent on many factors such as agency reporting quality and timeliness and available DWR resources.

At this time, the Department has the most current and up-to-date information on water use and supplies in the State. By the end of 2010, the Department's assimilation process is expected to be as current as possible and readily available to the public. The technology (internet) that exists today has the capability to transmit large quantities of newly-collected data to many users in very short period of time. Unfortunately, many data programs which could have contributed to the body of information have been scaled back over the last few years as a result of economic constraints. However, SB7X 7 includes provisions that improve data collection and DWR plans to develop an online data submittal system for submittal of urban water management plan data, as a part of its implementation of SBX7-7. When developed the optional urban water management plan database will be useful for both Statewide and local water planning implementation efforts.

12. How accurate is water use data in the state?

DWR Response: Generally, the data is considered adequate for identifying rough trends and informing some state-level investment and policy decisions, but generally considered inadequate for some other uses. For example, DWR believes state water use data is generally not accurate enough to measure the effects of many state investments or policies designed to make incremental changes over time; nor for planning at many regional/local levels where a higher degree of confidence is required to plan and implement specific projects. There are varying degrees of accuracy due to the variation in the type and sources of information used to develop water use estimates. Data quality and accuracy ranges from "high" to "very low" and accuracy can vary geographically and from year to year for the same location or data source. DWR consistently seeks to improve data and analysis.

DWR develops annual water use estimates for the California Water Plan Update. These estimates are developed at a sub-county geographic level, for both urban and agricultural water use. For agricultural water use, applied water is estimated from land use. Urban water use is estimated using urban water purveyor provided information.

13. How is water use, particularly landscape water use, impacted by wet or dry years? What are the numbers for that?

DWR Response: Irrigation requirements for both agricultural and urban water use are affected by the amount of annual precipitation, especially in geographic areas of relatively lower precipitation. Generally, higher precipitation leads to more precipitation water available to crops and landscapes, requiring less water from irrigation. Factors that affect this relationship include, but are not limited to: timing, amount and distribution of precipitation; climatic factors (solar radiation, temperatures, and wind speed); and how people respond to precipitation conditions with their irrigation practices.

The best available numbers for illustrating this relationship can be taken from CWP Update 2005 annual data for years 1998, 2000, and 2001. Statewide, 1998 had a higher than average precipitation, 2000 was about normal, and 2001 was a drier year (based on total statewide averages). Urban and agricultural water use are lowest for 1998 (wet year); about 8 million acre-feet less than 2000 and 2001 (considered normal and dry years, respectively). Again, the entire difference of 8 million acre-feet cannot be attributed to greater precipitation. The actual relationship is not quantified due to many complex factors, some of which are listed above.

Water Entering the Region – Water Leaving the Region = Storage Changes in Region			
	Water Year (Percent of Normal Precipitation)		
	1998 (171%)	2000 (97%)	2001 (72%)
Water Entering the State			
Precipitation	329.6	187.7	139.2
Inflow from Oregon/Mexico	2.3	1.7	1.1
Inflow from Colorado River	5.0	5.3	5.2
Imports from Other Regions	N/A	N/A	N/A
Total	336.9	194.7	145.5
Water Leaving the State			
Consumptive Use of Applied Water * (Ag, M&I, Wetlands)	22.5	27.9	27.8
Outflow to Oregon/Nevada/Mexico	1.6	0.9	0.7
Exports to Other Regions	N/A	N/A	N/A
Statutory Required Outflow to Salt Sink	43.8	28.0	13.9
Additional Outflow to Salt Sink	73.0	37.1	17.7
Evaporation, Evapotranspiration of Native			
Vegetation, Groundwater Subsurface Outflows, Natural and Incidental Runoff, Ag Effective Precipitation & Other Outflows	190.5	106.5	99.7
Total	331.4	200.4	159.8
Storage Changes in State			
[+] Water added to storage			
[-] Water removed from storage			
Change in Surface Reservoir Storage	7.2	-1.3	-4.6
Change in Groundwater Storage **	-1.7	-4.4	-9.7
Total	5.5	-5.7	-14.3
Applied Water * (compare with Consumptive Use)	33.9	41.8	41.2

14. What studies have been done about the elasticity of water for agriculture and urban water?

***DWR Response:** Appendix 4a to Bulletin 160-98 represents the most recent work done in this area by DWR. The appendix has a detailed discussion on price elasticity for both urban and agricultural use. It also presents the results of a survey of urban elasticity studies and the results of an urban elasticity study funded by DWR (Renwick et al., 1996). Organizations that have recently conducted urban water price survey work include the American Water Works Association and Black & Veatch. This information is available at:
<http://www.dpla2.water.ca.gov/publications/b160/1998/v1ap4a.pdf>*

15. Why do we have different prices for water? Provide examples of the prices people pay for water from around the state.

***DWR Response:** Water prices are dependent on acquisition and delivery costs, characteristics of service area, and rate structure. Appendix 4A to Bulletin 160-98 (see DWR Response to Question 12) describes the reasons for different water rates.*

The most recent water price information work was done by DWR for Bulletin 160-2005. The results appeared in the Volume 4 Reference Guide. See excerpts below and find the entire report here - <http://www.waterplan.water.ca.gov/docs/cwpu2005/vol4/vol4-background-selectedwaterprices.pdf>

Selected Water Prices in California

Estimated State Water Project Contract Unit Water Charges by Service Area

Service Area	2003 Estimated Unit Cost (\$/AF)
Feather River	37
North Bay	178
South Bay	161
Coastal	629
San Joaquin	74
Southern California	277

Source: DWR B132-02

Central Valley Project Contract Water Charges by Selected Facility

Facility	2005 Contract Rate Range (\$/AF)	
	Urban	Ag
Sacramento River	9 - 19	2 - 19
Corning Canal	n/a	15 - 18
Tehama-Colusa Canal	23	15 - 22
San Felipe Unit	43	24 - 47
Delta-Mendota Canal	15 - 36	21 - 35
San Luis Canal	27 - 64	8 - 32
Friant-Kern Canal	10 - 27	22 - 30

Sources: Central Valley Project, Schedule of Contract, O&M, O&M Plus Interest and Cost of Service Water Rates per Acre-Foot by Contractor, 2005 M&I Water Rates & 2005 Irrigation Water Rates

Costs Paid By Farmers for Delivery of Surface Water for Irrigation by Hydrologic Region

Hydrologic Region	2000 Unit Cost Range (\$/AF)
North Coast	4 - 13
Sacramento River	2 - 37
San Joaquin River	4 - 80
Tulare Lake Region	15 - 118
Central Coast	392 - 607
South Coast	394 - 548
Colorado River	7 - 17

Source: Estimated unit surface costs from DWR 2000 Agricultural Water Cost Survey.

The second excerpt below reflects water pricing at the municipality-level which is further varied based on local rate structure, costs, ambient water quality, proximity to supplies, and many other factors.

**Urban Water Costs for Typical Single Family Households
 (Selected Cities and Water Purveyors)**

Hydrologic Region	City	Fixed Charge	Incremental Cost (\$/AF)	Rate Type
Sacramento River	Lucerne	\$14.30	\$956.00	U
	Clearlake Park	\$33.35	\$1,275.00	U
	Redding	\$8.18	\$327.00	U
	Marysville	\$9.50	\$293.00	U
	Elk Grove	\$13.66	\$0.00	F
San Joaquin River	Stockton	\$8.80	\$411.00	U
	Merced	\$18.33	\$0.00	F
Tulare Lake	Bakersfield	\$12.00	\$415.00	U
	Bakersfield	\$40.83	\$0.00	F
North Coast	Santa Rosa	\$4.65	\$864.00	U
	Bodega Bay	\$15.00	\$0.00	F
San Francisco Bay	San Jose	\$11.33	\$852.00	U
	Livermore	\$8.45	\$744.00	U
	South San Francisco	\$10.62	\$835.00	U
Central Coast	Santa Maria	\$9.70	\$383.00	U
	Salinas	\$10.10	\$371.00	U
South Coast	Ojai	\$15.35	\$833.00	IB
	Simi Valley	\$9.70	\$784.00	U
	Long Beach	\$13.00	\$843.00	U
	Thousand Oaks	\$10.70	\$892.00	U
	Coronado	\$6.50	\$761.00	U
North Lahontan	Mammoth Lakes	\$11.46	\$547.00	IB
	Truckee	\$44.45	\$0.00	F
South Lahontan	Barstow	\$13.00	\$690.00	U
	Victorville	\$12.55	\$917.00	U
	Hesperia	\$29.28	\$305.00	IB
Colorado River	Needles	\$23.00	\$0.00	F
	Calipatria	\$24.10	\$483.00	U

Note: U = Uniform Rate, IB = Increasing Block Rate, F = Flat Rate

Sources: DWR computations from on-line rate information made available by individual water agencies in 2004 for uniform and increasing block rate agencies. Flat rate information from Black & Veatch 2003 California Water Charge Survey.

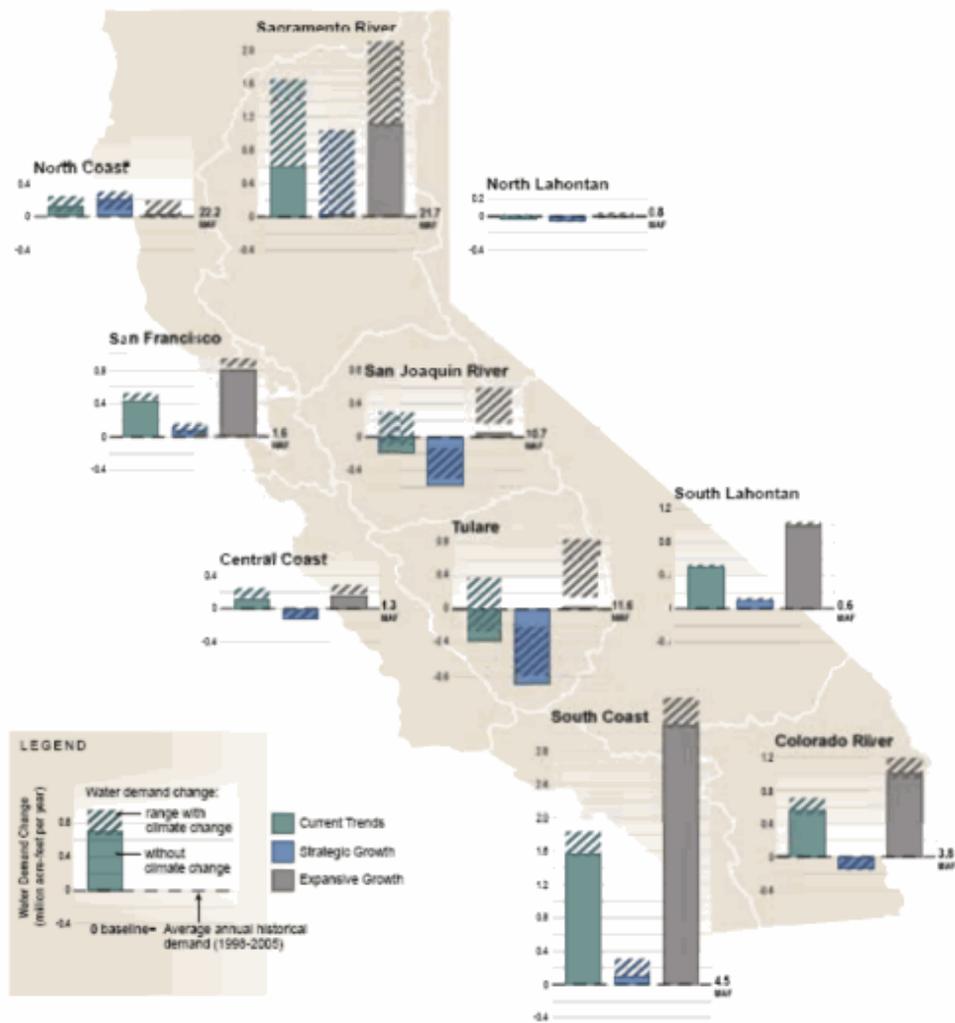
16. Provide the 30-year trend analysis, with alternative scenarios, of water demand in the state (Bulletin 160).

DWR Response: *The "current trends continued" scenario described below would be the closest characterization of a "trend analysis". At the statewide level, trends can generally be described as increasing urban and environmental demands (by up to 6.5 and 1.0 million acre-feet, respectively). This analysis also shows a decrease in agricultural water use by up to 5 million acre-feet by 2050. See Figure 5-6 below taken from CWP Update 2009.*

It is important to note that a statewide summary does not reflect the significant regional variation in projected changes in use, supply, reliability, available management alternatives, etc. Typically the regional trend analyses are more appropriate for performance tracking and for guiding state policy due the uniqueness of each region.

The regional trend and two other future scenario results published in the California Water Plan Update 2009 are illustrated below. Note the regional variability as described above.

Future Regional Water Demand Changes by Scenario



The following text and figures are from Chapters 5 and 6 from Volume 1, California Water Plan Update 2009.

Figure 5-6 Change in future statewide water demand by scenario

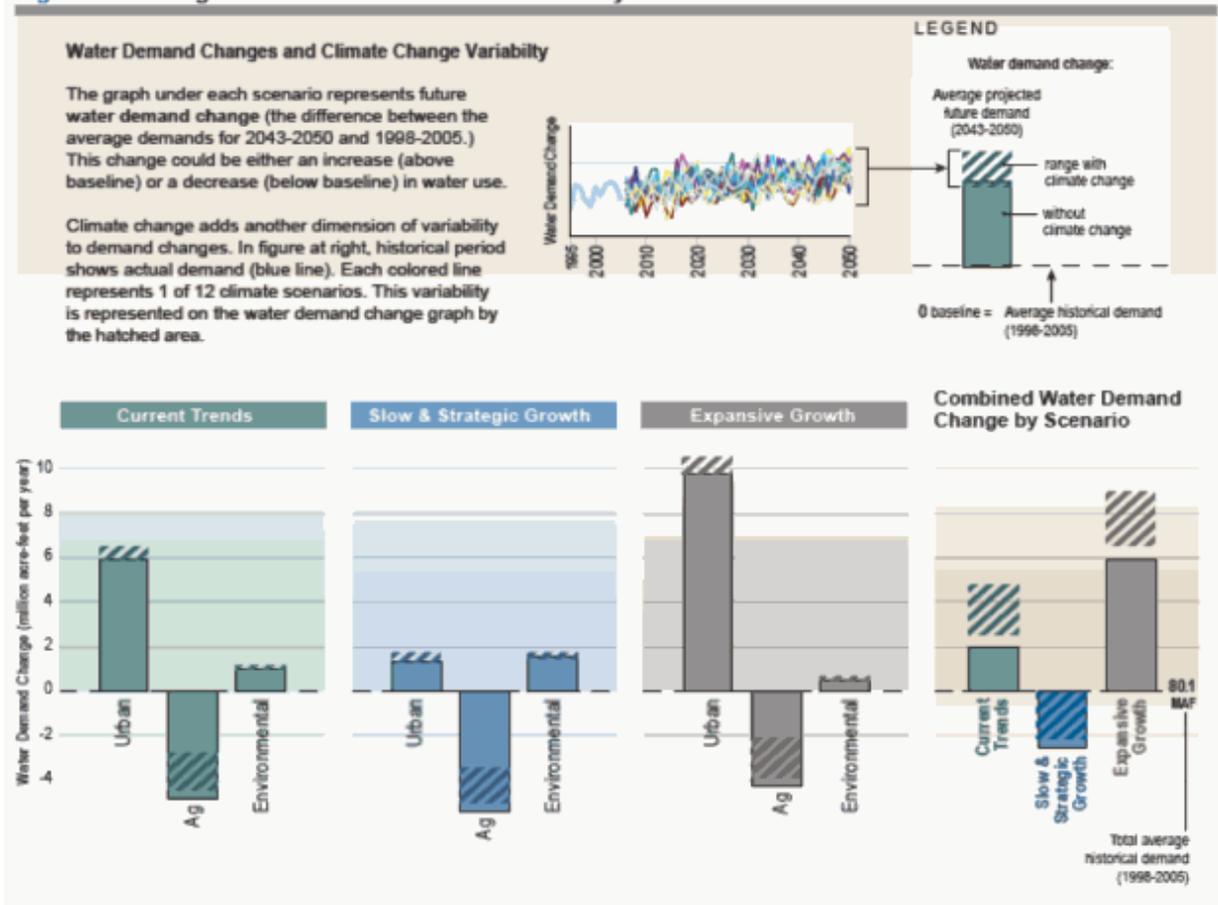


Figure 5-6 shows the statewide change in water demand for each sector (urban, agricultural, and environmental) by scenario and summed across all sectors. The change in water demand shown is the difference between the average demands for 2043–2050 (projected future) and 1998–2005 (historical). The change in water demand shown by the solid bar assumes a repeat of historical hydrology while the hatched bar shows the change in water demand when considering 12 different climate change scenarios.

17. Is there a “picture” of what is happening with landscaping that requires less water in new developments?

DWR Response: Assembly Bill 1881 of 2006 required DWR to update the 1992 State Model Water Efficient Landscape Ordinance (MWELo) after holding public hearings. DWR updated the MWELo through a rule making process and adopted the new regulation in 2009. Cities and counties are required to adopt the new MWELo. The new landscape ordinance improves landscape water conservation in both existing and new landscapes. Effective 2009, new developments are required to comply with a more efficient landscape plan, design, management and maintenance and audit requirements of the state model ordinance or its equivalent. The new landscapes may have less grass, should use less water, and have little or no runoff. New designs will use more efficient irrigation systems such as rotary sprinkler heads and more drip or low flow spray heads resulting in healthier plants and less water application. No data is yet available as to how many new development landscapes are in place that comply with the new requirements. The rate of change (or implementation of new practices) in landscape water use, is dependent on the amount of development occurring.

18. How does USGS get its water use data? Does the federal Department of Agriculture supply some of that data?

Council Staff Response: *In California the USGS predominately gathers water data from DWR and USGS databases. The USDA is not a data source for the California USGS water use report.*

Sources:

<http://ca.water.usgs.gov/>

Thomas C Haltom (verbal & written communication)
Public Information Officer
U.S. Geological Survey

19. Compile a short (50-100 pages) briefing paper about water rights in California.

Council Staff Response: *At your last meeting, staff provided a general briefing on the Delta (Agenda Item 3, Thurs. April 22nd), which included, among other things, reference to California's system of water rights.*

You may recall from the discussion, that water rights law is generally recognized as an arcane and extremely complex body of law growing out of California's unique development as a state. Most attorneys, including those who now practice in the area, would likely admit that they tried to avoid the topic in law school (current practitioners may concede that they are now reaping the rewards of their sacrifice).

That being said, it is necessary to have at least a general familiarity with the system to understand how water is allocated in the state, and to understand the nature of certain pending administrative/legal actions directly related to water rights and the Delta.

As an example, the State Water Resources Control Board—as part of a more intensified enforcement effort-- is currently conducting formal proceedings to determine the validity of water rights claimed by several Delta landowners. State Water board staff has proposed issuing cease and desist orders to the landowners for alleged unauthorized diversion and/or use of water. The landowners, in turn, claim that they have provided sufficient evidence of their longstanding, valid water rights, and that, in any event, the nature of the rights (riparian and pre-1914) are such that the State Board has no jurisdiction. The landowners were unsuccessful in state trial court in trying to halt the proceedings, the ultimate outcome of which could potentially free up water to help meet Bay-Delta flow and water quality objectives.

As a follow-up to the Delta briefing at your last meeting, you requested that we provide several short, easy-to-read reference materials regarding water rights. Pursuant to your request, see attachments included in your binder.

1. "The Water Rights Process", and "Frequently Asked Questions", from the State Water Resources Control Board, Division of Water Rights.
2. "California Water Law: Historical Origins to the Present, by Roderick E. Walston, Best, Best & Krieger (29 Whittier Law Review 765 (2008)).
3. Letter dated July 2, 2008, to John Kirlin, Executive Director, Delta Vision, from Virginia A. Cahill, Deputy Attorney General, regarding "Area of Origin Provisions in California Water Law".
4. "Sovereignty and Water Resources", by Harrison C. Dunning, Professor of Law, UC Davis (105 Water Resources Update 43 (1996)).

20. Provide data about the sea level rise at the Golden Gate over the last decade. Will also provide worldwide ice coverage data.

Council Staff Response: Over the last decade, sea level at the Golden Gate Bridge has followed the current global trend for sea level rise, which is approximately 3.1 mm per year (1/8 inch per year, 1.2 inches per decade). This translates to roughly 1 foot per 100 years, assuming a linear trend into the future. Many models predict an increasing rate of rise later in the century.

NASA's National Snow and Ice Data Center website provides numerous links providing satellite-based images and information for worldwide snow coverage and glaciers, and for Arctic and Antarctic sea ice coverage. For example arctic sea ice extent has decreased 2.6% over the last decade, while Antarctic sea ice extent has increased 2.9% over the last decade.

Sources:

<http://sealevel.colorado.edu/>

<http://nsidc.org/noaa/>

21. Council expressed interest in getting a briefing from the Menlo Park USGS staff about earthquake faults in the Delta.

Council Staff Response: The Delta Science Program staff have made the appropriate contacts and will schedule Menlo Park USGS staff to present at a future Council meeting.

22. What kinds of emergency plans are there for the Delta in case of an earthquake?

DPC Response: General Planning

Yolo County has an adopted All-Hazard Emergency Operations Plan (EOP) that identifies policies, protocols, procedures, and general operating principles associated with any significant event occurring within the jurisdictional limits of the county, to include the Delta. The EOP was last revised and adopted by the Yolo County Board of Supervisors in June 2007, and is the foundation for all county government emergency management operations and activities requiring significant response and recovery coordination. The Yolo County Office of Emergency Services (OES) follows a three (3) year plan review and revision schedule, so the EOP will be revised during 2010.

The county EOP is an all-hazards document which does not provide detailed operating procedures for any specific threat anywhere in the unincorporated areas of Yolo County. The EOP is intended to be used as a jurisdictional guidance and direction document that identifies the county's intended preparation for, response to, and recovery from identified natural (i.e. earthquake, storm, etc.), technological (i.e. hazardous materials spill, aviation accident, etc.), or human-conflict (i.e. terrorism, civil disorder, etc.) threats. This includes the unincorporated segments of the Delta.

In addition to the adopted EOP, the county is party to an approved Multi-jurisdictional Hazard Mitigation Plan (MHMP), which identifies threats in detail, highlights potential impacts and consequences, and establishes prioritized hazard mitigation projects. This is an inter-jurisdictional document that is in the process of being revised in keeping with the federal 5 year maintenance schedule for local government hazard mitigation plans. The MHMP contains information on all identified hazards, vulnerability by jurisdiction, demographics, realistic mitigation strategies, and other data that relates to threats within the Yolo Operational Area.

County OES is also responsible for maintaining other emergency management and support plans that pertain specifically to county government (i.e. Continuity of Operations Plan {COOP}, EOC Management Plan Element, Functional Plan Element, etc.) or the Operational Area (i.e. Animal Disaster Rescue Plan, Tactical Interoperable Communications Plan {TICP}, and Operational Area Coordination Plan {OACP}).

In any response to a real, emerging, or potential threat within the Delta or elsewhere within Yolo County, OES focuses on identifying risks and then facilitating a coordinated and collaborative

response and recovery mission. Planning is functionally based as addresses law enforcement, fire and rescue, emergency medical, mass care & shelter, public health, public works, hazardous materials, movement and evacuation, critical infrastructure, alert and warning, emergency communications, animal rescue, logistical support, and emergency public information operational concepts. All plans incorporate operating principles that conform to or reference the National Incident Management System (NIMS), the California Standardized Emergency Management System (SEMS), the nationally recognized Incident Command System (ICS), and locally adopted response protocols and systems.

*The Emergency Operations Plan (EOP) and Multi-jurisdictional Hazard Mitigation Plan (MHMP) are currently posted at the Yolo County website, under OES:
<http://www.yolocounty.org/Index.aspx?page=601>*

Coordination

County OES also participates in several regional emergency management planning activities that directly affect the Delta, including the Delta All-Hazard Planning Task Force (SB 27) and regional evacuation planning efforts currently being initiated by Cal EMA. This has been and continues to be a priority for Yolo County, and OES has been directly involved in regional emergency management planning, to include the Delta for years.

Finally, County OES works closely with the Sheriff, rural fire districts, local municipalities, reclamation districts, the Yolo Emergency Communications Agency (YECA), school districts, CHP, Cal Fire, US Coast Guard, DWR, USACE, Cal EMA, and the counties of Sacramento, San Joaquin, Solano, and Contra Costa on issues involving both Delta and non-Delta emergency management. Our goal is to pursue a collaborative, interoperable, and supportive association with local, state, and federal agencies as well as to work with potentially impacted communities to further an all-hazard preparedness approach within the Yolo Operational Area.

Contra Costa County Response: *Most recently, Contra Costa County has been involved in an Earthquake Response Plan for the entire County, including the Delta. The plan is an interim plan at this point in time; it will become final upon approval from the County Board of Supervisors.*

The County will also be working on a Levee Failure Response Plan in the next year if anticipated funding becomes available.

In addition, Contra Costa County has been working very closely with the other Delta counties, state agencies (DWR, and Cal EMA) and the Delta Protection Commission on the development of a Delta-wide emergency planning process, as a result of SB 27 legislation dealing with this issue. Over the next year (a time extension to complete the Plan has been requested) A Delta Multi-Hazard (all hazards) Response Plan will be completed.

23. What are the ways to prevent a catastrophic levee failure rather than respond to such failures?

DWR Response: *A catastrophic failure of a Delta levee is understood to mean a complete breach of a levee with the associated flooding of an island.*

Catastrophic failure of one or more levees in the Delta may be caused by a variety of factors, some are common while others are more remote. All of these are expressed as failure mechanisms.

Common failure mechanisms include:
Stability

*Overtopping
External erosion
Internal erosion
Flooding*

Less common failure mechanisms:

*Liquefaction
Lateral spreading*

Prevention of Catastrophic levee failure:

The first line of prevention of catastrophic levee failure is to have dedicated personnel on site to regularly monitor, inspect, maintain, and trouble-shoot levee problems. The reclamation districts in the Delta serve this function and are the first line of defense for all levee-related problems. Their staff conducts regular monitoring of the levees; they know where there are wet spots, low spots, rodent infestations, and areas subject to wave-wash erosion. They are aware of weather and tide and know which section of levee is vulnerable during high tide, windstorm, or rain-flood event for their specific island.

Critical events that may cause catastrophic levee failure vary by island, by the location in the Delta, by wind direction, and by tide phase to name a few considerations. The knowledge of hazards and their potential effect on a levee is gained only through experience. The actions of dedicated, knowledgeable personnel at critical times have prevented most levee failures in the Delta.

Having stated the specific need for regular attention to the Delta levee system, there are additional considerations that affect long-term performance of a levee embankment wherever it is located.

Methods of prevention of catastrophic levee failure by mechanism:

Stability – *Sliding and sloughing of soil, as well as settlement and cracking of the embankment may be classified as stability failures. Improper selection of materials and improper placement on weak levee foundations in the Delta and Suisun Marsh have resulted in sliding, sloughing, cracking, and settlement of the levee segments and, ultimately, in flooding of the island. Failures of stability are best prevented by having proper engineering design and oversight of levee construction to ensure that the materials in the foundation and those used for construction have appropriate properties to support the loadings expected over the life of the structure.*

Overtopping – *Levees are subject to wide variation of water surface and are designed to convey flows at some maximum water surface. Overtopping occurs when the water pours over the top of the levee onto the landward side causing erosion. If this overtopping continues for a long-enough period of time, the erosion can cause catastrophic levee failure. A number of factors influence the results of levee overtopping including hydrology, wave fetch, sea level rise, vegetative cover, and duration of overflow.*

The design water surface in the Delta is determined from an analysis of tides and flood hydrology. The typical design water surface is chosen as the 100-year event and may be generated by either flood or tide, depending on its location in the Delta. To this elevation is added freeboard to determine an appropriate levee crest elevation. Freeboard is to account for error in the analysis, wind run-up, structural settlement, and other considerations, including sea level rise.

Prevention of overtopping is accomplished by raising the levee height. Levees may be raised on either a temporary or permanent basis. In the Delta, often, the water is high for a number of hours during the twice-annual extreme high tides. In these cases, it may be possible to prevent overtopping by selectively placing sand bags or floodwalls along selected portions of the crest. If the overtopping lasts more than a few hours, it may be necessary to raise the crest from the foundation by addition of appropriate materials.

Knowledgeable engineers must be involved in selection of the appropriate levee crest elevation, including adequate freeboard, and in identification of the structural cross section design. It may also be possible to design vegetative cover that will resist erosion on the landward side of the levee due to overtopping, an alternative that was successful against erosion on New Orleans levees during the disaster following Hurricane Katrina.

Erosion – Erosion can affect a levee in several ways. Externally, erosion can degrade the levee face, making it too steep to remain stable. Internally, erosion can degrade the levee cross section, allowing seepage to remove material from inside the levee, ultimately, leading to a hole through the levee, collapse of the levee, and flooding of the island.

External erosion can be managed by placement of some type of erosion control measure, such as appropriate vegetation, construction of off-shore islands, or placement of erosion protection in the form of riprap or other material. The choice of method depends on the nature of the erosive force and should be determined by environmental scientists and engineers working closely together to understand the erosion protection need and to determine sustainable approaches.

Internal erosion is a function of material properties and must be considered by the engineer as part of the levee design. Generally, reducing internal erosion is accomplished by extending the seepage path and reducing the exit gradient. However, internal erosion is also affected by proper levee maintenance. Burrowing rodents can effect on internal erosion; by digging into the levee from the water side; beavers and muskrats can shorten the seepage path and increase exit gradient. By digging from the land side, ground squirrels can further exacerbate seepage and if left untreated that seepage may lead to levee failure. Internal erosion can be a progressive failure mechanism which can take years to develop. Beginning as a wet area, it can progress to a seep, then to a boil which must be monitored closely. If the flow through the boil begins to move material, it must be treated to prevent catastrophic levee failure. Most boils in the Delta are monitored regularly as a maintenance issue.

Flooding – Flooding is a phenomenon that affects hundreds of miles of levee in and outside the Delta in a single event. Flooding, as used here, is a prolonged high water event caused by rainstorm runoff, perhaps, increased by snowmelt. These events occur on a regular basis and can raise water surface elevations on the levee system for weeks. In the Delta, tidal cycles occur on top of these flood events and can result in exceedingly high water levels. The increased water level generates increased seepage pressures, incidences of overtopping, higher external erosion, and stability concerns in the levee system. By virtue of the fact that flooding is an area event, it requires significant planning, equipment, and manpower to keep a flood from becoming a catastrophe. The Delta Risk Management Strategy (DRMS) identified flood as the most significant risk factor for multiple levee failures in the Delta, though each failure that occurs as a result of flooding will, likely, affect isolated portions of individual levees, leaving much of the levee system in a recoverable condition after the flood subsides. Flooding is one of the events for which the Department of Water Resources (DWR) is cooperating with other agencies to prepare an emergency action plan.

Liquefaction and Lateral Spreading – For several decades, DWR has been ensuring that embankment dams throughout California are designed to resist earthquake loading to keep infrastructure and populations living below the dam safe from flooding. It can be argued that levees are not dams, since most levees hold back water only when there is a flood event. In the Delta, however, the levees retain water 100% of the time and the chance of an earthquake occurring at the same time there is water on the levee not negligible. Only recently have DWR and the U.S. Army Corps of Engineers considered earthquake to be a significant loading case for Delta levees.

Associated with earthquake are the phenomena of liquefaction and lateral spreading. In each of these cases, otherwise sound embankments lose strength and fail after undergoing shaking. Liquefaction occurs in embankments made of cohesionless, granular soils that are saturated. These are sands and silt soils common in the Delta and used in many levees as building materials. Lateral spreading occurs in embankments of weak, soft cohesive soils that deform under earthquake shaking. The Delta, including its levee system contains a significant amount of soil that can be expected to exhibit lateral spreading. The likelihood of liquefaction and lateral spreading are determined by standard penetration testing (SPT). Not an exhaustive amount of SPT has been completed in the Delta on levees and foundations. The results show that in the areas tested there are suspect materials in both the levee embankments and in the foundations.

Both liquefaction and lateral spreading result in settlement, cracking, and displacement of long segments of embankment over the area affected by the earthquake. Similar to flooding, the DRMS study identified earthquake effects to be a significant risk factor, capable of causing multiple levee failures in the Delta. Unlike flooding, the damage expected from an earthquake is expected to occur to long, continuous segments of embankment that will require restoration or reconstruction as part of earthquake recovery.

Damage due to earthquake can be prevented in levees subject to significant shaking by proper engineering of the foundation and embankment in a new levee system. Conceptually, this involves strengthening a segment of foundation adjacent to the

landward toe of the existing levee, then building a new, set-back levee of properly designed and constructed materials on top of this new foundation. Once the new set-back levee is in place, the old levee system may no longer be needed, depending upon the design of the overall levee system. The prevalence of peat foundations complicates this concept in the Delta.

Preventing catastrophic levee failure from common mechanisms relies heavily on an active, regular, well funded maintenance program to monitor conditions, recognize and respond to threats, and repair damages while they remain small. The existing public/private partnership between DWR and the local levee maintaining agencies accomplishes this objective through the Delta Levees Maintenance Subventions Program and, to a lesser extent, of the Delta Special Flood Control Projects Program.

Preventing catastrophic failure from earthquake in or near the Delta will require proper engineering and construction of new levees to resist the anticipated loading.

24. Provide a ranking of priorities regarding levees; for example, which is a higher priority, keeping salt out or preserving islands?

Council Staff Response: In progress.

25. What would be the worst thing to happen in the Delta from a biological point of view?

Council Staff Response: *Due to a high number of variables in the Delta and many species with different environmental needs, it is very difficult to answer this question. Generally, we would expect humans and terrestrial species would be impacted substantively due to flooding. Flooding may prove beneficial or detrimental to aquatic species depending on the circumstances and the species in question.*

26. Provide a priority list of stressors to the Council.

Council Staff Response: *There are multiple potential stressors to the Bay-Delta ecosystem, including*

- *Modified freshwater inflows, Delta hydrodynamics and outflow*
- *Habitat quantity and quality; less connectivity*
- *Food web changes (non-native species impacts)*
- *Toxicants (pesticides, metals & personal care products)*
- *Nutrients (nutrient ratios, harmful algal blooms)*
- *Diversions and water exports*
- *Predators and changing predator populations*

Consultant Contract

1. Change the word “consultation” to “coordination” in action item.

Council Staff Response: *This has been completed.*

Chair’s Report

1. Follow-up on the following items:

- a. Contact Mark Rothwell regarding his communication ideas.**

Council Staff Response: Done.

Council Staff Response: *This has been completed.*

10. Inform the Council, in writing, of what can be edited out of the proposed conflict of interest code that doesn't apply to the Council in two weeks (May 6).

Council Staff Response: *This has been completed.*

11. Provide a rule-making calendar to the Council at its next meeting.

Council Staff Response: *This will be provided at a later Council meeting.*

Call to Order—Follow-up from April 22, 2010

1. Register Council members for electronic news feeds such as Aquaforia, Science News, and DWR News.

Council Staff Response: Done

2. Add a place on the agenda to review list of Informational Follow-Up Items.

Council Staff Response: *This has been corrected.*

Lead Scientist's Report

1. Provide a map of government owned land in the Delta. Done.

2. Provide a copy of the Science Program's workshop summary "Ecosystem Restoration at the Landscape Scale: The North Delta and Suisun Marsh."

Council Staff Response: *The summary will be included as a part of the information packet distributed to the Council members at the May Council meeting.*

3. Provide a map of government and local restoration projects in the Delta.

Council Staff Response: Done.

4. Provide a comprehensive list of projects in the Delta. Include where, what, how much acreage, who is the sponsor, source of funding, what kind of restoration, timeline or completion date. Ask DPC for a list of local activities.

(Responses were requested from individual counties by DPC)

Contra Costa County Response: *While the County has a variety of restoration projects planned and in progress in the watershed lands skirting the Delta (mainly pursuant to our HCP/NCCP) and sponsors various programs to keep the Delta clean, there do not appear to be any County-sponsored restoration projects in the Delta proper that have progressed to the planning stage.*

Additional information is provided below regarding other wetland projects (that is, projects by others or conceptual projects):

Dutch Slough: *DWR effort.*

Iron House Sanitary District property adjacent to Dutch Slough: *The District has about 100 acres just west of Dutch Slough along Marsh Creek that they envision restoring someday. A first phase may include providing the earth necessary for Dutch Slough. No plan has been devised as yet and no environmental work has been completed for the restoration, though the Dutch Slough EIR covers the soil removal.*

Wildland's Project on Holland Tract: *An active private mitigation project / mitigation banking project.*

Flood Control Project at the mouth of East Antioch Creek: At some point the flood control district would like to consider restoring habitat and easing flow restrictions at the mouth of East Antioch Creek below Lake Alhambra (a homeowner's association water feature).

East Bay Regional Park District: Owns substantial land at Big Break, along the Bay Point shoreline and at Orwood Tract. Future restoration is a possibility.

No other county responses were received.

5. How can we accelerate getting scientific information to policy makers? What are the main sources of information?

Council Staff Response: Providing scientific information to policy makers is the primary task for the Delta Science Program. We will discuss our scientific communication approaches in the Interim Lead Scientist report at the May Council meeting. The Delta Science Program has four main vehicles for disseminating scientific information:

- State of the Bay-Delta Science 2008, which compiles, synthesizes, and communicates the current scientific understanding of the Bay-Delta system:
<http://www.science.calwater.ca.gov/publications/sbds.html>
- Delta Science Program website:
http://deltacouncil.ca.gov/delta_science_program/
- Science News,, a bi-monthly electronic publication highlighting science issues and event relevant to the Bay-Delta community:
http://www.science.calwater.ca.gov/publications/sci_news.html
- San Francisco Estuary and Watershed Science, an open access, peer-reviewed journal that publishes research about the science and resource management in the Bay-Delta system
http://escholarship.org/uc/jmie_sfews

Secretary Kawamura

1. What is the consultant's responsibility for working with federal, state, and local agencies and their existing efforts?

Council Staff Response: The consultant will be responsible for knowing and understanding the related efforts occurring in federal, state, and local agencies. As part of preparing the PMP and in ongoing project management, they will recommend how and when the Council should interact in those efforts. However, direct contact and coordination with other agencies will be led by Council staff with support from the consultant.

Ecosystem Restoration PSPs (DWR and DFG)

1. What is the cumulative sum for how much all governments have spent on Delta levees over the last 30 years. Categorize the spending by programs, e.g., Delta regions, emergency response, special programs, etc. Include significant local cost share funding for maintenance.

DWR Response: The attached spreadsheet (see file "Expenditures for DSC.05-04-10.xlsx") shows the amounts spent on the Delta Levees Maintenance Subventions Program (Subventions), FEMA Disaster and Special Projects.

2. What makes some islands more important than others? Is there an inventory of Delta islands?

DWR Response: As part of conducting a comprehensive risk analysis of levee failures in the Delta, DRMS created a list of all islands in the Delta. This list (*see attached file "Island Assets and Details.xls"*), is sorted alphabetically and includes information about population, geometry, land use, infrastructure, historic significance, and other attributes. Classifying islands in terms of importance would be analogous to calling one city neighborhood more important than another. However, it is possible to rank islands based on a defined criterion, i.e. which islands are more important in terms of controlling water quality, habitat, etc.

3. Does DRMS show ownership of levees by region or island by island?

DWR Response: No. The DRMS report does not include information on ownership of levees. Information on the responsible reclamation district for each Delta Island is included in the attachment *"Island Assets and Details.xls"* referenced above.

4. Does DRMS analyze which levees carry liability to the State under the Paterno Ruling?

DWR Response: No. DRMS did not perform any legal analysis of liability to the State under the Paterno Ruling.

5. Where does the Army Corps of Engineers (COE) come into the whole process?

DWR Response: The COE has a number of roles in the Delta. The Sacramento District Corps of Engineers has staff assigned to work on two projects in the Delta. The CALFED Levee Improvement Program, and the Delta Islands and Levees Feasibility Study. In addition the COE has a regulatory role in the Delta and is involved with PL 84-99 issues of levee rehabilitation.

The CALFED Levee Improvement Program was authorized by congress to improve levees in the Delta using a streamlined process. It is, currently, being implemented on McCormack-Williamson Tract and at Bethel Island. The process involves at least 3 partners. The COE is in the lead and signs an agreement with the local agency (RD) for the project. Depending on the phase of work, the local cost share to participate in the COE projects ranges from 50% to 35%. To minimize local costs, Reclamation Districts typically work with the State's Delta Levees Program to cover approximately 75% of the local share.

The Delta Islands and Levees Feasibility Study is a COE study to identify problems and opportunities for projects in the Delta. It has been in place for several years and the effort continues. One of its first products, in cooperation with DWR, was the Delta Risk Management Strategy (DRMS), though all funding for DRMS came from State sources.

6. Schedule time for the locals to come talk with the Council about: (1) local investments in levees, (2) what locals have done regarding seismic risk, and (3) what locals have done regarding flood fighting activities.

Council Staff Response: Council staff will look for an opportunity to include this on a future Council agenda. We anticipate doing this in the context of a Delta Plan discussion.

7. Provide Council members a copy of the Regional Conditions Report from the Central Valley Flood Protection Plan when it is available.

DWR Response: DWR is providing CD copies of the Regional Conditions Report and hard copies of the Interim Progress Summary #1 to be distributed to the Council members. (Refer to enclosed folder within your binder for materials.)

www.water.ca.gov/cvfmfp

8. **Provide Council members with a copy of both the DWR and DFG PSPs.**
Council Staff Response: Done.
9. **Has a cost/benefit analysis been done for ecosystem restoration? Provide information on the comprehensive list of scientific reports mentioned earlier.**
DFG Response: Refer to enclosed folder within your binder for materials.
10. **Schedule a discussion about the Williamson Act, working landscapes, and how DFG is working with CDFA and Dept. of Conservation are using these tools to benefit agriculture and ecosystems.**
Council Staff Response: Council staff will look for an opportunity to discuss this at a future Council meeting. We anticipate doing this in the context of a Delta Plan discussion.
11. **Bring proposals selected under these PSPs back to the Council to make sure they address co-equal goals.**
Council Staff Response: Council staff will coordinate with DFG and DWR to do this. .

Interim Plan

1. **Include the 10 items in the federal Interim Delta Plan to the outline for the Council's Interim Plan.**
Council Staff Response: This has been completed
2. **Solicit stakeholder input into the Interim Plan, asking for items in writing 10 days prior to the next Council meeting so information can be included in the Council packet. Ask for recommendations, how to implement recommendations, performance measures (what does success look like), and consequences (what does failure look like).**
Council Staff Response: This has been completed and the stakeholder input included in the Council packet under Agenda item 9, Attachment E.
3. **Change the organization of the outline so it is more like a strategic plan: what, why, how. Use different headings.**
Council Staff Response: The outline has been revised and will be presented to the Council for further comment. It is included in the Council packet under Agenda item 9, Attachment B.
4. **Provide a status report on the Two Gates project and federal participation.**
Department of the Interior response: During the second half of 2009, federal agencies performed intensive review and permitting efforts on this project. According to the Department of the Interior, As the reviews proceeded, it became clear that the project purpose could most expeditiously be advanced by first proving (or disproving) the underlying hypothesis that must be established for the 2-Gates project to be effective as a potential water supply enhancement. Indeed, if the hypothesis that smelt move with turbid waters can be demonstrated in the field, it may be possible to adjust pumping rates without the physical installation of the gates (for example, by increasing pumping rates during clear water periods).

These developments spurred the Federal agencies, through the U.S. Geological Survey (USGS), to immediately undertake and implement a new project (described below) to evaluate the smelt-turbidity relationship, with the hope that the project can provide information more quickly than waiting for the installation of the 2-Gates project.

Accelerated Field Study of a Potential Smelt-Turbidity Relationship: The delta smelt Biological Opinion (BO) issued by FWS contains provisions prescribing a range of flow limitations that affect water exports from the Delta pumps. The flow limitations and levels at which the pumps may operate are to be determined by the interagency Smelt Working Group in consideration of hydrologic conditions and potential entrainment of the species at the pumps. USGS scientists, working together with other Federal and State agency scientists and independent scientists from UC Davis, have been working intensively over the last few months to implement a new project that will gather field-based data to evaluate a potential relationship between delta smelt and turbidity. The first phase of the project has been implemented and included the installation of 14 real-time turbidity sensors in the Delta. These sensors now record and feed real-time turbidity measurements into a central location where they can be accessed for use in connection with water supply decision-making.

In the second phase of the study, USGS and partners will coordinate and oversee a pilot smelt sampling project before, during, and after major turbidity events that will help provide information on the location of delta smelt, the relationship between smelt and turbidity, and other factors relevant to smelt location, behavior, and movement. If the results of this USGS-coordinated project demonstrate that smelt tend to move with turbid waters, this new information could inform decision-making regarding allowable pumping during periods when the newly-installed sensors indicate that turbid waters will not be drawn into the pumps. The project results also may provide information about whether it would be a cost-effective strategy to install physical gates to attempt to diminish the interaction between turbid waters and the pumps and, if so, what the optimal location of such gates might be.

USGS anticipates that this study will be the initial step in an ongoing, long-term scientific effort to work with the Interagency Ecological Program (IEP) for the San Francisco Estuary, the CALFED Science Program (which will become the Delta Science Program), and other State and Federal partners to conduct comprehensive research to provide critical understandings about the relationship between water conditions and smelt movement. In future years, such research could yield new knowledge needed for water and fish management. Elements of the proposed work include turbidity/sediment models, hydrodynamic models, delta smelt life-cycle population modeling, integration of the physical and ecological models, and science for optimal multi-species management.

- 5. Categorize the recommended projects: has to be done, nice to get done, doesn't have to get done right away, etc.**

Council Staff Response: *This has been completed. It is included in the Council packet under Agenda item 9, Attachment G.*

- 6. Post all comments on the Council website as soon as possible.**

Council Staff Response: *This has been completed.*

Comments

- 1. Ask the Natural Resources Conservation Service director to make a presentation to the Council.**

Council Staff Response: *In process.*

DELTA STEWARDSHIP COUNCIL MEETING
April 1, 2010
MEETING SUMMARY

1. Welcome and Introductions

The meeting was called to order at 10:07 a.m., April 1, 2010, by Don Nottoli, Chair of the Delta Protection Commission, the first member appointed to the Council.

2. Oath of Office

Don Nottoli introduced Associate Justice Ron Robie, California Court of Appeal, Third Appellate District, who administered the Oath of Office to the Council members.

3. Roll Call – Establish a Quorum

Roll call was taken and a quorum was established. The following members were present for the meeting: Randy Fiorini, Gloria Gray (Ms. Gray left meeting at noon), Phillip Isenberg, Patrick Johnston, Hank Nordhoff, and Don Nottoli. The following member was absent: Richard Roos-Collins.

4. Election of Council Chair (Action Item) (Water Code §85200(e))

Counsel Chris Stevens explained that SBX7 1 requires the Council to elect a full-time chair and cautioned that the members nominated should abstain from voting. Gloria Gray nominated Phillip Isenberg, Hank Nordhoff and Patrick Johnston, both seconded the motion. A vote was taken, and Phillip Isenberg was elected on a 5-0 vote. Ayes: Nordhoff, Johnston, Fiorini, Nottoli, Gray; Noes: None; Isenberg abstained from vote.

Justice Robie, swore-in Isenberg as Chair (a full-time position) and Chair Isenberg assumed control of the meeting, thanking member Nottoli for chairing the meeting and thanked Justice Robie honoring the members by coming to swear the council in to office.

Chair Isenberg introduced Lester Snow, Secretary for Natural Resources and David Nawi, Special Advisory to the Secretary of the Interior. Both delivered opening remarks.

5. Designation of Interim Executive Officer (Action Item) (Water Code §85201(d))

Statute calls for Council to appoint an Executive Officer, however a suggestion was made to appoint an Interim Executive Officer and then Council will revisit item in the next 30, 60, or 90 days.

It was moved (Johnston) and seconded (Fiorini) to designate Grindstaff as the Interim Executive Officer. A vote was taken (6/0 vote) Ayes: Nottoli, Gray, Isenberg, Fiorini, Johnston, Nordhoff. Noes: None. The Council unanimously passed the motion to appoint Grindstaff as the Interim Executive Officer.

7b. Proposed Delegation of Authority to the Executive Officer (Action Item) (Water Code §85210(d))

Agenda Item 7b was taken out of order to be addressed by the Council. Counsel Stevens presented this item. It was an action item that would delegate authority to the Executive Officer to administer the day-to-day affairs of the Council. The proposed delegation is consistent with other delegations adopted by state boards and commissions, and will allow the Council to more properly focus its attention on significant Delta-related policy matters. Member Nottoli expressed concern and his thoughts concerning the importance of showing prudence relative to the fiscal side of the delegation. Stevens pointed out that the last paragraph of the delegation require the Executive Officer to bring to the Council's attention any matter that is unique or unusual; depart from the policies of the Council, and controversial matters, etc.

It was moved (Nottoli) and seconded (Gray) to approve with the Delegation of Authority to the Executive Director with a **modification of the action to provide the Council with a list of contracts entered into and a list of examples for categories**. A vote was taken, (6/0 vote) Ayes: Nottoli, Gray, Isenberg, Fiorini, Johnston, Nordhoff. Noes: None. The motion was unanimously passed as modified.

7a. Proposed Procedures for Delta Stewardship Council (Information Item) (Water Code §85210(i))

Counsel Stevens presented this information item that would adopt meeting procedures for the Council and recommend that the Council adopt the procedures at their next meeting in order to provide for the orderly and effective conduct of meetings. The procedures are consistent with other state boards and commissions, and are reflective of meeting procedures adopted by various county boards of supervisors. Chair Isenberg requested Council members to review the procedures and offer suggestions. Isenberg proposed this item come back to the Council at the next meeting as an action item for deliberations.

6. Interim Executive Officer's Report

Chair Isenberg introduced Joe Grindstaff to present these items.

6a. Staff Report Describing the Statutory Mission and Potential Organization of the Delta Stewardship Council.

Grindstaff gave background on the water bond and drew attention to Agenda Item 9, Attachment 1, Informational Timelines as being broad responsibilities. Grindstaff turned to Counsel Stevens who walked the Council through the legislation, **Attachment 1, Text of SBX7 1**.

Grindstaff introduced the executive management personnel noting their bios were included in the Council members' meeting materials, as **Attachment 2**.

Grindstaff pointed out **Attachment 3, Interim Organization Chart**, noting the next step is for the Organization Chart to go to Department of Personnel Administration for approval and to set salaries.

Grindstaff moved to **Attachment 5, FY 09-10 Budget**, explaining it in detail. Chair Isenberg requested a more detailed budget briefing at the next meeting to help the Council members better understand it.

6b. Legislative and Legal Briefing

This will be a standing item on the Council's agenda. Chair Isenberg requested Legislative Director, Curt Miller, give a background summary and verbal report for pertinent legislative issues at every meeting.

Regarding the Legal Briefing, Chris Stevens, Chief Counsel, said there are 20-30 lawsuits driving operations. DWR has offered to have their attorneys brief the Council on litigation at a future meeting.

7c. Legal/Administrative Report

Stevens went over the Conflict of Interest Code Adoption Procedures, which was an informational item. The Council must institute a formal rulemaking to adopt a conflict of interest code. Once an organization chart listing staff positions is ratified by the Council, staff will prepare a draft code and rulemaking package for action at the Council's next meeting.

There was a brief discussion on ex-parte communications and rule-making. Stevens gave the Council an explanation and interim advice until the next meeting, when this will be on the agenda for discussion.

The meeting recessed for lunch at 12:15 and resumed at 1:00 p.m.

9. Delta Plan

Terry Macaulay summarized the requested actions regarding the Delta Plan. There was discussion among the members as to how to resolve conflicts. Chair Isenberg and Chris Stevens discussed the statute and mandate from the legislation as it related to the Delta Plan. Stevens acknowledged the Council has a clear planning duty, enforceable, an appellant duty regarding consistency with the Plan, etc.

9a. Option to Retain Consultant Assistance for the Delta Plan (Action Item) (Water Code §85210(b))

Chair Isenberg and Joe Grindstaff talked about the RFQ process, which was an action item and encouraged Council members to become involved and if schedules allow to sit through the interviews, if desired. **Isenberg restated the action that will direct the staff to proceed under the proxy DWR format with the understanding that no earlier than our next meeting but no later than very early May we will make a final determination and that final determination will be prefaced by a written report or analysis that will go out to the Council a minimum a week in advance. The Council accepted the staff recommendation with the condition. Isenberg also requested that a copy of the blank RFQ be posted on the website.**

It was moved (Johnston) and Seconded (Fiorini) to approve the restated action. A vote was taken (5/0) Ayes: Nottoli, Isenberg, Fiorini, Johnston, Nordhoff. Noes: None. The motion was unanimously passed.

9b Development of the Delta Plan Consistent with the Coastal Zone Management Act (Information Item) (Water Code §85300(d))

This agenda item was held over for a future meeting.

9c. Establishment of a Delta Plan Agency Coordination Group (Action Item) (Water Code §85204)

Joe Grindstaff discussed this agenda item and the request for the Council to direct staff to present a plan for a committee of agencies responsible for implementing the Delta Plan at the next Council meeting.

The Council provided direction and called for a vote. It was moved (Johnston) and Seconded (Fiorini). A vote was taken (5/0) Ayes: Nottoli, Isenberg, Fiorini, Johnston, Nordhoff. Noes: None. The motion was unanimously passed.

9d. Request for Federal Participation in Delta Plan Development (Action Item) (Water Code §85082)

Joe Grindstaff presented this action item, requesting federal participation in the Delta Plan development. Staff are requesting the Council (Chair Isenberg) send a letter to the Secretary of the Interior requesting appointment of federal agency representatives to participate in the development of a Delta Plan that will be consistent with the CZMA of 1972, and the Clean Water Act, and the Reclamation Act of 1902.

The Council discussed this issue and called for a vote. It was moved (Johnston) and seconded (Nordhoff). A vote was taken (5/0) Ayes: Nottoli, Isenberg, Fiorini, Johnston, Nordhoff. Noes: None. The motion was unanimously passed.

9e. Direction for Development of Interim Plan (Action Item) Water Code §85084)

Terry Macaulay presented this action item that requested the Council direct the staff to develop the Interim Plan to guide project, plan, and program development until the Delta Plan is adopted. Chair Isenberg said the request appeared to be pretty straight forward. Grindstaff agreed.

Supervisor Nottoli, said the DPC Resource Management Plan has recently been completed and suggested there are elements of the plan that should be considered in the interim plan.

It was moved (Johnston) and seconded (Nottoli) to approve the action, with direction from the Council to the staff to consider the DPC's Resource Management plan when developing the Interim Plan. A vote was taken (5/0) Ayes: Nottoli, Isenberg, Fiorini, Johnston, Nordhoff. Noes: None. The motion was unanimously passed, with the discussed direction.

10. Direction to Chair to consult with SWRCB on Selection of Delta Watermaster (Action Item) (Water Code §85230)

Chair Isenberg cleared this item. Statute requires the Council to consult with the State Water Resources Control Board on Delta Watermaster they will appoint.

This action authorized Chair Isenberg to consult with them on this matter. It was discussed by the Council called for a vote. It was moved (Johnston) and seconded (Nottoli). A vote was taken (5/0) Ayes: Nottoli, Isenberg, Fiorini, Johnston, Nordhoff. Noes: None. The motion was unanimously passed.

8a. Introduction to Delta Science Program and Council Authority under Enabling Statutes (Water Code §85280)

Dr. Clifford Dahm, Acting Lead Scientist, presented this agenda item to Council. There was discussion regarding the Council's participation in the BDCP process and finding a way for the Council to comment but remain independent.

8b. Designation of the Interim Lead Scientist (Action Item) (Water Code §85280 (b))

Joe Grindstaff presented this action item, recommending Dr. Dahm, as the Interim Lead Scientist. It was moved (Johnston) and seconded (Nordhoff). A vote was taken (5/0) Ayes: Nottoli, Isenberg, Fiorini, Johnston, Nordhoff. Noes: None. The motion to appoint Dr. Clifford Dahm as the Interim Lead Scientist was unanimously passed.

8c. Procedures for Selection of the Delta Independent Science Board (Action Item) (Water Code §85280(a))

This item called upon the Interim Delta Lead Scientist to work with the previous CALFED Independent Science Board Chair and the Delta Stewardship Council Chair to develop a list of Delta Independent Science Board nominees for the consideration of the Council. After discussion the Council **requested one change to the action, an email solicitation for applicants should be conducted as part of the process to develop the list of nominees for the ISB.**

It was moved (Fiorini) and seconded (Nordhoff) to approve the action with the requested change. A vote was taken (5/0) Ayes: Nottoli, Isenberg, Fiorini, Johnston, Nordhoff. Noes: None. The motion was unanimously passed.

8d. Delta Science Program Proposal Solicitation Package for Research Grants (Information Item) Water Code §85210(g) and Water Code §85280 (b) (4))

This information item was presented by Dr. Dahm. The presentation covered the purpose of funding research, focused research topic areas, and a proposed timeline to move forward with PSP and come back to Council with final PSP at their next meeting.

11. Public Comments

Public comments were heard from the following:
Randy Kanouse, East Bay Municipal Utilities District
Scott Gravitt, Rosetta Resources
Jonas Minton, Planning and Conservation League
Bryon Buck, State and Federal Water Contractors
Steve Ottemoeller, Friant Water Authority
Dr. Mark Rockwell, Penn Valley Citizen
Charles Bucaria, Sacramento Citizen
Spreck Rosekrans, Environmental Defense Fund
David Pegos, California Department of Food and Agriculture
John Kirlin, Delta Vision Foundation
Gary Bobker, The Bay Institute
Leo Winternitz, The Nature Conservancy

Meeting was adjourned at 4:27p.m.

DELTA STEWARDSHIP COUNCIL
April 22 - 23, 2010
MEETING SUMMARY

DAY 1: Thursday, April 22, 2010, (10:00 a.m. – 4:00 p.m.)

1. Welcome and Introductions

The meeting was called to order at 10:00 a.m., April 22, 2010, by Chair Phillip Isenberg. Before roll was called, Chair Isenberg performed the duty of swearing Richard Roos-Collins into office.

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

Roll call was taken and a quorum was established. The following members were present for the meeting: Don Nottoli, Phillip Isenberg, Gloria Gray, Randy Fiorini, Richard Roos-Collins, Hank Nordhoff, and Patrick Johnston (arrived at 10:15 a.m.) Chair Isenberg did an overview of the two-day meeting, noting that he and Supervisor Nottoli were on call to attend budget hearings and would probably have to leave for a portion of the meeting.

3. Delta Briefing

This agenda item was an information item. Chair Isenberg gave an overview of the briefing, and Joe Grindstaff, Interim Executive Officer, introduced and moderated the staff presenting the PowerPoint presentation and interactive discussion between the Council and presenters.

Keith Coolidge, Acting Chief Deputy Executive Officer, opened the presentation with a discussion about supply and demand, water rights, how water is moved and where it goes, and the Delta as an ever-changing hub. Dr. Clifford Dahm, Interim Lead Scientist, took over the science and the Delta portion of the presentation which included resource management, ecosystem science, and decision making. Dr. Anke Muller-Solger, IEP Lead Scientist, spoke on the lessons learned from 40 years of interagency science in the Delta. Coolidge finished the presentation by addressing the issue of actions and consequences in the Delta and information on the 2009 Legislative package.

Chair Isenberg and Supervisor Nottoli were called to the budget hearing at 12:30 p.m. Members Fiorini and Gray chaired the meeting while they were absent. The meeting broke for lunch at 12:50 and resumed at 1:30. Chair Isenberg and Supervisor Nottoli returned to the meeting shortly before lunch concluded, at which time Chair Isenberg introduced the next agenda item.

4. Delta Plan Consultant Contracts (Action Item) (Water Code §85210(b))

Terry Macaulay presented this item. It was an action item that was brought back from the April 1, 2010, Council meeting, at which time the Council directed the staff to continue with the Delta Plan contractor selection process that was underway.

This action item requested the Council: 1. Concur with the recommendation of the selection panel and request DWR, in consultation with Council staff, to take the following actions as soon as possible: (a) Execute a contract with the selected contractor for a term of two years, in an amount not to exceed \$9.5 million; (b) Prepare and execute an initial task order under the contract in an amount not to exceed \$2 million for project management, Delta Plan outline, interim plan and communications; and (c) Assign the contract and initial tasks order to the Council as soon as practicable; and 2. Direct staff to seek an independent sub-consultant to review development of BDCP and its associated EIR/EIS.

The item was discussed and the Council requested the action be amended as follows:

1. Concur with the recommendation of the selection panel and request DWR, in ~~consultation~~ coordination with Council staff, to take the following actions as soon as possible:
 - (a) Execute a contract with the selected contractor for a term of two years, in an amount not to exceed \$9.5 million.
 - (b) Prepare and execute an initial task order under the contract in an amount not to exceed \$2 million for project management, Delta Plan outline, interim plan and communications.
 - (c) Assign the contract and initial tasks order to the Council as soon as practicable.
2. Direct staff to seek an independent sub-consultant to review development of BDCP and its associated EIR/EIS.

It was moved (Roos-Collins) and seconded (Johnston) to approve the amended action. A vote was taken (7/0 vote) Ayes: Nottoli, Isenberg, Gray, Fiorini, Roos Collins, Nordhoff, Johnston. Noes: None. The motion was unanimously passed.

5. Chair's Report

Chair Isenberg gave update on items a, b, and c. All items were informational.

a. Request for Federal Participation (Water Code §85082)

Chair Isenberg and Joe Grindstaff will take the lead on this item and report back to the Council at its next meeting regarding the status of their request for federal participation.

b. State Water Resources Control Board Consultation about Watermaster (Water Code §85230)

Chair Isenberg discussed the April 21, 2010, memo he sent to Charles Hoppin, Chair of the State Water Resources Control Board regarding the Appointment of a Delta Watermaster and the outcome of his meeting with Chair Hoppin.

c. State Agency Coordination (Water Code §85204)

Chair Isenberg discussed the April 21, 2010, memo he sent to Mark Cowin, Director of the Department of Water Resources, regarding working with DWR on the BDCP, the Delta Plan, other related efforts and a request to meet and discuss these issues.

6. Interim Executive Officer's Report

Joe Grindstaff presented this agenda item, which was informational. Grindstaff also noted the correspondence included in the members' binders. The Council would like a description of how the staff will handle correspondence addressed to them. Grindstaff said we plan on posting correspondence and responses on the Council's website.

a. Budget Detail

Grindstaff discussed the budget policy background.

b. List of Contracts since February 3, 2010

A list of agreements approved by Executive Officer from 2/3/10-4/15/10, which was a request of staff made by the Council at their April 1, 2010, meeting, was presented. The Council would like to be provided with a contract expenses report, quarterly.

c. Legislative and Legal Update

Curt Miller presented the Legislative Update that included a description of AB 2092 (Huffman) and a list of other legislation regarding Delta water policy. The Council would like a draft policy and procedure for how the Council will address legislation. Miller agreed to develop the policy for the Council's review at the next meeting.

d. Bagley-Keene and Ex Parte Discussion (Government Code §1120 et seq.)

Chris Stevens, Chief Counsel, introduced Daniel Siegel, Department of Justice, who presented information to the Council on Bagley-Keene and Ex Parte Discussions.

Agenda Item 5b

Meeting Date: May 27-28, 2010

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7. Administrative Items

Chair Isenberg introduced agenda item 7. These items were action items.

a. Adoption of Proposed Meeting Procedures and Possible Election of Other Officers (Vice Chair) (Action Items) (Water Code §85210(i) and Water Code §85201(a))

Counsel Stevens presented the proposed meeting procedures which were introduced at the April 1, 2010, meeting, for Council members' review. The proposed procedures for the Delta Stewardship Council meetings are consistent with meeting procedures adopted by other state boards and commissions, and reflective of meeting procedures adopted by various county boards of supervisors. Staff recommended the Council adopt the following resolution, The Delta Stewardship Council hereby adopts as its meeting procedures, the attached "Procedures for Delta Stewardship Council Meetings."

The procedures included in the members' materials were updated from the 4/1/10 version, changing the location of the meetings in number 3, Time and Place of Regular Meetings: Unless otherwise specified, the Council will meet regularly, on the fourth Thursday and Friday of every month, at the Secretary of State's Office Auditorium, 1500 11th Street, Sacramento.

At the Council's request, the procedures are amended to read "At least two regular meetings per year will take place at an alternate location within the boundaries of the legal Delta or Suisun Marsh."

It was moved (Johnston) and seconded (Fiorini) to approve the amended Meeting Procedures. A vote was taken (7/0 vote) Ayes: Nottoli, Isenberg, Gray, Fiorini, Roos-Collins, Nordhoff, Johnston. Noes: None. The motion was unanimously passed as amended.

The second agenda item brought up for discussion was the election of a Vice Chair. Chair Isenberg requested nominations. Patrick Johnston nominated Randy Fiorini for Vice Chair. The motion was seconded (Nordhoff). Fiorini accepted the nomination and a vote was taken (6/0) Ayes: Nottoli, Isenberg, Gray, Roos-Collins, Nordhoff, Johnston. Noes: None. The motion was unanimously passed.

b. Adoption of Meeting Calendar (Action Item) (Water Code §85200(f))

The meeting calendar was discussed by the Council and agreed on the May – October schedule. Council staff will poll members for availability for meetings in November and December. It is understood that once we sort out the list of potential sites, staff will produce a meeting schedule that includes all dates through December as well as the locations of each meeting.

It was moved (Fiorini) and seconded (Gray) to approve the meeting schedule through October. A vote was taken (7/0) Ayes: Nottoli, Isenberg, Gray, Fiorini, Roos-Collins, Nordhoff, Johnston. Noes: None. The motion was unanimously passed.

8. Conflict of Interest Code Rulemaking (Action Item) (Government Code §87300 et seq.)

This action item if approved, requests the Council to direct staff to initiate the rulemaking process for the adoption of a conflict of interest code for the Council. Chair Isenberg and Counsel Stevens discussed the draft code and FPPC regulation as well as the Conflict of Interest Code Adoption Procedures. The draft code will come back to the Council in July and the entire process will be completed in August.

Since the code that will be adopted will be specific to the Council, the Council requests the action be amended to delete sections that do not apply to Council. The Council also requests that they be informed in writing, no later than 2 weeks, which sections were deleted.

Agenda Item 5b
Meeting Date: May 27-28, 2010
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It was moved (Fiorini) and seconded (Nordhoff) to approve the amended action. A Vote was taken (7/0), Ayes: Nottoli, Isenberg, Gray, Fiorini, Roos-Collins, Nordhoff, Johnston. Noes: None. The motion as amended was unanimously passed.

9. Public Comment

Public comments were heard from the following:
Barry Nelson, Natural Resources Defense Council
Gilbert Cosio, MBK Engineers
Melinda Terry, North Delta Water Agency

The meeting concluded for the day at 3:56 p.m.

DAY 2: Friday, April 23, 2010 (9:00 a.m. – 4:00 p.m.)

10. Call to Order

The meeting resumed at 9:00 a.m. with Chair Isenberg presiding.

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

Roll call was taken and a quorum was established. The following members were present for the meeting: Don Nottoli, Phillip Isenberg, Gloria Gray, Randy Fiorini, Richard Roos-Collins, Hank Nordhoff. Absent: Patrick Johnston.

12. Interim Lead Scientist's Report

a. Update on Recommendation Process for Appointment of the Delta Independent Science Board (Water Code §85080 and Water Code §85280(a))

Dr. Dahm presented this information item, which included an update on the Delta ISB Appointments.

13. Proposal Solicitation Process for Science Grants (Action Item) (Water Code §85210(g) and Water Code §85280(b)(4))

Dr. Dahm presented this action item that was brought to the Council at their meeting on April 1, 2010. The approval of this action by the Council will enable the Delta Science Program to set a deadline for proposal submittals and complete the solicitation process.

After discussion with the Council, it was moved (Collins) and seconded (Gray) to approve the action. A vote was taken (6/0) Ayes: Nottoli, Isenberg, Gray, Fiorini, Roos-Collins, Nordhoff. Noes: None. The motion was unanimously passed.

14. Review of Proposal Solicitation Processes for Ecosystem Restoration Grants

This was an information item on restoration projects that included PowerPoint presentations by Dave Mraz, Department of Water Resources, and Carl Wilcox, Department of Fish and Game..

15. Draft Outline of Interim Plan (Information Item) (Water Code §85084)

Joe Grindstaff presented this informational item to the Council. At the direction of the Council from their meeting of April 1, 2010, staff prepared an Interim Plan draft outline. The outline will be changed significantly as real work on the Interim Plan begins. The draft Interim Plan will be based on the statutory requirements for the Delta Plan as they apply during the period before the Delta Plan is adopted.

16. Public Comment

Public comment was heard from the following:
A.G. Kawamura, California Department of Food and Agriculture
Mark Rentz, Association of California Water Agencies

17. 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.

The next meeting is scheduled on May 27-28, 2010.

The meeting adjourned at 12:15 p.m.

Proposed Legislation Review Policy for the Delta Stewardship Council

Summary: This report discusses the current method for reviewing legislation and proposes a policy for reviewing legislation in the future.

Background

Although the Council is an 'independent agency of the state' (Water Code Section 85200), Council staff traditionally reviews and analyzes specific legislation at the request of the Governor's Office, or upon our own initiative. Analyses requested by the Governor's Office (sample attached) include bills related to Delta policy, statewide water issues, and legislation concerning state agency operations. Bill analyses requested by the Governor's Office are reviewed and analyzed under an established set of procedures that dictate analysis format and content. **The bill analyses are confidential documents under the provisions of Government Code §6254.**

Before the Council was established, the staff bill analyses prepared for the CALFED Bay-Delta Program would typically include a recommended position (support, oppose, support if amended, etc.) on the bill for consideration by the Governor's Office. The analysis was then signed by the Director and forwarded to the Natural Resources Agency for review and approval prior to forwarding to the Governor's Office. The Agency reserved the right to change the recommended position.

The Council may, as an independent agency of the state, as designated by SBX7 1 on occasion express independent its independent view on legislation. This is likely to be a rare occurrence. For routine review of legislation, I suggest the following:

Proposed Policy

1. Staff will analyze and forward bill analyses requested by the Governor's office, under the signature of the Executive Officer, to the Natural Resources Agency.
2. The analyzed bills will not include a recommended position from the Council, unless otherwise approved in accord with these rules.
3. In the event the Council elects to sponsor legislation or take a position on legislation, a formal vote on the bill by the Council will be required.
4. In extraordinary circumstances, such as last-minute amendments of legislation or matters requiring an immediate position, the Council will only take a position if:

- a. The Executive Officer agrees with the recommendation of the Legislative Director, and,
- b. Either the Council chairman or vice chairman authorizes the action in advance. In these circumstances, Council members will be immediately notified of the action and, should a request to discuss or modify the position be made by any Council members, it will be placed on the agenda for the next Council meeting.

List of Attachments

Attachment 1: Bill Analysis

Contact

Curt Miller
Legislative Director

Phone: (916) 445-0134

Delta Protection Commission Funding Assistance Request

Requested Action: Approve the transfer of funding to the Delta Protection Commission for preparation of Primary Zone Study required by SBX 7 1 (Public Resources Code Section 29773.5)

Background

The Delta Stewardship Council received a written request from Delta Protection Commission Chair Don Nottoli to transfer funding for the preparation of the Primary Zone Study which is due to the Legislature and Council on or before July 1, 2010.

The Council staff is recommending that we enter into an interagency agreement with the Delta Protection Commission from June 1, 2010 to June 30, 2010 in the amount of \$86,750. The intent of this interagency agreement is to work together to accomplish the co-equal goals of ecosystem restoration, and providing a reliable water supply. The study will be considered in the preparation of the Council's Interim Plan and Delta Plan which is required by SBX 7 1.

Resources Agency and Department of Food & Agriculture are possible providers of additional funds to meet the overall cost of \$104,000. All parties agree this is critical to complete our efforts as outlined under SBX 7 1.

Fiscal Information

Work under this contract will be funded using FY 09/10 DSC general funds.

List of Attachments

Attachment 1 – Correspondence from Delta Protection Commission

Contact

Angela D'Ambrosio
Administrative Manager, Strategic Planning

Phone: (916) 445-5797

DELTA PROTECTION COMMISSION

14215 RIVER ROAD
 P.O. BOX 530
 WALNUT GROVE, CA 95690
 Phone (916) 776-2290 / FAX (916) 776-2293
 Home Page: www.delta.ca.gov



Contra Costa County Board of Supervisors

May 7, 2010

Sacramento County Board of Supervisors

Phil Isenberg, Chair
 Delta Stewardship Council
 650 Capitol Mall, Fifth Floor
 Sacramento CA 95814

San Joaquin County Board of Supervisors

Dear Chair Isenberg:

Solano County Board of Supervisors

SUBJECT: Request for Transfer of Funding (\$104,250.00) to the Delta Protection Commission for Preparation of Primary Zone Study Required by SBX 7 1

Yolo County Board of Supervisors

Recognized by the Governor and the Legislature as having a key role in addressing the challenges facing the Sacramento-San Joaquin Delta, the Delta Protection Commission (Commission) has been actively engaged in fulfilling its role pursuant to SBX 7 1.

Cities of San Joaquin County

Cities of Contra Costa and Solano Counties

Among the many tasks assigned to the Commission under the legislation is the mandate to prepare and submit to the Legislature, on or before July 1, 2010, recommendations regarding the potential expansion of or change to the Primary Zone or the Delta, including recommendations on the status of: Rio Vista; Isleton; Bethel Island; Brannan-Andrus Island; Cosumnes/Mokelumne Floodway; and the San Joaquin/South Delta lowlands.

Cities of Sacramento and Yolo Counties

While other assignments to the Commission such as the preparation of an Economic Sustainability Plan and establishment of a Delta National Heritage Area are to be completed within a timeframe that allows for funding from the Commission's 2010-2011 Fiscal Year Budget and the identification of supplemental sources of funding, the Primary Zone Study must be completed within the constraints of the 2009-2010 Fiscal Year (already burdened) Commission annual budget of \$500,000.

Central Delta Reclamation Districts

North Delta Reclamation Districts

South Delta Reclamation Districts

Business, Transportation and Housing

Department of Food and Agriculture

Natural Resources Agency

Despite this funding challenge, since February the Commission has initiated a process to move forward with completion of the Study within the identified timeframe while attempting to secure funding along the way. Significant progress to date includes: establishment of a Primary Zone Study Committee comprised of seven members of the Commission; scheduling of monthly Commission meetings to consider recommendations of the Committee;

State Lands Commission

Mr. Phil Isenberg
May 7, 2010
Page Two

development of a concept and framework for completion of the study that has taken into consideration public input from two public meetings held thus far; completion and circulation of a Request for Proposals for consultant expertise to guide the process; and selection of a consultant who is confident the process can be completed within the timeframe if it can be initiated in mid-May.

Now the time has come where these efforts will come to a standstill if a contract cannot be executed with the consultant to begin work merely because of a lack of identified funding. In the spirit of working together to accomplish the co-equal goals of ecosystem restoration and providing a reliable water source, the Commission is requesting a transfer of \$104,250.00 from the Council to the Commission to support this important component that will be an integral consideration in the preparation of the Delta Plan.

In that the framework established under the legislation provides for effective utilization of resources and the establishment of collaborative relationships between the Delta Stewardship Council (Council), the Delta Conservancy and the Commission, fulfilling this request is an example of what the Council and the Commission can collaboratively accomplish together as intended under the legislation and by the Governor.

Sincerely,



Don Nottoli

Chair, Delta Protection Commission
Member, Delta Stewardship Council

cc: Members, Delta Stewardship Council
Joe Grindstaff, Interim Executive Officer, Delta Stewardship Council
Honorable Darrel Steinberg, Senate President pro Tem
Honorable Joe Simitian, Member of the Senate
Honorable Lois Wolk, Member of the Senate
Honorable John Perez, Speaker of the Assembly
Honorable Joan Buchanan, Member of the Assembly
Honorable Alyson Huber, Member of the Assembly
Honorable Jared Huffman, Member of the Assembly
Honorable Ira Ruskin, Member of the Assembly
Honorable Mariko Yamada, Member of the Assembly
Members, Delta Protection Commission Primary Zone Study Committee
Linda Fiack, Executive Director, Delta Protection Commission

DELTA PROTECTION COMMISSION

14215 RIVER ROAD
P.O. BOX 530
WALNUT GROVE, CA 95690
Phone (916) 776-2290 / FAX (916) 776-2293
Home Page: www.delta.ca.gov



Contra Costa County Board of Supervisors

May 24, 2010

Sacramento County Board of Supervisors

Phil Isenberg, Chair
Delta Stewardship Council
650 Capitol Mall, Fifth Floor
Sacramento, California 95814

San Joaquin County Board of Supervisors

Solano County Board of Supervisors

Dear Chair Isenberg:

Yolo County Board of Supervisors

SUBJECT: Request for Transfer of \$500,000 to the Delta Protection Commission for Preparation of an Economic Sustainability Plan for the Delta

Cities of San Joaquin County

As you are aware, the Legislature has recognized the Delta Protection Commission (Commission) as playing a key role in the efforts to address the challenges facing the Sacramento-San Joaquin Delta. Among the many tasks assigned to the Commission under Senate Bill SBX7 1 is the mandate to prepare an Economic Sustainability Plan for the Delta (Plan) no later than July 1, 2011.

Cities of Contra Costa and Solano Counties

While funding for this task has not yet been secured, the Commission has moved forward to initiate a process to assure completion of the Plan within the established timeframe of the legislation and to coincide with the timelines of other Delta initiatives underway, including preparation of the Delta Plan.

Cities of Sacramento and Yolo Counties

Central Delta Reclamation Districts

North Delta Reclamation Districts

Progress to date includes: establishment of an Economic Sustainability Plan Committee comprised of seven members of the Commission; scheduling of monthly Commission meetings to consider recommendations of the Committee; development of a concept and framework, including timeframes, for completion of the study that has taken into consideration public input from two public meetings held thus far; preparation of a Request for Qualifications for consultant expertise to guide the process; and anticipated preparation of a Request for Proposals for completion of the Plan in a timely manner.

South Delta Reclamation Districts

Business, Transportation and Housing

Department of Food and Agriculture

Natural Resources Agency

While these accomplishments are significant and crucial to successful completion of the Plan as intended under the legislation, funding support to continue progress without delay is critical. The funding commitment of \$500,000 through transfer of funds from the Delta Stewardship Council to the Commission that you have indicated to members of the Commission and during recent legislative hearings truly exhibits your recognition of the importance of collaboration to successfully fulfill the expectations of the Legislature and the Administration.

State Lands Commission

Phil Isenberg
May 24, 2010
Page Two

On behalf of the Commission I want to express our sincere appreciation of your efforts to work together for the good of the Delta.

Sincerely,



Don Nottoli
Chair, Delta Protection Commission
Member, Delta Stewardship Council

cc: Members, Delta Stewardship Council

Joe Grindstaff, Interim Executive Officer, Delta Stewardship Council
Honorable Darrell Steinberg, Senate President pro Tem
Honorable Joe Simitian, Member of the Senate
Honorable Lois Wolk, Member of the Senate
Honorable John Perez, Speaker of the Assembly
Honorable Joan Buchanan, Member of the Assembly
Honorable Alyson Huber, Member of the Assembly
Honorable Jared Huffman, Member of the Assembly
Honorable Ira Ruskin, Member of the Assembly
Honorable Mariko Yamada, Member of the Assembly
Members, Delta Protection Commission, Econ. Sustainability Plan Committee
Linda Fiack, Executive Director, Delta Protection Commission

Interim Lead Scientist's Report

Summary: Deputy Executive Officer for Science Lauren Hastings will present an update on recent and upcoming Delta Science Program activities, focusing on the ways the Delta Science Program accelerates getting scientific information to policymakers.

Background

- **Delta Independent Science Board appointments** – covered under Agenda Item 8.
- **PSP Deadline Announced** – Per direction from the Council at their April 22-23, 2010 meeting, the Delta Science Program announced the June 30, 2010 deadline for research proposals submitted in response to the 2010 Focused Proposal Solicitation Package (PSP). Approximately \$8 million will be available for research grants in four areas including Native Fish Biology, Food Webs, Coupled Hydrologic and Ecosystem Models, and Decision Support System Development. The funding is for three-year grants, which allows sufficient time for researchers to initiate their projects, collect, analyze and interpret data, and prepare reports and publications for peer-reviewed journals.

Since 2003, the Science Program has awarded \$27 million for 43 predoctoral and postdoctoral fellows and 34 research grants on topics including salmon, sturgeon and delta smelt; food webs, invasive species, contaminants, climate change, hydrodynamics, and rivers, wetlands and floodplains. ***These previous investments are paying off now as scientific information from these projects is being released and communicated to you and other decision makers.***

- **Ways we communicate scientific information to policymakers** – Providing scientific information to policymakers in a timely manner is the primary task for the Delta Science Program. We pull together the latest information resulting from ongoing and recently completed monitoring and research projects, and put it into concise and easily understood formats including
 - **Delta Science Program website:**
http://deltacouncil.ca.gov/delta_science_program/
 - **Science News**, a bimonthly electronic publication highlighting science issues and events relevant to the Bay-Delta community:
http://www.science.calwater.ca.gov/publications/sci_news.html

- **Briefing Documents, for example:**
 - Delta levees and ecosystem function: debunking some commonly held myths (memo from Delta Vision Science Advisors)
http://www.science.calwater.ca.gov/pdf/dv/DV_healey_mount_levee_memo_112407.pdf
 - Can delta smelt propagation at a hatchery help save the species?
http://www.science.calwater.ca.gov/pdf/workshops/POD/CalFed_SmeltBrief_r9.pdf
 - Research framework to explore the role of ammonia/ammonium in the Delta ecosystem
http://www.science.calwater.ca.gov/pdf/publications/Ammonium_one-pager_070109.pdf
 - **Synthesis reports: *State of Bay-Delta Science, 2008*** which compiles, synthesizes, and communicates the current scientific understanding of the Bay-Delta system: <http://www.science.calwater.ca.gov/publications/sbds.html>
 - **Brown Bag Seminars, for example:** “What controls Microcystis bloom and toxicity in the San Francisco Estuary?” – May 12, 2010, Cécile Mioni, UC Santa Cruz, Delta Science Program Fellow
http://www.deltacouncil.ca.gov/delta_science_program/pdf/seminar_bb_microcystis_042610.pdf
 - **6th Biennial Bay-Delta Science Conference 2010:** Ecosystem Sustainability: Focusing Science on Managing California’s Water Future, Sept. 27-29, 2010: <http://02d412b.netsolhost.com/sciconf2010/>
 - **Online journal: *San Francisco Estuary and Watershed Science***, an open access, peer-reviewed journal that publishes research about the science and resource management in the Bay-Delta system:
http://escholarship.org/uc/jmie_sfews
- **IEP** - The Interagency Ecological Program (IEP) held its annual workshop May 25-26 at CSU Sacramento. Sessions included 40 Years of IEP; Turbidity and Fish Migration; and Secret Life of Bass. In a special panel session IEP directors discussed their perspectives about the future of IEP and its role in the changing landscape. <http://www.water.ca.gov/iep/activities/workshop.cfm>

Contact

Dr. Lauren L. Hastings
Deputy Executive Officer for Science

Phone: (916) 445-5026

Staff Recommendations on Appointments to the Delta Independent Science Board (per Council direction of April 1, 2010)

Requested Action: The Delta Stewardship Council is required by the Sacramento-San Joaquin Delta Reform Act of 2009 to appoint a Delta Independent Science Board (ISB) of no more than ten members as one of their early actions. Per direction from the Council at their April 1, 2010 meeting, the Interim Delta Lead Scientist issued a call for applications for appointment to the Delta ISB. The Interim Delta Lead Scientist, the previous CALFED Independent Science Board chair and the Delta Stewardship Council chair reviewed the applications and present a list of 10 Delta Independent Science Board nominees for consideration by the Council.

Water Code Section 85230 (1) specifies:

“Members of the Delta Independent Science Board shall be nationally or internationally prominent scientists with appropriate expertise to evaluate the broad range of scientific programs that support adaptive management of the Delta. The members shall not be directly affiliated with a program or agency subject to the review activities of the Delta Independent Science Board.”

Recommendation

Staff recommends that the Council approve the following resolution: “The Delta Stewardship Council appoints to the Delta Independent Science Board the 10 applicants identified in this report: Brian Atwater, US Geological Survey; Elizabeth Canuel, College of William and Mary; Tracy Collier, National Oceanic and Atmospheric Administration; Mike Healey, University of British Columbia, emeritus; Edward Houde, University of Maryland; Judy Meyer, University of Georgia, emeritus; Jeff Mount, UC Davis; Richard Norgaard, UC Berkeley; Vincent Resh, UC Berkeley; and John Wiens, Point Reyes Bird Observatory Conservation Science.

Background

The Sacramento-San Joaquin Delta Reform Act of 2009 requires the Delta Stewardship Council to appoint a Delta Independent Science Board (Delta ISB) as one of their early actions. The Act states that the Delta ISB shall consist of no more than 10 members who will serve five-year terms and may serve no more than two terms. In addition, the Act requires that members of the Delta ISB shall be nationally or internationally

prominent scientists with appropriate expertise to evaluate the broad range of scientific programs that support adaptive management of the Delta and shall not be directly affiliated with a program or agency subject to the review activities of the Delta Independent Science Board. The Delta ISB will provide oversight of the scientific research, monitoring, and assessment programs that support adaptive management of the Delta through periodic reviews of each of those programs. These reviews shall be scheduled to ensure that all Delta scientific research, monitoring, and assessment programs are reviewed at least once every four years.

Per direction from the Council at their April 1, 2010 meeting, the Interim Delta Lead Scientist issued a call for applications for appointment to the Delta ISB. A total of 63 applications were received by the deadline of April 30, 2010. The Interim Delta Lead Scientist, previous CALFED Independent Science Board chair and the Delta Stewardship Council chair reviewed the applications and developed a list of 10 Delta Independent Science Board nominees for consideration of the Council. The suite of Delta ISB members recommended by Dahm, Mount and Isenberg meet the legislatively mandated qualifications. They include world class scientists who span the range of expertise including ecology, geomorphology, hydrology, biogeochemistry, fish biology, and environmental economics necessary to perform the required review functions.

Careful staff review of the curriculum vitae and submissions included examination of the potential conflict issue identified in Section 85280(a)(2). Staff is satisfied that no such conflict appears for the recommended candidates.

Affiliation and areas of expertise for the 10 individuals recommended for appointment to the Delta ISB are shown in Attachment 1. Detailed curriculum vitae are available here: http://www.deltacouncil.ca.gov/delta_science_program/isb/isb_members.html

Fiscal Information

Funding for the Delta ISB is part of the current Delta Science Program budget. Delta ISB members are compensated for their time and travel as is standard when participating on a standing board or technical panel.

List of Attachments

Attachment 1 – Affiliation and areas of expertise for the 10 individuals recommended for appointment to the Delta ISB.

Contact

Dr. Clifford Dahm
Lead Scientist

Phone: (916) 445-0463

PROPOSED DELTA INDEPENDENT SCIENCE BOARD MEMBERS

Name	Affiliation	Areas of Expertise
Brian Atwater	Geologist, U.S. Geological Survey (since 1974) Affiliate Faculty, University of Washington, Seattle, WA (since 1986)	Dr. Atwater is best known for using coastal geology to help identify and define earthquake and tsunami hazards in the Cascadia region of British Columbia, Washington, Oregon, and California. This work has included comparative studies in Alaska, Chile, and Japan. He is a member of the National Academy of Science.
Elizabeth Canuel	Professor, Department of Physical Sciences, School of Marine Science, The College of William & Mary, Gloucester Point, VA.	Dr. Canuel's major research interests include the biogeochemistry and cycling of organic carbon in aquatic and sedimentary systems, with emphasis on applications of lipid biomarkers, stable isotopes, studies of sediment diagenesis, and influence of humans on the carbon cycle in coastal ecosystems.
Tracy Collier	Science Advisor, NOAA Oceans and Human Health Program, Silver Spring, MD (recently retired)	Dr. Collier has broad experience in fish biology, ecology, environmental toxicology, and the generation of scientific information to support management decisions. In particular, he was recognized for his service in the Hurricane Katrina Emergency Response in New Orleans.
Mike Healey	Professor Emeritus, Institute for Resources, Environment and Sustainability, University of British Columbia, Vancouver, BC	Throughout his career, Dr. Healey has taken a strong interest in how scientific information is used in developing resource management policy. He is recognized internationally as an expert on the ecology of Pacific salmon and as an expert in the design of resource management systems. Dr Healey served as the CALFED Lead Scientist and advisor to the Delta Vision Blue Ribbon Task Force.
Edward Houde	Professor, University of Maryland, Center for Environmental Science, Solomons, MD	Dr. Houde's research interests include fisheries science and management, larval fish ecology, and fisheries oceanography. He has served as Chair of the National Academy of Science's Committee on Marine Protected Areas and co-chaired the Technical Advisory Panel that developed a Fisheries Ecosystem Plan for Chesapeake Bay.
Judy Meyer	Professor Emeritus, Odum School of Ecology, University of Georgia, Athens, Georgia	Dr. Meyer is a nationally recognized expert on aquatic ecology and rivers. Her research interests include organic carbon, ecosystem processes in streams, urban rivers, and food webs. She currently serves on the Board of Environmental Studies and Toxicology of the National Academy of Sciences and served as Vice-Chair of the CALFED Independent Science Board.
Jeffrey Mount	Founding Director, University of California Davis, Center for Watershed Sciences	Dr. Mount's research program focuses on the geology, geomorphology and restoration of lowland river systems. He is also involved in the integration of science and policy in the management of California's rivers. He is a member of the National Academy of Sciences Committee on the Klamath River and served as Chair of the CALFED Independent Science Board.
Richard Norgaard	Professor, Energy and Resources Group; Professor, Agriculture and Resource Economics, University of California, Berkeley	A pioneer in the field of ecological economics, Dr. Norgaard's recent research addresses how environmental problems challenge scientific understanding and the policy process. He was a member of the CALFED Water Management Science Board and CALFED Independent Science Board.
Vincent Resh	Professor of Entomology, Department of Environmental Science, Policy, and Management, University of California, Berkeley	Dr. Resh's research experience includes over 300 published research studies in wetlands, streams, and large rivers on topics ranging from riverine ecology and habitat restoration to design of monitoring programs. He has served as a long-term consultant on advisory boards of international, intergovernmental agencies and has been an advisor on monitoring programs throughout Africa, Asia, and, to a lesser extent, South America.
John Wiens	Emeritus University Distinguished Professor, Colorado State University; Chief Conservation Science Officer, Point Reyes Bird Observatory	Dr. Wiens is a pioneer in the field of landscape ecology (encompassing geographic and land-use patterns in the study of ecosystems). His work in landscape ecology and the ecology of birds, has led to over 200 scientific papers and 7 books. He served as the chief/lead scientist for the Nature Conservancy from 2002-2008.

Attachment A
Special Projects Levee Repair and Improvement PSP
Staff Recommended Aqueduct Protection Projects⁽¹⁾

STAFF RECOMMENDED PROJECTS	LMA Name	LMA #	RD Engr. or Rep.	Project Type⁽²⁾	Project Description	Score	Project Cost	Requested State Cost Share	Final State Cost Share	Final State Cost Share
	Upper Jones Tract	2039	Green Mtn.	HMP	Design & const. raise 19,500 ft to HMP.	51	\$1,843,444	95%	90%	\$1,659,100
	Lower Roberts Island	684	Green Mtn.	PL 84-99	Design & const. 16,400 slope & crown improvements, 3,100 ft. stability berm.	84	\$4,015,328	95%	85%	\$3,413,029
	Upper Jones Tract	2039	Green Mtn.	PL 84-99	Design & const. 9,600 ft. PL 84-99 slope, 5,700 ft. PL 84-99 stability berm.	79	\$4,054,526	95%	85%	\$3,446,347
	Lower Roberts Island	684	Green Mtn.	PL 84-99	Design & const. 8,200 ft HMP improvements, 7,050 slope protection.	74	\$3,157,895	95%	85%	\$2,684,211
	Orwood & Palm Tracts	2024	Green Mtn.	PL 84-99	Design & const. 30,100 ft. PL 84-99 Slope, 2,500 ft. PL 84-99 stability berm.	74	\$5,513,158	95%	85%	\$4,686,184
	Orwood & Palm Tracts	2024	Green Mtn.	PL 84-99	Design & const. 7,400 ft. PL 84-99 slope, 5,500 ft. PL 84-99 stability berm.	64	\$3,093,864	95%	85%	\$2,629,784
	Woodward Island	2072	Green Mtn.	PL 84-99	slope, Habitat Enhancement Levee, etc.	63	\$5,244,158	95%	85%	\$4,457,534
	Woodward Island	2072	Green Mtn.	PL 84-99	Design & const. 22,500 ft. PL 84-99 crown raise, 24,500 ft. PL 84-99 slope.	60	\$5,225,942	95%	85%	\$4,442,051
	Upper Jones Tract	2039	Green Mtn.	PL 84-99	Design & const. 9,600 PL 84-99 slope, 8,900 PL 84-99 stability berm.	59	\$3,573,983	95%	85%	\$3,037,886
Lower Jones Tract ⁽³⁾	2038	Green Mtn.	PL 84-99	Design & const. 9,500 ft. PL 84-99 slope, 10,000 ft. PL 84-99 stability berm.	59	\$5,540,216	95%	85%	\$4,709,184	
Lower Jones Tract ⁽³⁾	2038	Green Mtn.	PL 84-99	Design & const. 14,000 ft. PL 84-99 slope, 6,500 ft. PL 84-99 stability berm.	59	\$5,538,467	95%	85%	\$4,707,697	
Upper Jones Tract	2039	Green Mtn.	PL 84-99	Design & const. 800 ft. sheetpile scour protection	50	\$1,815,926	90%	85%	\$1,543,537	

Total Project Cost = \$46,773,463 Total State Share = \$35,165,309

(1) Staff recommended projects are not final until approved.
 (2) Per the Near-Term Guidelines, approved by DWR Director February 16, 2010, it is the State's goal to raise Delta Levees to HMP standards.
 (3) LMA will have the choice to complete one of the two projects.

FloodSAFE
CALIFORNIA

Department of Water Resources
FloodSAFE Environmental Stewardship and
Statewide Resources Office

Presentation for the
Delta Stewardship Council

Proposition 1E Expenditures
Recommended Aqueduct Projects

Mike Mirmazaheri
Delta Levees Program
May 28, 2010

FloodSAFE
CALIFORNIA

Special Projects

- Provide technical & funding assistance to local levee maintaining agencies within the Sacramento San-Joaquin Delta.
- The primary purpose is to protect assets of Statewide importance.
- Maintain and improve Delta levees with the requirement of net habitat improvement.



The map displays the Sacramento-San Joaquin Delta region with various project locations and boundaries. Key cities labeled include Sacramento, Freeport, Clarksburg, Hood, Rio Vista, Isleton, Lodi, Antioch, Stockton, Manteca, and Tracy. The map features a legend with the following categories: N/A (pink line), Non-Project (orange line), Project (green line), Hydrography (blue area), delta_primary_zone (yellow area), and Local Delta and Suisun Marsh Boundary (brown outline). The Sacramento and Mokelumne Rivers are also shown.

Proposition 1E Disaster Preparedness and Flood Protection Bond Act of 2006

- Provides Funding (Public Resources Code 5096.821(c))
 - To reduce the risk of levee failure in the Delta.
 - The funds shall be expended for both of the following purposes:
 - Subventions
 - Special projects



Senate Bill xx1 California Water Code 83002 (a)(1)

- Appropriates Proposition 1E Funding
 - \$135 million for emergency preparedness supplies & projects
 - Of this, at least \$35 million for projects that protect water supply aqueducts that cross the Delta.
 - reinforce levee sections near aqueduct
 - install scour protection on aqueduct supports near levees



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CALIFORNIA

Senate Bill xx1

California Water Code 83002 (a)(1)

- Applies only to the \$135 Million of Prop 1e funding for emergency preparedness (which includes \$35 M for Delta Levee Aqueduct Projects)
- California Bay-Delta Authority or its successor approves projects or program
- Delta Levee Aqueduct Projects \$35 Million - Preference to projects that protect and improve Delta water quality and reliability of drinking water supplies

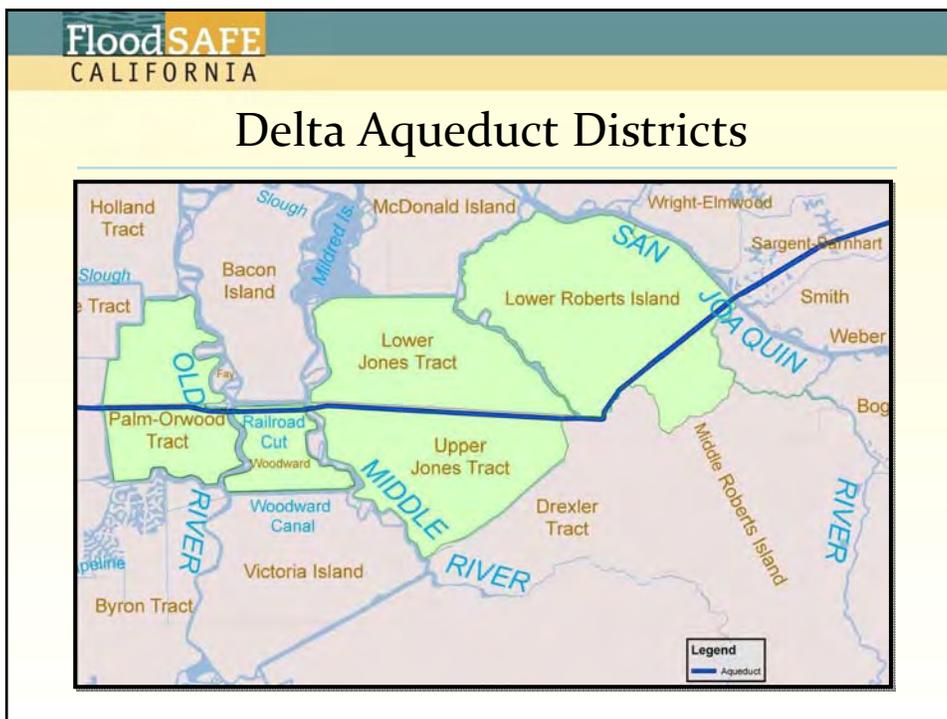


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CALIFORNIA

Near Term Guidelines Delta Levee Aqueduct Project Selection Criteria

- Levee proximity to the aqueduct for scour protection





FloodSAFE CALIFORNIA

Delta-Aqueduct Projects

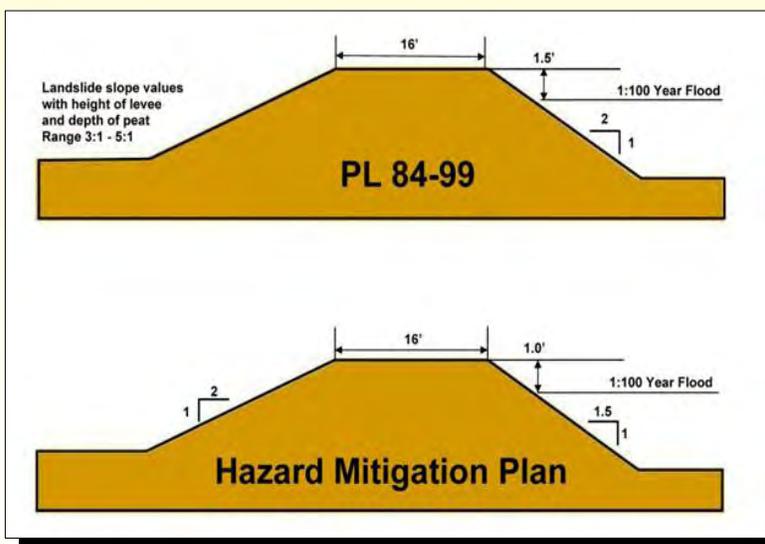
- Raise protection of a cross-Delta aqueduct through:
 - Levee improvement on Islands/Tracts
 - with a cross-Delta aqueduct
 - where a levee breach could flood a cross-Delta aqueduct
 - Scour protection

The bottom section contains two photographs. The left photograph shows a large breach in a levee, with muddy water overflowing onto a green field. The right photograph shows several large, concrete pipes for an aqueduct, supported by concrete structures, with a body of water in the foreground.

Project Eligibility Criteria Delta Aqueduct Protection

- Levee maintaining agency
- Protects a cross-Delta aqueduct
- Reinforce levees that have the highest potential to suffer breaches or failure and cause harm to municipal and industrial water supply aqueducts that *cross the Delta that are vulnerable to flood damage*
 - Achieve HMP or PL 84-99

Levee Standards



Aqueduct Projects Staff Recommendation

As required by the Senate Bill x21, California Water Code 83002 (a)(1), DWR Staff requests your approval of the recommended projects as listed in the handout ([Attachment A](#))



Questions?



Annemieke Nijhof is Director-General at the Directorate-General of Water Affairs at the Ministry of Transport, Public Works and Water Management since 2008. In this capacity she is responsible for water policy in the Netherlands, which pertains to Flood Protection, Peak and Drought management, and Water Quality. Under her supervision the Directorate-General of Water Affairs issued a.o. the National Water Plan, the Delta Act and the Basin Management Plan. She directed the official support for the Delta Committee and the reorganizing concept for the Water Management Structure in the Netherlands.



From 2005 to 2008 Annemieke was the Advisor to the Prime Minister on Spatial Development, Sustainability and the Environment at the Ministry of General Affairs. From 1999 to 2005 she held several management functions at the Ministry of Housing, Spatial Planning and the Environment. Also, Annemieke worked from 1991 to 1998 for Tauw Consultants, where she was the Head of the Water Division for two years.

Annemieke is a graduate of the University of Twente where she studied Chemical Technology (Cum Laude in 1990); she got her Executive MBA (Cum Laude in 1997) at TSM Business School in Enschede. Annemieke is a member of the supervisory board of the National Center for Biodiversity Naturalis and a member of the College of Curators for the course of Interdepartmental Management at the Netherlands School of Governance.

Renske Peters is Director at the Directorate General for Water Affairs at the Ministry of Transport, Public Works and Water Management since 2005. In this capacity she is responsible for, among others, water policy on adaptation and climate change, policy on water quality (European Directives), water and land use planning and international affairs. From 1999 to 2005 she was Head of Public Space and Urban Ecology for the City of Amsterdam. From 1992 to 1999 she held several functions at the Ministry for Agriculture, Nature and Food Quality. Among others she was Deputy Director for Rural Areas. Also, she worked for several research institutes and consultants.



Renske Peters is a graduate of the University of Amsterdam, where she studied Social Geography (1975) and Urban and Rural Planning (1976). She is a member of several Advisory Committees on Nature, Urban and Rural affairs.



Flood Safety & Adaptation In the Netherlands

Introduction

Annemieke Nijhof

Directorate General of Water Affairs

Min. of Transport, Public Works and Water Management



Netherlands – compared to US States

	Netherlands	Compared to the US
Surface area	13,000 sq Mi	Maryland
Coastline	300 Mi	North Carolina
Inhabitants	16 million	Florida
GNP	700 billion \$	Florida





Netherlands – protected by levees

	Total	Vulnerable to flooding
Surface Area	13,000 sq Mi	55%
Inhabitants	17 million	60%
GNP	700 billion \$	65%

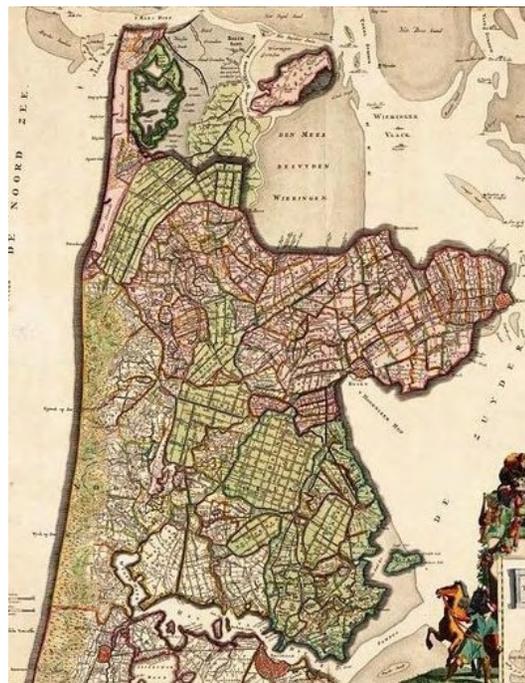




A history of water management



circa 1580



circa 1700



2000



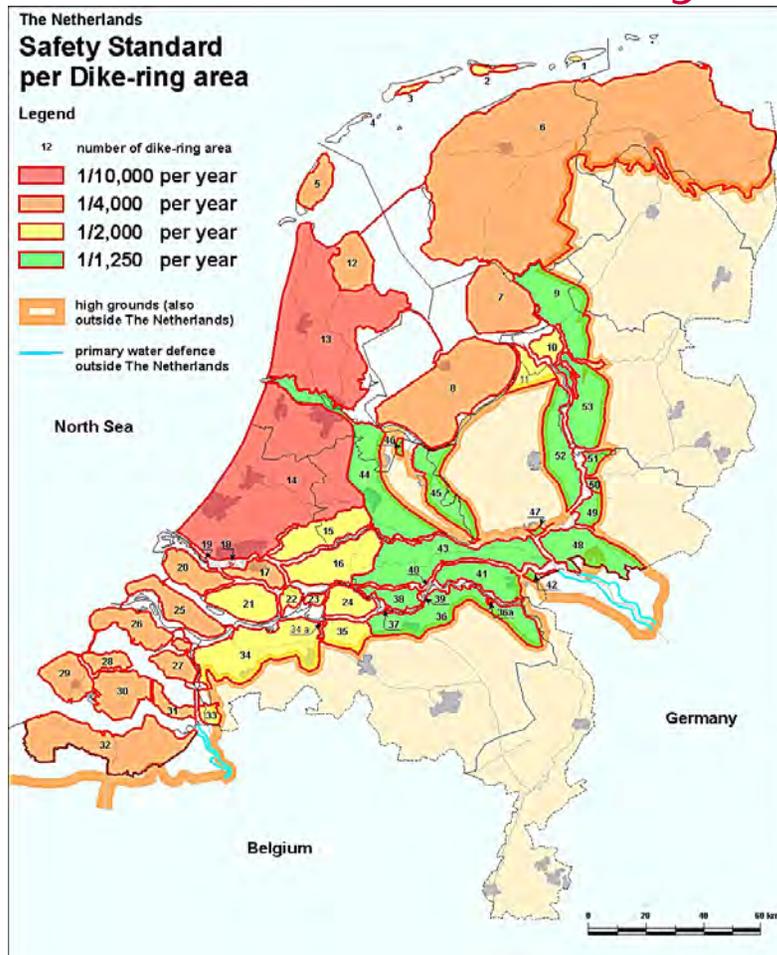
A history of floods



Flood	Policy shift / measure
..838..	..
..1421.	..
1916	Zuiderzee project
1953	Delta commission / project
1993	Room for the Rivers
1995	Room for the Rivers, Working with Nature
1998	WM21, Living with Water, Towards Risk Management
2005	<i>Disaster Management</i>
2008	<i>2nd Delta commission /program</i>



Current Flood Safety Policy (: 1953)



Flood Defense Act, 1995

- Safety standards (1:10,000 - 1:1,250)
- 3500 km primary levee
- Levee inspections
- Safety assessments (hydraulic conditions & test rules)
- Roles and responsibilities
- Financial framework



Current institutions & roles (: 1953)

1. **Local (waterboards):**
 - *Levee maintenance, safety assessment, planning & construction*
2. **Regional (provinces):**
 - *integration of water issues into spatial planning*
3. **National**
 - **Ministry of Transport, Public Works and Water Management**
 - *policies & budget*
 - *construction and maintenance of main barriers, locks and sluices*
 - Ministry of Housing, Spatial Planning and the Environment
 - *national guidance on spatial planning*





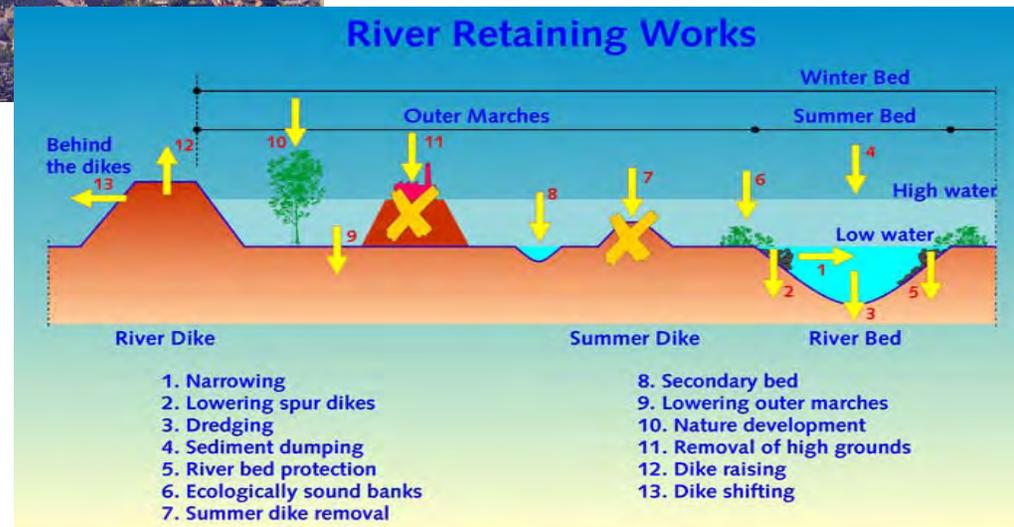
Working with Nature (1990's): sustainable coastline management

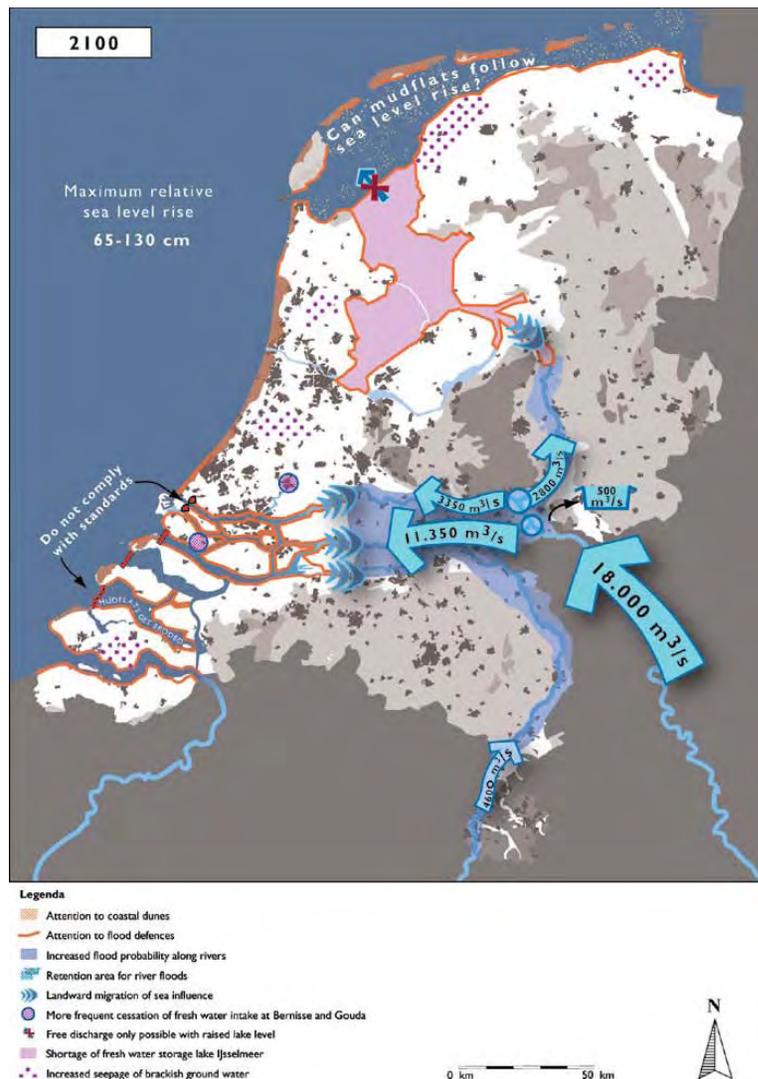


- **One authority**
- **One overall management plan**
- **National budget (50 million \$ per yr)**
- **20 year success**
- **Only for the safety of the hinterland**



Room for the River (:1993, 1995)





The Netherlands: effects on the watersystem in 100 years

- Sea level rise and higher river discharges will require changes to major flood defenses along the coastal zone and major rivers;
- Sea level rise will change the natural character of the Wadden Sea;
- Precipitation peaks will require more water storage and pumping capacity;
- Free discharge of IJsselmeer lake into Wadden Sea will require increased lake water levels;
- Increasing salination with effect on ecological values;
- Lower river discharges in summer will be problematic in securing fresh water supply;



Delta Commission: recommendations

The threat is not acute, but it is very urgent that flood risk management and fresh water supply be dealt with!

Recommendations focused on:

- content:
Delta Programme
- political-governmental aspects:
Delta Act: Delta Programme, Delta Fund, Delta Programme Commissioner





Delta Act – main points

- **Delta Programme:**
 - consists of: flood risk management and fresh water supply, elaboration of the National Water Plan
 - can consist of: integrated measures
 - annual allocation of necessary budget
- **Delta Commissioner:**
 - development and implementation of the yearly Delta programme
 - appointed by Minister of VenW in agreement with the Cabinet
 - direct access to all involved (ministers, regional authorities, politics)
- **Financing - Delta Fund:**
 - Delta fund is a budgetary fund
 - State water expenditures
 - Budget: untill 2020: *in total* 4.500 M euro
 - from 2020 on: 1000 M euro *per year*



Summary: key principles of Delta strategy

- Formulate a long term vision
- Adapt now!
 - Develop a specific programme of investment measures
 - Organise integrated political responsibility: think out-of-the water-box
 - Design an adequate legal framework
 - Secure solid financial resources
- Remain flexible in view of the many uncertainties
- Combine interests
- Combine different levels and parties
- **Act together!**
 - Enhance **international cooperation** (transboundary, climate change)

Staff Report on Delta Plan and Interim Plan

Summary: The Delta Stewardship Council (Council) discussed and gave direction for the Delta Plan, the Interim Plan, and related contracting at its April 22 and 23, 2010 meeting. The direction and requests included:

1. Requests for a work schedule focusing on the Interim Plan, the Delta Plan and other Council responsibilities.
2. Recommendations regarding the structure and content of the draft Interim Plan.
3. Recommendations regarding an appropriate method to solicit public input on the Interim Plan structure and contents, and for continued public engagement in development of the Interim Plan. To the extent possible and appropriate, this should be a method that can also be applied to the Delta Plan.
4. Direction to seek an independent sub-consultant to review development of BDCP and its associated EIR/EIS.

This staff report provides background on several proposed action items which respond to these requests.

Requested Action:

1. Approve or modify staff recommendations on processes related to the development of the Interim Plan and Delta Plan:
 - (a) Overall work schedule and four key milestones for the Interim Plan and the Delta Plan.
 - (b) Draft Delta Plan outline.
 - (c) Draft Interim Plan outline.
 - (d) Elements of a transparent and public engagement plan.
2. Modify and/or approve the staff recommended process to solicit and select an independent subcontractor for BDCP-related work.
3. Direct staff to invite entities that may propose to undertake covered actions to engage the Council in early consultation during development of projects or plans for covered actions, and direct staff to establish processes for such engagement and review of actions.

Background

Water Code §85084 requires that the Council “develop an interim plan that includes recommendations for early actions, projects, and programs”; however a deadline is not specified. Water Code §85300 requires the Council to adopt and commence implementation of a Delta Plan by Jan. 1, 2012.

At its April 23, 2010 meeting, the Council reviewed and discussed an initial draft outline for the Interim Plan proposed by Council staff. Council members' comments emphasized two themes: (1) broad public engagement in developing the Interim Plan and (2) structuring the Interim Plan work so that it could contribute to the Delta Plan. Additionally, members commented about the importance of effective relationships with federal agencies and of ensuring that the full intent of SBX7 1 is implemented to effect substantial change. The Council discussed the outline and provided staff comments and direction to restructure and annotate the outline.

Recommendations for Delta Plan and Interim Plan Development

Proposed Schedule

Meeting four significant milestones is essential to fulfill the statutory requirement of adopting a Delta Plan by Jan. 1, 2012 (Water Code §85300) and also developing an Interim Plan as an early action (Water Code §85084). A complete schedule is included as Attachment 1. Council approval is requested for these four key work products and due dates:

- Final Interim Plan: August 27, 2010
- Draft Delta Plan and Project Description: November 2010
- Public Draft EIR/EIS: June 2011
- Final Delta Plan, EIR and NOD: December 2011

Draft Delta Plan and Interim Plan Outlines

The Council asked staff to prepare a draft outline of the draft Interim Plan, which will be compatible with the outline of the draft Delta Plan, to the extent possible. Draft outlines for the Delta Plan and the Interim Plan were developed and appear as Attachments 2 and 3 in your agenda packet. The draft outlines were based on the language of SBX7 1 (now included in the Water Code), Council direction and discussion, and consideration of the more than 30 written communications submitted by interested parties, which appear in your Agenda packet and are also posted on our web site. We propose a structure that allows you to organize the details found in SBX7 1 — but is based on the major policy objectives established last year in Water Code §85020. The elements that form the heart of the plan are:

- a) Manage the Delta's water and environmental resources and the water resources of the state over the long term.
- b) Protect and enhance the unique cultural, recreational, and agricultural values of the California Delta as an evolving place.
- c) Restore the Delta ecosystem, including its fisheries and wildlife, as the heart of a healthy estuary and wetland ecosystem.
- d) Promote statewide water conservation, water use efficiency, and sustainable water use. (Water Code §85303)
- e) Improve water quality to protect human health and the environment consistent with achieving water quality objectives in the Delta.

- f) Improve the water conveyance system and expand statewide water storage.
- g) Reduce risks to people, property, and state interests in the Delta by effective emergency preparedness, appropriate land uses, and investments in flood protection.
- h) Establish a new governance structure with the authority, responsibility, accountability, scientific support, and adequate and secure funding to achieve these objectives.

Note that item (h) has been substantially addressed by SBX7 1, although various issues and clarifications are needed.

Although the Delta Plan will be the permanent policy, staff was directed to construct a draft outline for the Interim Plan to mirror the structure of the draft Delta Plan outline while satisfying statutory requirements (Water Code §85084) and incorporating Council guidance and staff ideas. The draft Interim Plan outline is provided in Attachment 3. Key differences between the Interim Plan outline and Delta Plan outline are identified. The Interim Plan is tied to the list of specific Early Actions directed by Water Code §85080-85089. The Interim Plan also develops a framework for additional actions and establishes procedures for early consultations, reviews and the incorporation of science. Unlike the Delta Plan, this will not require environmental review.

Staff provided ideas for what should be considered for inclusion in the Interim Plan. Attachment 4 lists these ideas organized by the Plan Elements (Item III in the Interim Plan Outline).

The Council is requested to comment and discuss the Delta Plan and Interim Plan draft outlines, and to direct staff to develop a preliminary draft Interim Plan for the June 2010 Delta Stewardship Council meeting. Another round of public comments will be solicited for each version of the Interim Plan. It is anticipated that a preliminary draft Interim Plan will be brought to the June meeting, a final draft to the July meeting, and a final Interim Plan set for action at the August meeting.

Public Comments Received on Interim Plan Ideas

The Council invited public proposals for the structure of — and items that should be included in — the Interim Plan. A summary of all comments received by May 12, 2010 is included in Attachment 5.

Early Actions and Related Projects

As part of developing the content of the Interim Plan, the Council requested information about early actions and other related projects described in statute. The Council also requested that staff indicate the project's priority as it relates to the development of the Interim and Delta Plans. The status of several early actions is provided in Attachment 6.

Transparency and Public Engagement

To maintain transparency and effective public engagement during the Interim Plan and Delta Plan development, a transparency and public engagement plan should be adopted that includes these elements:

- 1) Post all reference materials, documents, reports, and comments to the Council web site to provide a central source for accurate, timely information on all activities related to the Council's charges in SB1 and other bills included in the November 2009 legislative package. An online library or "clearing house" could be established to provide a searchable database of reference materials (plans, analyses, scientific studies, etc.) and status reports of actions, plans, programs, and projects related to the work of the Delta Stewardship Council. The library would be filled initially by materials known to Council and staff, then submissions invited and posted based on criteria to be decided by the Council. An example listing of major ongoing programs, projects, and studies relating to the Delta that could be tracked in the online database is included in Attachment 7.

Develop the Interim Plan and Delta Plan iteratively, within the limits of the schedule milestones. Combined with the use of the web site this should allow the maximum public input into the process.

- 2) To provide input to the Council during the development of the Interim Plan and Delta Plan, use work groups selectively with a defined charge and deliverable dates. Four such work groups made substantial contributions in developing the Delta Vision Strategic Plan. Each of those work groups was supported by a facilitator and an expert consultant who contributed information to the process and also took the lead in developing work products. The model proposed here is similar. Membership would be appropriately defined among stakeholders, experts, agency representatives, and scientists, supported by facilitation and consultants.

To illustrate, work groups may be formed to address the following responsibilities of the Council:

- a. Land Use Management and Economic Sustainability (e.g., Water Code §29703.5, 29759-61, 85022, 85212, 85301, and 85302(h))
- b. Ecosystem Health (e.g., Water Code §85302(a-c,e,f))
- c. Water Supply Reliability (e.g., Water Code §85021, 85302, 85303, 85304)
- d. Risk Reduction (e.g., Water Code §85305, 85306, and 85309)

Work group membership would be taken from stakeholders, experts, agency representatives, and scientists, supported by facilitation and consultants. It is anticipated that work groups are of modest size, approximately 10 to 12 participants. For each work group, staff would define a charge and scheduled deliverable that is related to the development of the Interim Plan and/or the Delta Plan. The Council will retain the responsibility for all decisions regarding the

content of the Interim Plan and the Delta Plan. All meetings of the work groups should be public.

The assumption is that working groups would be given target subjects or specific questions, and requested to develop suggestions on which might be included in either the Interim Plan or Delta Plan, with a clear, and short deadline requiring their best judgment. It is likely that several sets of questions might be addressed over the coming months to some or all of the work groups.

Action Items:

- (a) Approve the overall work schedule and four key milestones for the Interim Plan and the Delta Plan.
- (b) Modify or approve the draft Delta Plan outline.
- (c) Modify or approve the Interim Plan outline.
- (d) Modify or approve the elements of a transparency and public engagement plan.

Recommendations for Independent Subcontractor for BDCP-Related Work

The Council has a statutory role in BDCP as 1) a responsible agency for the environmental impact report (Water Code §85320(c)) and 2) as an appellate body if there is a challenge to a determination of acceptance as a natural community conservation plan and habitat conservation plan by the Department of Fish and Game (Water Code §85320(e)).

The Council does not have sufficient in-house staff to conduct the anticipated BDCP-related work. At its April 22, 2010 meeting, the Council directed staff to use the existing contractor agreement to retain an independent subcontractor to assist with BDCP work. The independent subcontractor will report directly to Council staff and shall have no current or past relationship with BDCP.

To meet the Council's responsibilities and contracting requirements, staff recommends soliciting interested parties through the Council's email listserve and advertising this opportunity on the Council's website for a two-week period to allow time for interested firms and individuals to submit their qualifications. To assist to the Council's solicitation process, staff has already requested the Interim Delta Lead Scientist for recommendations of independent subcontractors. Council staff would evaluate and select a recommended independent subcontractor before the June meeting.

Action Item: Modify or approve the recommended process to solicit and select an independent subcontractor for BDCP-related work.

Recommendations for Early Consultation with State and Local Agencies

The overall goal of the Sacramento-San Joaquin Delta Reform Action of 2009 is to provide for the coequal goals (Water Code §29702(a)) and related policy objectives (e.g., Water Code §85020) primarily through a Delta Plan (Water Code §85300-85309) to guide actions of state and local agencies. After a Delta Plan is adopted, the Council has consistency review authority for covered actions (Water Code §85225). To assist agencies who may propose to undertake a potentially covered action and prepare a certification of consistency with the Delta Plan, the Council will develop procedures for early consultation (Water Code §85225.5) and also for review and timely advice regarding consistency of local and regional planning documents (Water Code §85212).

During development of the Interim Plan and Delta Plan, staff recommends that the Council invite state and local agencies who propose to undertake potentially covered actions to engage the Council in discussions early in the processes of developing the action (project or plan).

An example of such a possible consultation has already arisen. The Draft Environmental Impact Report (EIR) for the Delta Wetlands Place of Use was provided to the Council for review.

Action Item: Direct staff to invite state and local agencies who may propose to undertake covered actions to engage the Council in early consultation during development of the project or plan, and direct staff to establish processes for such engagement and review of actions.

Fiscal Information

Not applicable.

List of Attachments

- Attachment 1: Delta Plan and Interim Plan Schedule
- Attachment 2: Draft Delta Plan Outline
- Attachment 3: Draft Interim Plan Outline
- Attachment 4: Items for Possible Inclusion in the Delta Plan or Interim Plan
- Attachment 5: Interim Plan Public Comments
- Attachment 6: Status of Early Actions
- Attachment 7: Major Ongoing Programs, Projects, and Studies Relating to the Delta

Contact

Terry Macaulay
Acting Deputy Executive Officer

Phone: (916) 445-5825



Delta Plan & Interim Plan

May 27, 2010

Terry Macaulay
Acting Deputy Executive Officer



Delta Plan/Interim Plan

- Council direction from April 22 & 23, 2010 meeting:
 - Work schedule for Interim Plan, Delta Plan and other Council responsibilities
 - Structure and content of draft Interim Plan
 - Methods to solicit public input, and continued public engagement, on Interim Plan and Delta Plan
 - Seek independent sub-consultant to review development of BDCP and its associated EIR/EIS



Delta Plan/Interim Plan

- Statutory requirements:
 - Develop an interim plan that includes recommendations for early actions, projects, and programs – no deadline specified (Section 85084)
 - Adopt and commence implementation of a Delta Plan by January 1, 2012 (Section 85300)



Delta Plan/Interim Plan

Requested Actions:

1. Approve / modify recommendations on:
 - Overall schedule and four key milestones for the Interim Plan and Delta Plan
 - Draft Delta Plan outline
 - Draft Interim Plan outline; preliminary draft for June 2010 meeting
 - Elements of transparent and public engagement plan
2. Approve / modify process to solicit and select independent subcontractor for BDCP-related work
3. Direct staff to:
 - Invite entities of covered actions to engage Council in early consultations
 - Establish processes for Council engagement and review of actions



Delta Plan/Interim Plan

Proposed Schedule:

Final Interim Plan	Aug 27, 2010
Draft Delta Plan & Project Description for NOP	Nov 2010
Public Draft EIR (and EIS)	June 2011
Final Delta Plan, EIR and NOD	Dec 2011



Delta Plan/Interim Plan

Draft Outlines and Recommended Content

Gwen Buchholz
Delta Plan Project Director



Delta Plan/Interim Plan

Plan Outlines

- Outlines based on language in the statute, Council direction in April 2010, and public comments received on website
- Proposed structure based on major policy objectives in statute
- Interim Plan outline to be compatible and integrated with Delta Plan outline, to the extent possible



Delta Plan: Unique for California

- In accordance with the statute:
 - Inform actions of public agencies and individuals
 - Provide basis for consistency
- Not a traditional Strategic Plan
 - Council does not own/operate facilities
 - Council not responsible for investment strategies
- Based upon an initial review, no other similar plans from other agencies in California
- Therefore, important to follow the statute closely for Delta Plan development



Delta Plan

Major Policy Objectives in Statute (Section 85020) will become Elements of the Delta Plan.

- Coequal goals of water and environmental resources
- Protect and enhance values of the Delta as an evolving place
- Restore Delta ecosystem
- Promote statewide water efficiency
- Improve water quality
- Improve water conveyance and expand water storage
- Reduce risks
- Governance structure



Delta Plan organized around objectives in Section 85020 and Sections 85301–85309

Plan Objectives	Delta Plan Requirements
a) Coequal goals of water and environmental resources	Sec. 85020.a Sec. 85302.a, b, c, d, e, f, g, h
b) Protect and enhance values of the Delta as an evolving place	Sec. 85020.b Sec. 85301.a, b, c Sec. 85302.h
c) Restore Delta ecosystem	Sec. 85020.c Sec. 85302.b, c, d, e, f, g, h
d) Promote statewide water efficiency	Sec. 85020.d Sec. 85302.a, d Sec. 85303
e) Improve water quality	Sec. 85020.e Sec. 85302.d, e
f) Improve water conveyance and expand water storage	Sec. 85020.f Sec. 85302.a, d Sec. 85304
g) Reduce risks	Sec. 85020.g Sec. 85305, 85306, 85307, 85309
h) Governance structure	Sec. 85020.h Related to Sec. 85300



Delta Plan: Section 85302.e

“...restoring a healthy ecosystem shall be included in the Delta Plan.”

- Addresses Delta Plan objectives:
 - Section 85020.a – co-equal goals of water supply reliability and ecosystem health
 - Section 85020.c – Restore the Delta ecosystem



Delta Plan: Section 85302.d

“...measures to promote a more reliable water supply.”

- Addresses Delta Plan objectives:
 - Section 85020.a – co-equal goals of water supply reliability and ecosystem health
 - Section 85020.c – Restore the Delta ecosystem
 - Section 85020.d – Promote statewide water efficiency
 - Section 85020.e – Improve water quality
 - Section 85020.f – Improve water conveyance and expand statewide storage



Delta Plan will Document Implementation and Financing Approach

– Implementation Approach

- Procedures for implementation of Delta Plan recommendations by the Council
- Procedures for consistency reviews
- Linkages to other projects, programs, and plans
- Integration of science program and adaptive management

– Financing Approach

- Financing of the Council
- Financing of related entities
- Financing of recommendations



Interim Plan similar to Delta Plan with Slightly Different Focus

Items	Delta Plan Outline	Interim Plan Outline
Purpose of Plan	Sec. I - Informing of actions <u>and</u> basis for consistency findings	Sec. I -Informing of actions <u>and</u> framework for actions until Delta Plan
Requirements of Interim Plan and Delta Plan	Sec. II - Goals, performance standards, science/adaptive management, and specific requirements	Sec. II – <u>Initial discussion of the goals and performance standards</u>
Plan Elements	Sec. III - Describe approaches to requirements of statute	Sec. III - Describe approaches to requirements of statute – <u>with focus on Early Actions and consultation approaches</u>
Implementation	Sec. IV - Delta Plan implementation	Secs. IV and V - Interim framework and operational guidance
Financing	Sec. V - Financing for Council and related entities, and recommended actions	Not included



Delta Plan/Interim Plan

Requested Actions:

1. Approve / modify recommendations on:

- Overall schedule and four key milestones for the Interim Plan and Delta Plan
- Draft Delta Plan outline
- Draft Interim Plan outline; preliminary draft for June 2010 meeting
- Elements of transparent and public engagement plan

2. Approve / modify process to solicit and select independent subcontractor for BDCP-related work

3. Direct staff to:

- Invite entities of covered actions to engage Council in early consultations
- Establish processes for Council engagement and review of actions



Interim Plan: Public Input

- 30 comments received by May 12 (deadline)
- Public input solicited for next version (June 9 deadline)
- Examples from May public comments:
 - Two-Gates Project:
 - Opposition (Discovery Bay residents)
 - Support and expedite (NCWA)
 - Focus on Delta risks and emergency preparedness (Delta agencies & NCWA)
 - Land conversions from willing sellers only (RD 2068)
 - Finance – fees based on Delta water extraction (EDF)
 - Sherman Island management plan (NRDC)



Interim Plan: Early Actions

- Early actions and related projects for possible inclusion
- Status of early actions in package
- Prioritization criteria in June preliminary draft



Delta Plan / Interim Plan: Transparency and Public Engagement

- Post online all materials and comments submitted to Council
- Maintain online Library or Clearinghouse
 - Searchable database of reference materials related to the work of the Council
- Develop plans iteratively to allow for maximum public input



Delta Plan / Interim Plan: Transparency and Public Engagement (continued)

- Topic-specific work groups
 1. Prioritization criteria for early actions
 2. Outreach
 3. DPC Plan review
- Defined charge and deliverables
- Small groups (10-12 max)
- Invited membership: stakeholders, experts, agency reps, scientists
- All meetings public



Delta Plan/Interim Plan

Independent subcontractor for BDCP-related work

- Council is a responsible agency for environmental review (Section 85320(c))
- Council acts as appellate body (Section 85320(e))
- Council lacks sufficient staff for BDCP-related work



Delta Plan/Interim Plan

Independent subcontractor for BDCP-related work

- **Process** (*action deferred to Friday BDCP discussion*)
 - Invite interested parties to submit qualifications
 - Advertise on website and list serve (2 weeks)
 - Interim Lead Scientist providing recommendations
 - Qualifications:
 - Past experience independent of BDCP
 - Respected by all parties
 - Experience developing or evaluating large scale ecosystem restoration programs
 - Understand political and stakeholder processes
 - Significant time commitment over next 2 years
 - Recommended selection at June meeting



Delta Plan/Interim Plan

Early Consultations with State and Local Agencies

- Council has consistency review authority for covered actions (Section 85225)
- Develop steps for early consultation and advice for local plan consistency
- Example early consultation: Delta Wetlands EIR/EIS



Delta Plan/Interim Plan

Requested Actions:

1. Approve / modify recommendations on:

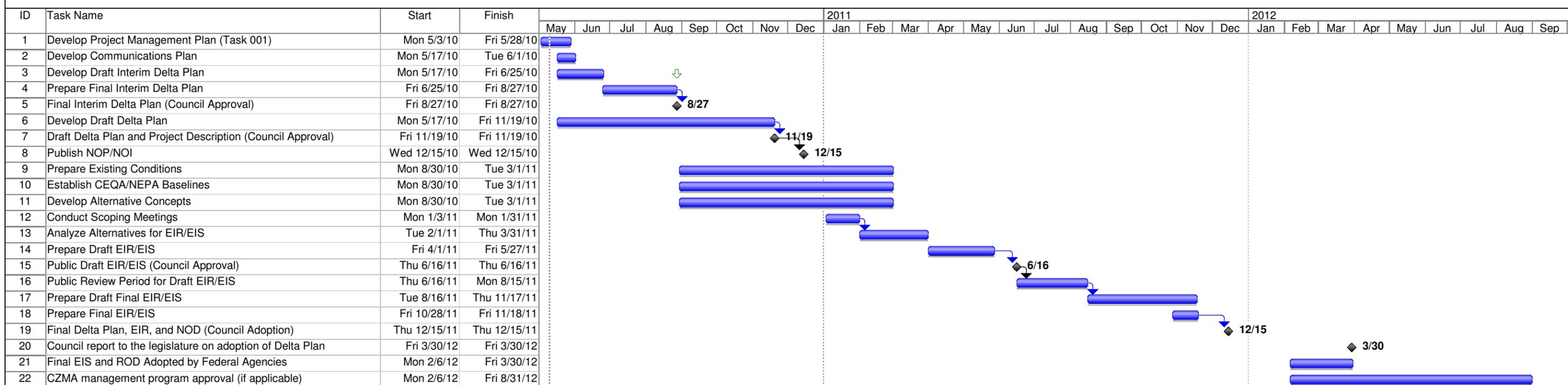
- Overall schedule and four key milestones for the Interim Plan and Delta Plan
- Draft Delta Plan outline
- Draft Interim Plan outline; preliminary draft for June 2010 meeting
- **Elements of transparent and public engagement plan**

2. Approve / modify process to solicit and select independent subcontractor for BDCP-related work (*deferred to Friday BDCP discussion*)

3. **Direct staff to:**

- **Invite entities of covered actions to engage Council in early consultations**
- **Establish processes for Council engagement and review of actions**

DRAFT - FOR INTERNAL REVIEW ONLY - SUBJECT TO REVISION



Project: Delta_Plan_Project_Schedule
Date: Mon 5/10/10

Task		Progress		Summary		External Tasks		Deadline	
Split		Milestone		Project Summary		External Milestone			

Draft Outline of the Delta Plan

I. Purpose of the Delta Plan

Short statement re satisfying statute (85300-85309), informing actions of public agencies, businesses and individuals re policies critical for future of California, and providing basis for consistency determinations by the DSC (85225)

II. Requirements of the Delta Plan

- a) Goals statements, coequal (29702a) and others (85020-023)
- b) Role of performance standards (85211) in judging success, providing accountability and providing basis for adjusting policy and management
- c) Plan based on science and adjusted by adaptive management (85308)
- d) Specific requirements to satisfy (e.g., CZMA, 85082; consultations required, such as section 85300.b with federal agencies)

III. Plan elements (follow the structure and wording of section 85020, but also emphasize and develop mechanisms for linked, integrated application of the elements in decision making)

- a) Manage the Delta's water and environmental resources and the water resources of the state over the long term.
- b) Protect and enhance the unique cultural, recreational, and agricultural values of the California Delta as an evolving place.
- c) Restore the Delta ecosystem, including its fisheries and wildlife, as the heart of a healthy estuary and wetland ecosystem.
- d) Promote statewide water conservation, water use efficiency, and sustainable water use.
- e) Improve water quality to protect human health and the environment consistent with achieving water quality objectives in the Delta.
- f) Improve the water conveyance system and expand statewide water storage.
- g) Reduce risks to people, property, and state interests in the Delta by effective emergency preparedness, appropriate land uses, and investments in flood protection.
- h) Establish a new governance structure with the authority, responsibility, accountability, scientific support, and adequate and secure funding to achieve these objectives.

Each plan element should include a similar structure, such as: (1) basic legal authority, (2) factual summary of current state of system, (3) identification of known federal, state, and local programs/responsible agencies, (4) performance measures and targets by time period, (5) identifiable plausible policy options, whether project or non project, (6) recommendations regarding choices among the set of plausible policy options, (7) analysis of resources needed, responsible actors and time frames for decision and completion. Emphasize integrated, linked application of the elements.

IV. Plan implementation (this section includes DSC procedures, processes for early consultation review , linkages to other public actions and plans, role of science, and plan adaptation)

- a) DSC procedures (skeletal presentation, with options for DSC modification without Plan modification) (e.g., 85210.i, 85210.h, 85210.k). These implementation processes are an important part of achieving linked, integrated action. Simple requirements that any project, activity, plan be assessed against all goals of the Act and that multi step actions occur in linked time frames are powerful, for example. Also include whatever structures for public engagement are appropriate.
- b) Consistency review (85225) including early consultation (85225.5)
- c) Linkages to other public actions and plans (cite those in statute but more expected)
- d) Science
- e) Plan adaptation

V. Financing (while financing is above under III.h, it is treated separately here as a standalone issue because it may be required by the Legislation as a separate report)

- a) Existing financing of activities related to the Delta Plan and the DSC
- b) Financing activities of the DSC
- c) Financing activities of related entities, the Delta Conservancy and the DPC
- d) Financing actions recommended in the Delta Plan

Draft Outline of Interim Plan

I. Purpose of the Interim Plan

Short statement re satisfying statute (85084), informing actions of public agencies, businesses and individuals re policies critical for future of California, providing a framework for actions by DSC until the Delta Plan is adopted (January 2012), and informing development of the Delta Plan.

II. Requirements of the Interim Plan

- a) Goals statements, coequal (29702a) and others (85020-023)
- b) Role of performance standards (85211) in judging success, providing accountability and providing basis for adjusting policy and management (introducing performance measures in the interim plan will set the groundwork for use in the Delta Plan)
- c) Plan based on science (85308) (no adaptive management here)
- d) Specific requirements to satisfy (85084: address early actions, projects and programs; establish consultative relationships with state and federal agencies...)

III. Plan elements (follow the structure and wording of section 85020, but also emphasize and develop mechanisms for linked, integrated application of the elements in decision making) For this Interim Plan, add early actions, projects and programs required under section 85084.

- a) Manage the Delta's water and environmental resources and the water resources of the state over the long term.

Related Early Actions:

- Develop and implement a strategy to engage federal agencies (85082) including building off the Interim Federal Action Plan for the California Bay-Delta (December 22, 2009), Sections II and III and IV.A (pages 8-22) NOTE: These sections include specific interim actions relevant to plan elements c, d, e, and f).
- Coordinate with and support DFG in developing flow criteria (85084.5). This interim action relates to the SWRCB responsibilities under 85086.
- Coordinate with and support DWR, DFG, the SWRCB, regional water quality boards and the State Lands Commission in specified responsibilities regarding evaluation and/or action on Two-Gates, Three Mile Slough Barrier, other near term actions specified in the Delta Vision Strategic Plan and implementing early action ecosystem restoration projects including, but not limited to, Dutch Slough tidal marsh restoration and Meins Island tidal marsh restoration. These actions also relate to plan elements b and c. Section 85350(a) provides funding for a potential Two Gates project.
- Coordinate with and support the SWRCB in establishing an effective system of Delta watershed diversion data collection and reporting and new flow criteria for the Delta ecosystem (85086). This interim action relates to the DFG responsibilities under 85084.5.

- b) Protect and enhance the unique cultural, recreational, and agricultural values of the California Delta as an evolving place.
- c) Restore the Delta ecosystem, including its fisheries and wildlife, as the heart of a healthy estuary and wetland ecosystem.
- d) Promote statewide water conservation, water use efficiency, and sustainable water use.
- e) Improve water quality to protect human health and the environment consistent with achieving water quality objectives in the Delta.
- f) Improve the water conveyance system and expand statewide water storage.
- g) Reduce risks to people, property, and state interests in the Delta by effective emergency preparedness, appropriate land uses, and investments in flood protection.

Related Early Actions:

- Develop and implement a strategy to engage federal agencies (85082) including building off the Interim Federal Action Plan for the California Bay-Delta (December 22, 2009), Section IV.B (pages 22-23)
 - Coordinate with and support DWR, in consultation with the United States Corps of Engineers and the Central Valley Flood Protection Board, in preparation of a plan to coordinate flood and water supply operations of the State Water Project and Federal Water Project (85309).
- h) Establish a new governance structure with the authority, responsibility, accountability, scientific support, and adequate and secure funding to achieve these objectives.

Related Early Actions:

- Appoint a Delta Independent Science Board (85080)
- Develop and implement a strategy to engage federal agencies (85082) including building off the Interim Federal Action Plan for the California Bay-Delta (December 22, 2009), Section I (pages 7-8)
- Consult with and support the SWRCB in appointing a Delta Watermaster (85230).

Each plan element should include a similar structure, such as: (1) basic legal authority, (2) factual summary of current state of system, (3) identification of known federal, state, and local programs/responsible agencies, (4) performance measures and targets by time period, (5) identifiable plausible policy options, whether project or non project, (6) recommendations regarding choices among the set of plausible policy options, (7) analysis of resources needed, responsible actors and time frames for decision and completion. Emphasize integrated, linked application of the elements.

IV. Interim Framework for Implementation of the Sacramento-San Joaquin Delta Reform Act of 2009

(The goal of this section is to provide a framework for Council action in a wide range of activities, some unknowable at this time, by building on what is available in the Act.)

- a) Purpose of the framework (restate as above)
- b) Framework elements from the Act
 - Goals statements, coequal (29702a) and others (85020-023)
 - Specific requirements (multiple....)
 - Possible use of strategies from *Delta Vision Strategic Plan* (85300.a)

V. Interim Plan Implementation (this section includes DSC procedures, processes for consistency review, linkages to other public actions and plans, and the role of science)

- a) DSC procedures (skeletal presentation, with options for DSC modification without Plan modification) (e.g., 85210.i, 85210.h, 85210.k). Also include whatever for public engagement is appropriate.
- b) Linkages to other public actions and plans (cite those in statute but more expected)
- c) Developing and applying guidance, will follow specified steps, such as:
 - Activity, project or plan of potential relevance to Act identified
 - Assessment against the Act and the Strategic Plan, including policy, legal and scientific reviews and appropriate public engagement and outreach
 - Noticed discussion and possible action at a meeting of the DSC

Communication of Council action to relevant agencies

Items proposed for possible inclusion in the Delta Plan or Interim Plan, organized by SB1 policy goals (section 85020)

Note: these items are included as proposed and have not been screened, evaluated or acted upon by the Delta Stewardship Council. They are neither approved policies nor policies under consideration, but rather a list acknowledging receipt of an item for possible consideration in developing the Interim Plan or the Delta Plan.

The items listed come from several sources, including SB1, comments received from the public to the DSC website, interested stakeholders and the Delta Vision Strategic Plan. The list is illustrative only and neither exhaustive, nor complete. Items are categorized into the eight policy goals of Section 85020, but some items appropriately cross goals and further information could result in movement of others to another goal category. Possible redundancies or conflicts among items have not been addressed. Where an item is linked to SB1, the appropriate code section is provided.

a) Manage the Delta's water and environmental resources and the water resources of the state over the long term.

Legally acknowledge the co-equal goals in all relevant policies, projects, contracts, etc. (85020; 85054)

Engage federal agencies in development of Delta Plan. (85082)

Comprehensive Approach: To achieve the coequal goals in both near-term and long-term, resource managers must use an integrated, diversified set of water supply and ecosystem management tools.

Complete board and DFG instream flow criteria evaluation. (85054.5; 85086 (b), (c))

Work closely with the Department of Fish and Game and the State Water Resources Control Board to develop recommended quantifiable biological objectives.

Consider the Resource Management Plan developed by the Delta Protection Commission as a foundational document for the Interim Plan.

Native fish protection

1. Aggressive predator control
2. Investigate and mitigate stressors affecting bay-delta species
 - a. Evaluate effects of pesticides, discharges, urban pollutants and invasive species
 - b. Assess effectiveness of current water quality regulatory mechanisms

- c. Establish comprehensive water quality monitoring program.
3. Early actions to address “other stressors”
 - a. Predation impacts to fisheries
 - b. Re-evaluate waste water discharges
 - c. Reduce illegal diversions in Delta and watershed
 - d. Increase Delta screening

Endorse experimental flooding of selected islands as proposed by UC Davis.

Assist the National Academy of Sciences in its review of the potential availability of alternate water supply opportunities.

Seek opportunities to diversify refuge water supplies.

SWRCB should focus new enforcement resources on Delta diversions.

State Water Resource Control Board develops plan for Delta watershed diversion data collection and public reporting by December, Council reviews.

Analyze cumulative effects of projects.

Enforce existing laws and legal obligations re water and ecosystem

b) Protect and enhance the unique cultural, recreational, and agricultural values of the California Delta as an evolving place.

Recognize and enhance the unique cultural, recreational, and agricultural values of the California Delta as an evolving place.

1. Consider Delta Protection Commission’s Resource Management Plan
 - a. Ensure findings are consistent with co-equal goals and identify potential obstacles
2. Support agriculture
3. Support completion of federal legislation on national heritage area
4. Initiate collection of improved socio-economic, ecosystem and physical structure data about the Delta to inform policy processes and project level decision making by all public agencies, local, state and federal

c) Restore the Delta ecosystem, including its fisheries and wildlife, as the heart of a healthy estuary and wetland ecosystem.

Dutch Slough Tidal Marsh Restoration Program (85085 (d))

Meins Landing Tidal Marsh Restoration Program (85085 (d))

Other near-term actions as identified in the Delta Vision Strategic Plan (85085 (c))

Complete construction of the Alternative Intake for the Contra Costa Water District (will be completed Fall 2010)

Identify and support early ecosystem restoration and habitat projects, including those included in the Ecosystem Restoration Program, or other programs of the Department of Fish and Game.

Advance Delta habitat restoration projects identified in Interim Federal Action Plan (December 2009):

1. San Joaquin River flow restoration
2. Battle Creek restoration and construction
3. Restoration and preservation in Cache Slough
4. Increasing Yolo Bypass inundation frequency and duration
5. Restore Tidal Marsh Habitat in the Suisun Marsh

Conduct system-wide screening.

Construct Clifton Court Forebay fish screens.

Address poaching/illegal fishing enforcement.

Mark and conduct selective ocean fishing.

Federal and other relevant agencies should accelerate efforts to implement the Reasonable and Prudent (unspecified whose) alternative of developing at least 8000 acres of new, diversified habitat in the near-term.

Accelerate construction and facility upgrades to restore Delta smelt and other native aquatic species:

1. Develop fish restoration facility
2. Develop back-up refugia

d) Promote statewide water conservation, water use efficiency, and sustainable water use.

Emphasize regional sustainability as the cornerstone for water management in California.

Promote water recycling projects, including specifically the South Sacramento County Agriculture and Habitat Water Recycling Project and the Cosumnes River Flow Restoration program.

Promote statewide water conservation, efficiency, and sustainable water use (expanded diversion data collection and reporting (85086)):

1. Incentive based recycling
2. Education – e.g. “Save Our Water Campaign”
3. Strengthen Federal water conservation efforts
4. Support water efficiency and conservation in agriculture

e) Improve water quality to protect human health and the environment consistent with achieving water quality objectives in the Delta.

Water Quality:

1. Reduce ammonia discharges in Delta
2. Dissolved oxygen pilot study for Stockton Deep Water Ship Channel
3. Real time data and operations
4. Central Valley Regional Water Quality Control Board analysis of waste water discharge impacts

f) Improve the water conveyance system and expand statewide water storage.

Build facilities to improve the existing water conveyance system and expand statewide storage and operate both to achieve the co-equal goals:

1. Competing recommendations: to continue working on the rapid science study for the Two-Gates Fish Protection Demonstration Project (85085 (a)) or to stop/further analyze this project:
 - a. Two-Gates Fish Protection Demonstration Project
 - b. Accelerated field study of a potential smelt-turbidity relationship
2. Construct and implement the Two-Gates Fish Protection Demonstration Project (85085 (a))
3. Complete EIR/S for Three Mile Slough if appropriate begin construction (85085 (b))
4. Evaluate constructing demonstration fish protection screen at Clifton Court Forebay
5. Complete BDCP including near-term and long-term flow management proposals and associated Environmental Impact Report and Statements
6. Construct facilities that reduce fish-water interactions
 - a. Patterson Fish Screen
 - b. Red Bluff Diversion Dam pumping plant
 - c. Contra Costa Water District fish screen at Rock Slough
7. Other items
 - a. San Joaquin River Floodplain
 - b. East West Connection – intertie
 - c. Expedite permitting and construction of the Delta Mendota Canal and CA Aqueduct Intertie Project

g) Reduce risks to people, property, and state interests in the Delta by effective emergency preparedness, appropriate land uses, and investments in flood protection.

Reduce risks to people, property, and state interests in the Delta by effective emergency preparedness, appropriate land uses, and strategic levee investments:

1. Continue to invest in rock and emergency response materials
2. Conduct a public review of the emergency plan for the Delta and conduct an exercise
3. Develop emergency plan for statewide implementation in the event of catastrophic failure and conduct an exercise
4. Continue levee subvention program
5. Prepare a management plan for highly vulnerable Sherman Island
6. Identify levees which are essential to State Water Project and Central Valley Project
7. Coordinate with and support U. S. Army Corps of Engineers projects and programs relevant to the Delta Plan.
8. Expedite efforts for a multi-agency coordinated emergency response action plan in the event of levee failure.
9. Emergency preparedness status report
 - a. Current goals
 - b. Measurable objectives
 - c. Infrastructure Plan
 - d. Evacuation and Emergency Services plan for flooding
10. Augment the analysis of projected climate change-related impacts on the Bay-Delta
 - a. Carbon sequestration and Delta subsidence reversal
 - b. Ecosystem services marketing of carbon credits for agriculture
 - c. Salmon reintroduction to historic habitat
 - d. Develop climate and water resource handbook
 - e. Undertake integrated flood risk management activities

h) Establish a new governance structure with the authority, responsibility, accountability, scientific support, and adequate and secure funding to achieve these objectives.

Appoint Delta Watermaster (85230)

Establish a new governance structure with the authority, responsibility, accountability (85082 federal participation), and science support (85280) and secure funding to achieve these goals:

1. Develop and implement consistency rules and regulations
2. Appoint science board and new lead scientist
3. Establish a focused Science program

- a. Improved monitoring and data assessment including reassessment of IEP
4. Develop science proposal solicitation process for key science objectives
5. Develop Delta Plan including finance plan
6. Develop and implement a review process for Delta projects to be used until the Delta Plan is implemented
7. Process for Interim Projects: agencies proposing to undertake or approve a project that would be a covered action if the Delta Plan were in effect at that time, should notify the Council of the project and provide (a) a depiction of the project on a USGS map, (b) copy of the project description or application, and (c) any biological information about the project area. Council will review in a timely fashion and provide comments. Parties should meet as needed to discuss project. Independent scientific input may be considered during review by Council.
8. Include processes in the Interim Plan that allow addition of projects.
9. Continue tracking appropriate CALFED projects and participate in reviews of ongoing work
10. Develop financing proposal to provide for administrative costs
11. Obtain allocation to Delta Council of all funds for Delta projects
12. Develop broadly based fee
 - a. Fish stamps - stressors
 - b. Commercial vessels to Stockton – D.O.
 - c. Recreational boaters – invasive spp.
 - d. State and federal pumps
 - e. Unscreened diversions (Delta and watershed)
 - f. Ammonium
 - g. Upstream diversions
 - h. Ensure Delta Plan has fees related to water contract renewals
13. Develop alternatives to fees
 - a. Eliminate/reduce DO problem reduce fee on commercial vessels
 - b. Screen diversions – reduce fee
 - c. Others
14. Integrated, diversified ESA management portfolio to assure accomplishment of the coequal goals.

Interim Delta Plan Public Input (as of 05/13/10)

The following table displays sources of input received to date in response to the Invitation for Comments on the Interim Delta Plan which was posted on the Council's website, as well as announced at the April 22, 2010 Council meeting. This list will be updated continuously as comments are received. Comments from the public will be posted to the Council's website as they are received. The summaries listed are simple overviews and/or portions taken directly from submitted public comments, and may not be totally reflective of the overall content of each submission.

	Date	Source	Type	Summary
1	5/8/2010	Jan McCleery Discovery Bay	Email	<ul style="list-style-type: none"> • Provided specific language revisions to the April 22, 2010 Interim Plan draft. • Attached comments addressed to the 2-Gates USBR comment solicitation. • Attached letter from Delta Counties Coalition to Legislature requesting funding support for operational activities. • Attached letter from Assemblymember Buchanan stating concerns re: 2-gates project. • Provided summary of overall comments.
2	5/9/2010	Charles Hunter Discovery Bay	Email	Questions how DSC can proceed with the 2-Gates project when no EIR has been completed.
3	5/10/2010	Peter Twelker Discovery Bay	Email	Expressed concern about the "rapid science study" that is being done to justify the 2-Gates project, and feels that a complete EIR should be developed.
4	5/10/2010	Linda Fiack Delta Protection Commission	Letter	Identified several activities and items being considered and developed by the Delta Protection Commission which should be considered when developing the Interim Delta plan: <ul style="list-style-type: none"> • Potential expansion or change to the Primary Zone of the Delta. • Economic Sustainability Plan for the Delta. • Application for designation of the Delta as a National Heritage Area. • Feasibility study and plan for The Great California Delta Trail (SB 1556) • Development of a Strategy for Delta Emergency Planning and Response (SB 27).
5	5/11/2010	Donn Zea Northern California Water Association	Letter	The NCWA believes that the Council should focus the Interim Plan on actions that can be completed by or before January 1, 2012, and address immediate risks that could result in serious problems within that timeframe. Four specific items are highlighted for consideration within the Interim Plan:

	Date	Source	Type	Summary
				<ul style="list-style-type: none"> • Development of a Delta Disaster Recovery Plan-request that DWR, the USBR, and others develop and disclose their emergency response plans. • Implementation of Delta diversion management and enforcement-the SWRCB should focus its new enforcement resources on the Delta. • Resolution of federal issues with 2-Gates project-The Council should seek to expedite the 2-Gates Demonstration Project. • Central Valley Regional Board analysis of wastewater impacts-the Council should engage the Board to determine necessary actions to address the issue of wastewater discharge impacts.
6	5/11/2010	Spreck Rosecrans Environmental Defense Fund	Letter	<p>Overall concern is that the Interim Delta Plan outline covers too broad of an area, and suggests the Council address five key areas of concern in the near term. These items are:</p> <ul style="list-style-type: none"> • Levee reliability and emergency response: Due to the catastrophic potential for abrupt levee failure, the Council should pursue two courses of action – one to prioritize long term actions for levee repair, and one to respond in the event of an “outage”. • Other Delta stressors: Other key areas regarding Delta stressors should be studied further, including natural hydrologic patterns, habitat, invasive species, and pollutants. • BDCP: The Council should provide an independent review of critical BDCP elements in order to prevent the process from adopting an infeasible plan. • Reducing Delta Reliance: Per recent legislation, the Council should provide close oversight to make sure that opportunities in the areas of urban water conservation, ag water conservation, and sustainable groundwater management are realized and maximized. • Finance: Plans for sufficient funding to realize Delta restoration must be developed. The Council should consider assessing a fee based on the volume of water extracted from the Delta and the rivers that feed it.
7	5/11/2010	Richard Gurney	Email	<p>Presents concerns regarding the 2-Gates Project. Expresses concern that a “rapid science study” may not be comprehensive in its analysis, and that an EIR is not included within the project plan. Also states that the draft interim plan outline item V.b states “construct and implement the Two-Gates project”, as opposed to basing the decision of whether to construct them on prior studies for effectiveness. Expresses concern that the draft language relating to construction of the Two-</p>

	Date	Source	Type	Summary
				Gates project appears to be an attempt to move forward in spite of US DOI concerns, as well as over 1400 comment letters stating opposition to the project.
8	5/12/2010	Linda Morse-Robertson	Email	Expresses concern that the 2-Gates project will introduce public safety issues by impeding emergency responder access. Also states that the EIR is not yet in.
9	5/12/2010	Barry Nelson Natural Resources Defense Council	Letter	<p>Offers specific recommendations for Interim Plan actions:</p> <ul style="list-style-type: none"> • Prepare a Management Plan for Sherman Island. DWR should undertake the preparation of a management plan for Sherman Island as an interim action. This action should proceed immediately due to the vulnerability of Sherman island and not wait for the adoption of the Delta Plan. • Identify Levees Essential to the SWP and CVP. Within a year, DWR should identify those Delta levees that are essential to the current operations of the SWP and CVP pumps in the South Delta. Neither DWR nor the Delta Risk Management Study has identified which Delta levees are essential to the continued operation of the Delta pumps. The identification of these key levees will assist the Council in the preparation of the Delta Plan. It will also assist the state in short-term emergency management preparation efforts. • Restore Tidal Habitat in Suisun Marsh. Given the status of Delta fisheries, some of which would benefit from additional tidal marsh restoration, we urge the Council to include this opportunity in the Interim Plan. • Integrating Science into Key Agency Activities. The Interim Plan should include some key early actions from the Science Program. The NRDC recommends that the Council: <ul style="list-style-type: none"> ○ Work closely with the Department of Fish and Game and the State Water Resources Control Board to develop recommended quantifiable biological objectives and goals ○ Complete an independent scientific review of agency efforts to ensure that quantifiable biological objectives (also referred to as “outcomes”) are used as the foundation of BDCP efforts to design conservation measures, evaluate potential impacts and design an adaptive management program. • Implementing the Biological Opinions. The Council should not and cannot modify the existing OCAP Biological Opinions (BOs) in the short term. We recommend that this interim action be eliminated or modified to call for the implementation of the adaptive management programs in the existing

	Date	Source	Type	Summary
				BO's, to address the recommendations of the National Research Council (NRC).
10	5/12/2010	Thaddeus Bettner Glenn-Colusa Irrigation District	Letter	<p>GCID offered the following comments on the main points raised by the draft outline for consideration in the development of the Interim Delta Plan:</p> <ul style="list-style-type: none"> • Plan Outline Priorities: The Plan Outline should be reorganized to identify and address Delta Plan priorities to focus on issues, projects, and plans within the legal Delta in the early portions of the Plan, and follow with consideration of other related activities outside the Delta. • Regional Sustainability: The Interim Delta Plan should promote regional sustainability as the cornerstone for water management in California, which is an effective mechanism to achieve statewide reliability. Legally acknowledge the co-equal goals: There should also be a recognition that achievement of the co-equal goals should not be at the expense of other areas of the State that are currently managing water supplies and environmental resources in a sustainable manner consistent with the co-equal goals. • Recognize and enhance the unique cultural, recreational, and agricultural values of the California Delta as an evolving place. • Restore Delta ecosystem. • Promote statewide water conservation, efficiency, and sustainable water use (expanded diversion data collection and reporting). • Build facilities to improve the existing water conveyance system and expand statewide storage and operate both to achieve the co-equal goals: The Interim Delta Plan should encourage continued feasibility studies of water storage facilities and should direct the Delta Science Program to accelerate studies on the environmental and water supply benefits of various statewide water storage options. The Council will need to consider how additional storage could increase the potential yield and/or flexibility of the state's water system to assist in Delta restoration goals. • Reduce risks to people, property, and state interests in the Delta by effective emergency preparedness, appropriate land uses, and strategic levee investments. This issue should be one of the highest priorities of the Council and should appear early in the Plan. • The Interim Delta Plan should include guidelines for consistency determinations until the final Delta Plan is developed.

	Date	Source	Type	Summary
				<ul style="list-style-type: none"> The Council should not impede the work currently underway by existing agencies, but should instead constructively participate by providing appropriate recommendations to further the coequal goals.
11	5/12/2010	Stan Dean Sacramento Regional County Sanitation District	Letter	<p>The SRCSD recommends that the Interim Delta Plan focus on promoting water recycling projects and helping to secure the associated funding that will be necessary to ensure water recycling becomes a reality. The SRCSD recommends two projects for inclusion within the Interim Delta Plan to help achieve the co-equal goals:</p> <ul style="list-style-type: none"> South Sacramento County Agriculture and Habitat Water Recycling project Cosumnes River Flow Restoration Project <p>Details for each of these projects were included in an attachment.</p>
12	05/12/2010	Greg Gartrell Contra Costa Water District	Letter	CCWD's comments focus on the importance of three items in the Interim Plan: Dutch Slough tidal marsh restoration, Clifton Court Forebay fish screens, and strategic levee investments.
13	05/12/2010	Nicole S. Suard, Esq., Managing Member, Snug Harbor Resorts, LLC	Email	Asks that the Delta Stewardship Council base decisions on historical facts, not incomplete and incorrect studies and reports. Provides 12 attachments.
14	05/12/2010	Anson B. Moran Delta Wetlands Project	Letter	Our suggestion is that the Council establish a procedure, within its interim plan, for adding projects to the list of interim actions. This procedure could be applied immediately to projects that are ready but for some reason were not included in the legislation. The same procedure could be used as needed during the interim period to include projects that become ready and can advance the Council's objectives without waiting for adoption of the Plan or consuming significant Council resources.
15	05/12/2010	Melinda Terry North Delta Water Agency	Letter	The Council should put a greater emphasis on including Delta residents in the development of a Delta Plan.
16	05/12/2010	Byron Buck State and	Letter	The Council's Interim Plan development should be focused first on developing the fundamental building blocks and components of what will inform and become the

	Date	Source	Type	Summary
		Federal Contractors Water Agency		Delta Plan that are directly within the Council's purview. This work should be undertaken by the Council and its staff, with formal input from stakeholders. SFCWA offered several suggestions for early actions the Council could pursue.
17	05/12/2010	Phillip Harrington City of Antioch	Letter	Asks that the Council consider not only direct impacts, but also the cumulative impacts of the 2-Gates, Three-Mile Slough, BDCP and other projects being considered in the context of the Delta Plan and its implementing Legislation. Requests that the Council consider whether analyses of direct and cumulative impacts of these projects are being adequately considered and mitigated, as required by the implementing Legislation. These analyses must include consideration of the direct and cumulative impacts upon Western Delta water quality, flow and public trust resources.
18	05/12/2010	Cindy Tejeda US Army Corps of Engineers	Email	Sent a list of U.S. Army Corps of Engineers (USACE) projects and programs that pertain most directly to the California Bay-Delta. The projects highlighted are: (1) Delta Islands and Levees Feasibility Study; (2) CALFED Levee Stability Program; (3) Lower San Joaquin River Feasibility Study; (4) Central Valley Integrated Flood Management Study; (5) Sacramento River Deep Water Ship Channel Project; (6) San Francisco Bay to Stockton Navigation Improvement Project; and (7) Delta Long Term Management Strategy (Delta LTMS).
19	05/12/2010	Mary Piepho Contra Costa County	Letter	<p>Asks the Council to utilize as a foundational document for the Interim Plan, the DPC's Resource Management Plan which was revised and adopted earlier this year. The Resource Management Plan (RMP) offers very recently-updated background and policy guidance in the areas of land use, agriculture, natural resources, recreation, water, levees, and infrastructure.</p> <p>Requests that the Council consider options for optimal levels of participation by the Delta Counties and other local agencies, organizations and individuals in deliberations over short and long-term plans. Outreach for participation from these stakeholders should begin with development of the Interim Plan.</p> <p>Should not continue to delay short and medium-term actions that have the ability to yield meaningful solutions and reduce risk to people, property, the ecosystem and our state's water supply. Despite the fact that a number of short-term actions have been discussed for years and many of these actions engender little controversy, few if any have been implemented. It is time to step up as a leadership body and move toward implementing these short and medium-term</p>

	Date	Source	Type	Summary
				actions that will provide results and reduce risk while longer-term solutions are being worked out.
20	05/12/2010	Carl Wilcox Cal Fish and Game	Letter	The DFG recommends that the Delta Stewardship Council consider the CALFED Strategic Plan, Multi-Species Conservation Plan and the Draft Stage 2 Conservation Strategy for the Delta in its decision making process when considering protection of ecological values in the Delta. Restoration and enhancement actions identified through the Delta Vision process and Bay Delta Conservation Planning process should also be considered. The DFG recently presented the DSC with a list of historic and ongoing ERP projects in the Delta as well as other restoration projects currently being planned or implemented, with an accompanying map showing the projects location and type. These documents should also be considered for inclusion in the Interim Plan.
21	05/12/2010	John Vasquez Solano County	Letter	Although the Delta Vision Plan and the Delta Protection Commission's recently updated Resource Management Plan provide many ideas that should form a foundation for the IDP, there are a number of important issues that should also be addressed. These issues fall chiefly into the categories of governance; funding; other State and Federal programs; identification of impacts to existing projects, programs and studies; water rights; and existing contracts and agreements.
22	05/12/2010	Patrick Blacklock Yolo County	Letter	The Legislature has thus provided virtually no guidance to the Delta Stewardship Council ("Council") on the content of the Interim Plan. Just as important, the Legislature did not explain the intended function of the Interim Plan. These are substantial issues that the Council must address before it can properly deliberate and before local agencies can be expected to properly comment-on the substance of the Interim Plan. Until the Council explains what the Interim Plan will do, it is difficult for local agencies and other interested parties to comment on the substance of the Interim Plan. Most importantly, local agencies require information about how, if at all, the Interim Plan could affect local actions, projects, and programs. The County assumes for purposes of this comment letter that, based on Water Code § 85084, the Interim Plan will not limit local authority to regulate land use matters. Nonetheless, the County encourages the Council to address this fundamental issue at the earliest opportunity. Also included a list of recommended early actions, projects, and programs for the Interim Plan.
23	05/12/2010	Russ Brown ICF International	Letter	Submitted the Delta Corridors Plan: a coordinated near-term action for the Interim Delta Plan. The Delta Corridors Plan provides an integrated set of near-term channel modifications that have both water supply and ecosystem protection

	Date	Source	Type	Summary
				benefits. Two reports have been prepared by ICF International (Jones & Stokes) to evaluate the tidal hydraulics and salinity benefits of the DC Plan. The likely fish benefits are generally described, but should be further compared with existing conditions and with proposed long-term BDCP measures. These studies were funded by Central Delta Water Agency and South Delta Water Agency and the Delta Corridors Plan is generally supported by other Delta landowners and stakeholders. For a variety of reasons, the BDCP steering committee has not fully considered the Delta Corridors Plan features and benefits.
24	05/12/2010	William Phillimore Coalition for a Sustainable Delta	Letter	Suggestions focused on the use of adaptive management, the structure of the Delta Science Program, the new Delta paradigm and the importance of enforcement of existing laws that directly pertain to environmental quality in the Delta.
25	05/12/2010	Timothy Quinn ACWA	Letter	ACWA believes the Council should focus on near-term actions, which reflect the two principles of (1) co-equal goals, and (2) a comprehensive approach which significantly increases the types of management actions undertaken to achieve policy objectives.
26	05/12/2010	Leo Winternitz The Nature Conservancy	Letter	McCormack-Williamson Tract Flood Control and Ecosystem Restoration Improvements: Submitted this project as a proposal to be included in the interim project list being developed by the Delta Stewardship Council.
27	05/12/2010	Keith DeVore County of Sacramento, Water Resources	Letter	Sacramento County has initiated the process of developing a menu of near- and long-term land use and water projects and policy objectives. However, they respectfully defer the submittal of specific comments and input to the June 24, 2010 DSC hearing.
28	05/12/2010	Osha Meserve RD 999	Letter	<p>It is imperative that the Delta Stewardship Council conduct a thorough collaboration with the interested public - with a focus on local stakeholders - on the content of the Interim Plan. The request for comments made at the DSC's April meeting and on its website is just a start, not an end, to the need for such collaboration.</p> <p>The DSC should collaborate with the DPC so that the content of the Interim Plan supports the DPC's efforts to develop an Economic Sustainability Plan.</p>

	Date	Source	Type	Summary
				<p>Section IV of the draft Interim Plan Outline ("Promote statewide water conservation, efficiency ... " is incomplete as it does not include a reference to any actual conservation efforts. Measures to conserve water exported from the Delta should be included in this section of the Interim Plan.</p> <p>Section V of the draft Interim Plan Outline ("Build facilities to improve the existing water conveyance system and expand statewide storage ... ") is inconsistent with the language within SB 7x 8. While the bill did not include the required content of the Interim Plan, it is appropriate to refer to the content of the Delta Plan for guidance. According to Water Code section 85304, "The Delta Plan shall promote options for new and improved infrastructure relating to water conveyance in the Delta, storage systems, and for the operation of both to achieve the coequal goals." Use of this language in the Interim Plan Outline would also be appropriate. Reference to "building facilities" and "completing the BDCP" are premature at this juncture, especially if the DSC is an independent effort from the BDCP.</p>
29	05/12/2010	Linda Best Contra Costa Council	Letter	<p>The Contra Costa Council offered the following suggestions for an Interim Delta Plan.</p> <ul style="list-style-type: none"> • Expedite efforts for a multi-agency coordinated emergency response action plan in the event of levee failure to protect lives, personal injury and disease. Local and state emergency response agencies should be involved, using state and local funding. • Develop an emergency preparedness program to stockpile rock and other logistical material and equipment to be used in the event of any levee failure. • Begin implementation of levee strengthening at identified strategic locations in the Delta. The agency would be the Department of Water Resources and the funding would come from Propositions 1E and 84.
30	05/12/2010	Mike Hardesty RD 2068	Letter	<p>Offered the following principles for consideration in Interim and Delta Plan formulation</p> <ul style="list-style-type: none"> • Honor Local Commitments • Do no unmitigated harm- Landowners and water users within BDCP

	Date	Source	Type	Summary
				<p>Restoration Opportunity Areas should be protected from short-term and long-term “collateral damage” arising from Delta water conveyance infrastructure and habitat restoration efforts.</p> <ul style="list-style-type: none"> • Involve Locals- Encourage and utilize the extensive local and regional knowledge and expertise in individuals and groups that already exist, such as Delta Protection Commission, County HCP/NCCPs, Yolo Basin Working Group. For the Delta Plan succeed and be sustainable, Delta landowners must be treated as stakeholders in the process. • Coordinate & Integrate Flood Management • Conveyance Size & Capacity – The Council should consider analyzing a broader range of facility designs, operations, and conveyance capacities than those currently being analyzed by the BDCP. • Recognize Legislative and BDCP Conflicts • Willing Sellers – The Delta Plan should make it clear that habitat restoration projects in the Delta done through the Delta Conservancy or the BDCP should be done only with willing seller landowners. • Open and Transparent –The Council, before incorporating the BDCP into the Delta Plan, should provide a public forum to analyze a reasonable range of Delta conveyance size and design, effects on Sacramento River/San Joaquin River flood management, effects on Delta agriculture, Delta residents, public services in the Delta, potential effects of each conveyance alternative on Delta water quality, and other CEQA compliance analyses called for in SB 7X. • Benefit v. Burden - The Delta alone is being asked to bear significant and disproportionate burdens including the loss of productive farm land, local taxes and assessments, increased regulatory compliance pressures and water quality impacts; however, the benefits accrue to regions outside the Delta. The Solano and Yolo County portions of the Delta are uniquely

	Date	Source	Type	Summary
				<p>saddled with these unmitigated impacts and a disproportionate burden under the BDCP and the biological opinions. The Delta Plan needs to address and resolve these inequities.</p> <ul style="list-style-type: none"> • Delta Mitigation & Assurances – One of the ways to eliminate inequities of providing a “Delta Fix” is to adopt enforceable and permanently funded third party mitigations and assurances. • Cost & Who Pays – It must be recognized that there are no “beneficiaries” in the Delta; rather water users in the Delta may be harmed by BDCP actions. These water users, landowners and local governments need to be made whole. Compensation must include adequate, reliable, and permanent financing mechanisms (i.e. an endowment, annuity, or dedicated stream of revenue), especially for maintenance of habitat properties, neighboring land impacts, and for payment of all local in lieu taxes and assessments due to the local government agencies.

Early Actions (05/13/10)

The following is a listing of the early and near-term actions specified in the legislation (SB1-7X) and the Delta Vision Strategic Plan, including a brief status summary where applicable.

Source	Action	Lead	Comment/Status
§85080	DSC to appoint Delta Independent Science board	DSC	DSC staff is reviewing board member candidates. Discussion item for May Council meeting.
§85082	DSC to engage Federal Agency participation for consistency with the federal Coastal Zone Management Act, federal Clean Water Act, and Section 8 of the federal Reclamation Action of 1902	DSC	DSC staff is reviewing options and establishing a meeting schedule with Federal agencies to discuss the requirements and approaches. Discussion item for June Council meeting.
§85084	DSC shall adopt Interim Delta Plan	DSC	Interim Plan initial outline has been developed incorporating comments received to date. Initial outline will be modified based on comments received at May Council meeting. Initial draft of Interim Delta Plan to be a discussion item for June Council meeting. Current plan is to adopt Interim Delta Plan at August Council meeting.
§85084.5	DFG recommends flow criteria and quantifiable biological objectives to State Water Resources Control Board (SWRCB)	DFG	The Department of Fish and Game (DFG) must develop and recommend flow criteria and quantifiable biological objectives to the SWRCB by November 20, 2010. DFG has been working in conjunction with the SWRCB's ongoing public efforts to develop their objectives and criteria. It is our understanding that the DFG proposal will be available for public review and comment by September 2010.
§85085(a)	DWR to coordinate efforts to construct and implement the Two-Gates Fish Protection Demonstration Project	DWR	A draft Initial Study was released by San Luis Delta Mendota Water Authority in XXX and a draft Environmental Assessment (EA) was released by Bureau of Reclamation (Reclamation) in October 2009. Following the close of the comment period on the EA, Reclamation recommended further studies prior to completion of environmental documentation. Reclamation has undertaken water quality monitoring and modeling efforts to better understand Delta smelt behavior as it may relate to the proposed project. Reclamation and State Water Project (SWP) and Central Valley Project (CVP) water contractors are continuing to evaluate other alternatives for improving water quality conditions and methods to provide protection to fisheries, including bubble curtains, channel dredging, fish screens, and revised Delta Cross Channel operations. Reclamation anticipates beginning additional efforts to pilot test concepts in 2010-2011.

Source	Action	Lead	Comment/Status
§85085(b)	Department of Water Resources (DWR) to evaluate the effectiveness of the Threemile Slough Barrier	DWR	DWR has been evaluating the effectiveness of Threemile Slough barrier as part of the Franks Tract project. The purpose of the Franks Tract Project is to influence the movement of fish species of concern to areas that provide favorable habitat conditions, reduce sea water intrusion, and improve operational flexibility of the SWP and CVP. DWR and Reclamation are preparing an EIS/EIR evaluating installation of operable gates in Three Mile Slough to enhance conditions for fish species of concern, improve water quality in the interior Delta, and improve reliability of export operations. The feasibility level design of the Project is underway. The draft EIS/EIR is expected to be completed by spring of 2011. Funding for the implementation of this legacy CALFED program is questionable given that reassessment of the Delta conveyance alternatives that is currently underway in the BDCP process. The Franks Tract Project related documents including scoping report are available on http://www.water.ca.gov/frankstract/
§85085(c)	DWR to move ahead with other near term actions specified in Delta Vision Strategic Plan and Delta Vision Implementation Report (Strategic Plan)	DWR	DWR has identified and made progress on a number of Interim Delta Actions, as identified in the Strategic Plan, including preparation of a Delta Emergency Operations Plan in partnership with Delta Protection Commission; Pre-Deployment of Emergency Response Supplies program; Delta Disaster Planning Exercise program in partnership with Delta Protection Commission; University of California (UC) Davis Delta Smelt Culture Facility upgrade and operation; establish Delta Smelt Refuge Population in cooperation with U,S. Fish and Wildlife Service (USFWS) and UC Davis; restoration of Cache Slough area to provide high biodiversity and sensitive habitats; Dutch Slough restoration and Meins Landing Restoration (see below); operation of Blacklock Restoration project where a levee breach was implemented in Suisun Marsh in 2006; North Delta Flood Control and Ecosystem Restoration Project (including McCormick-Williamson project) Final EIR is projected to be completed in 2011; US Geological Survey (USGS) Subsidence Research on Twitchell Islands using decaying organic matter to eliminate or reverse subsidence; Mayberry Farms pilot project to use tule farms to reduce subsidence; Farm Scale Rice Pilot Project to reduce subsidence and facilitate carbon sequestration; Carbon Sequestration and Wetland Farming Demonstration Project in cooperation with USGS; Franks Tract Project (discussed above); installation and operation of fish screens on Sherman and Twitchell Islands; Delta Levee Maintenance Subventions Program; Delta Levee Special Flood Control Projects; and South Delta Temporary Barriers. These projects can be viewed at http://www.water.ca.gov/deltainit/action.cfm

Source	Action	Lead	Comment/Status
§85085(d)	DWR assist in implementation of ecosystem restoration projects including Dutch Slough and Meins Landing tidal marsh restoration	DWR	<p><u>Dutch Slough</u>: The Dutch Slough Tidal Marsh Restoration Project will restore tidal marsh and associated wetland and terrestrial habitats on 1,166 acres near Oakley in eastern Contra Costa County. The project is expected to provide habitat for endangered winter-run Chinook salmon, threatened spring-run Chinook salmon, Sacramento splittail, other native aquatic species, as well as terrestrial species such as western pond turtle, black rail, and waterfowl. In addition, through the restoration of natural hydrology and increases in primary productivity, the project is expected to provide important benefits to the Delta ecosystem. Land was purchased by DWR with funds from State Coastal Conservancy (SCC) and CALFED Ecosystem Restoration Program (ERP; now part of DFG). The preliminary Conceptual Plan and EIR were prepared in 2006 with funding from SCC. The Natural Heritage Institute has been instrumental in developing and promoting the project since its inception. DWR and SCC are funding preparation of final conceptual designs and preparation of 80% engineering drawings. Several local agencies are coordinating their efforts with planning for the Dutch Slough project, including City of Oakley, Contra Costa Water District, Contra Costa Flood Control and Water Conservation District, Ironhouse Sanitary District, and Reclamation Districts 2137 and 799. DWR approved and certified the final EIR for the project in March 2010. The 80% design drawings are expected in summer 2011. Importation of fill and earthwork will begin in 2011, and major construction is scheduled to begin in 2012 with levee breaching anticipated by 2013.</p> <p><u>Meins Landing</u>: Restoration of the 666 acre DWR-owned Meins Landing waterfowl hunting club to tidal wetlands, permanent wetlands, and other habitats provides an opportunity for restoration that is anticipated to benefit a range of species and planning efforts. Meins Landing restoration was originally anticipated to provide a complement the tidal wetland restoration goals identified in the <i>Habitat Preservation and Restoration Plan for the Suisun Marsh (SMP)</i>. The project also provides the opportunity to provide mitigation for levee improvements and increased flood protection on 24 miles of levees in Suisun Marsh under the AB 360 program (Van Sickle, Wheeler, Simmons Island) and potentially mitigation for the dredging program authorized under the Letter of Permission (LOP) and/or for upland impacts of tidal restoration in the Suisun Marsh associated with programs such as the Bay Delta Conservation Plan and related efforts. These latter efforts are related to this property's ability to provide benefits to terrestrial habitat species. These terrestrial habitat benefits appear to be the best fit for this specific property due to the high cost of addressing pipeline easement</p>

Source	Action	Lead	Comment/Status
			issues that would be affected with any tidal habitat restoration efforts. DWR acquired the property in December 2005. Planning for tidal marsh restoration has been hampered by numerous site constraints noted above, but renewed planning efforts in 2010 related to terrestrial habitat are anticipated to lead to implementation of a modified restoration design as early as 2012.
§85086(a)	SWRCB to establish Delta watershed diversion data collection and public reporting system by 12/31/2010.	SWRCB	SWRCB has developed a web-based electronic reporting system, <u>eWRIMS</u> (Electronic Water Rights Information Management System) which is in use. The online reporting is optional this year, but the ASWRCB plans to adopt new regulations that will require all future water use reports to be submitted through the online system. The SWRCB is anticipating having regulations developed for a statewide collection and reporting system by January 2011.
§85086(b)	Establish accelerated processes for determining instream flow needs of the Delta for Delta Plan development purposes	Legislature	This is a statement of legislative intent.
§85086(c)(1)	SWRCB shall develop new flow criteria for the Delta ecosystem	SWRCB	<p>The SWRCB has a number of ongoing proceedings that may inform the development of flow criteria. Some of these proceedings will result in regulatory requirements that impact flow, or otherwise affect the volume, quality, or timing of flows into, within, or out of the Delta. The SWRCB recently completed its periodic review of the 2006 Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay-Delta Plan). The staff report approved by the Board recommended further review in the basin planning process of the following: Delta Outflow Objectives, Export/Inflow Objectives, Delta Cross Channel Gate Closure Objectives, Suisun Marsh Objectives, Reverse Flow Objectives, Floodplain Habitat Flow Objective, Changes to the Monitoring and Special Studies Program, and Other Changes to the Program of Implementation. In addition, the SWRCB previously committed to reviewing two other issues in the water quality control planning process: southern Delta salinity and San Joaquin River flow objectives. The SWRCB is actively reviewing these two issues and has held a number of public workshops.</p> <p>The SWRCB initiated the informational proceeding to develop flow criteria in late 2009. Given the limited amount of time in which the State Water Board has to develop the criteria, the focus of this initial proceeding will be on Delta outflow. The SWRCB conducted a public Proceeding on March 22-24, 2010. Numerous written and verbal comments were provided by interested parties, in which scientific information was requested in order to develop new flow</p>

Source	Action	Lead	Comment/Status
			criteria for the Sacramento-San Joaquin Delta (Delta) ecosystem necessary to protect public trust resources pursuant to the board's public trust obligations. The Board is now preparing a staff report to include recommendations for new flow criteria. Criteria must be adopted by the Board by August 2010, and submitted to the Council within 30 days.
§85086(c)(2)	Order approving point of diversion changes shall include appropriate Delta flow criteria	SWRCB	Procedural statement. No early action status.
§85086(c)(3)	Statutory applicability	SWRCB	Procedural statement. No early action status.
§85086(d)	SWRCB cost recovery for analysis of activities related to §85086	SWRCB	Procedural statement. No early action status.
§85086(e)	SWRCB shall submit flow criteria to DSC within 30 days of determination	SWRCB	This action is underway, as described above, and will be completed by September 2010.
§85087	SWRCB shall submit to the Legislature a prioritized schedule and estimate of costs to complete instream flow studies for the Delta and for high priority rivers and streams in the Delta watershed	SWRCB	This action is underway, as described above, and will be completed by 12/31/2010
§85088	DWR shall not commence construction of any diversion, conveyance, or other facility necessary to divert and convey water pursuant to the change in point of diversion until SWRCB issues an order	SWRCB	Procedural statement. No early action status.

Source	Action	Lead	Comment/Status
§85089(a)	New Delta conveyance construction shall not proceed until water contractors are contracted to pay for environmental review, planning, design, construction and mitigation of any new conveyance facility, as well as full mitigation of property tax of local assessments or special districts.	DWR	Procedural statement. No early action status.
§85230	Appoint Delta Watermaster	SWRCB	The SWRCB has recently initiated its search for candidates, and issued an advertisement for the Delta Watermaster position on May 10, 2010.
DVSP ₂	Initiate collection of improved socio-economic, ecosystem, and physical structure data about the Delta to inform policy processes and project level decision making by all public agencies, local, state, and federal.	DPC, DWR, DFG, Local Gov.	The Delta Protection Commission has begun the process for developing an Economic Sustainability Plan, to be completed by statute by July 1, 2011.
DVSP	Complete construction of an alternative intake for the Contra Costa Water District	CCWD	Construction is underway. The Project Substantial Completion Date is anticipated by July 1, 2010 and the Final Completion Date is anticipated by September 29, 2010 for the construction of the new alternative intake structure.
DVSP	Construct a demonstration fish protection screen at Clifton Court Forebay.	DWR	DWR has released an initial assessment for analyzing the feasibility and effectiveness of a low-flow screened intake to the Clifton Court Forebay (Forebay). The "Low-flow Intake Technical Analysis" describes conceptual alternatives for a low-flow screened intake to the Forebay and identifies additional information required for any subsequent assessment efforts. The report is available on the web at the following location: http://baydeltaoffice.water.ca.gov/announcement/LFI_TA_12082009revised12610.pdf
DVSP	Advance near-term ecosystem restoration opportunities.	Delta Conservancy	The Delta Conservancy is still being developed, and is currently in the process of selecting an Executive Officer.
DVSP	Stockpile rock and other emergency response materials.	DWR	DWR has stockpiled rock and other emergency response materials at its Stockton and Rio Vista sites, and has developed a staging area at its Hood location.

Source	Action	Lead	Comment/Status
DVSP	Assess and improve state capacity to respond to catastrophic events in the Delta.	OES, DWR	DWR has developed an Interim Emergency Operations Plan (EOP) for the Delta. The plan has been presented to the Delta Protection Commission and DWR personnel have been engaged with the DPC and others in the development of non-DWR Delta-specific EOPs. DWR anticipates adoption of a final EOP by the end of 2012.

MAJOR ON-GOING PROGRAMS, PROJECTS UNDER CONSTRUCTION, AND ON-GOING STUDIES THAT WILL DIRECTLY AFFECT OR COULD INDIRECTLY AFFECT THE DELTA

Major Ongoing Programs that will Directly Affect or Could Indirectly Affect the Delta

Agency	Program
California Department of Boating and Waterways	Egeria Densa Control Programs
California Department of Boating and Waterways	Water Hyacinth Control Programs
California Department of Fish and Game	Invasive Species Program
California Department of Fish and Game	California Aquatic Invasive Species Management Plan
California Department of Fish and Game	Zebra Mussel Rapid Watch Program and Response Plan for California
California Department of Fish and Game	Fish Screen Passage Program
California Department of Fish and Game	Delta-Bay Enhanced Enforcement Program
California Department of Fish and Game	Ecosystem Restoration Program Conservation Strategy
California Department of Fish and Game	Lower Sherman Island Wildlife Area Land Management Plan
California Department of Fish and Game	Yolo Bypass Wildlife Area Land Management Plan
California Department of Fish and Game and US Fish and Wildlife Service	Hatchery and Stocking Program
California Department of Fish and Game, Department of Food and Agriculture, and California State Parks	Watercraft Inspection Programs
California Department of Water Resources	Delta Levees Flood Protection Program
California Department of Water Resources	Levee Repair-Levee Evaluation Program
California Department of Water Resources	Interagency Ecological Program
California Department of Water Resources	South Delta Temporary Barriers Program
California Department of Water Resources	Stockton Deep Water Ship Channel Demonstration Dissolved Oxygen Project
California Department of Water Resources	Zebra Mussel Watch Program
California Department of Water Resources and Department of Fish and Game	Delta Fish Agreement (Four Pumps Project)
California Department of Water Resources and Yuba County Water Agency	Lower Yuba River Accord
California State Lands Commission	Marine Invasive Species Program
Central Valley Regional Water Quality Control Board	Cache Creek, Bear Creek, Sulfur Creek, Harley Gulch Mercury TMDL
Central Valley Regional Water Quality Control Board	Irrigated Lands Regulatory Program
California Partners in Flight	Riparian Habitat Joint Venture
Central Valley Joint Venture Program	Central Valley Joint Venture
Contra Costa County and East Contra Costa County Habitat Conservancy	East Contra Costa County HCP/NCCP
East Bay Municipal Utility District	Lower Mokelumne River Spawning Habitat Improvement Project
Sacramento County	Sacramento International Airport Master Plan
Sacramento Area Flood Control Agency, Central Valley Flood Protection Board, and U.S. Army Corps of Engineers	Flood Management Program
San Francisco Bay Regional Water Quality Control Board	San Francisco Bay Mercury TMDL
San Joaquin Council of Governments	San Joaquin County Multi-Species Habitat Conservation and Open Space Plan
U.S. Army Corps of Engineers	Delta Dredged Sediment Long-Term Management Strategy
U.S. Army Corps of Engineers	Suisun Bay Channel Operations and Maintenance

Agency	Program
U.S. Army Corps of Engineers	Suisun Channel (Slough) Operation and Maintenance
US Bureau of Reclamation and US Fish and Wildlife Service	Andadromous Fish Screen Program
U.S. Bureau of Reclamation, U.S. Fish and Wildlife Service, National Marine Fisheries Service, California Department of Water Resources and Department of Fish and Game	San Joaquin River Restoration Program
US Coast Guard	Ballast Water Management Program
US Fish and Wildlife Service	Stone Lakes National Wildlife Refuge Comprehensive Conservation Plan
US Fish and Wildlife Service	North American Waterfowl Management Plan
U.S. Fish and Wildlife Service U.S. Bureau of Reclamation, and California Department of Fish and Game	San Joaquin Basin Action Plan
University of California, Davis and California Department of Water Resources	Smelt Hatchery Program

Major Projects Currently Under Construction that will Directly Affect or Could Indirectly Affect the Delta

Agency	Program
Contra Costa Water District	Contra Costa Canal Fish Screen Project
Contra Costa Water District, US Bureau of Reclamation, and Department of Water Resources	Alternative Intake Project
Freeport Regional Water Authority and US Bureau of Reclamation	Freeport Regional Water Project
Stockton	Delta Water Supply Project
U.S. Bureau of Reclamation and State Water Resources Control Board	Battle Creek Salmon and Steelhead Restoration Project
Tehama Colusa Canal Authority and US Bureau of Reclamation	Red Bluff Diversion Dam Fish Passage Project
US Bureau of Reclamation	Delta-Mendota Canal/California Aqueduct Intertie
US Bureau of Reclamation, Department of Fish and Game, and Natomas Central Mutual Water Company	American Basin Fish Screen and Habitat Improvement Project
U.S. Bureau of Reclamation, U.S. Army Corps of Engineers, Sacramento Area Flood Control Agency, and Central Valley Flood Protection Board	Folsom Dam Safety and Flood Damage Reduction Project
Zone 7 Water Agency and Department of Water Resources	South Bay Aqueduct Improvement and Enlargement Project

Major Projects and Programs Under Development that will Directly Affect or Could Indirectly Affect the Delta

Agency	Programs, Projects, and Policies
California Department of Fish and Game	California Aquatic Invasive Species Draft Rapid Response Plan
California Department of Fish and Game	Fremont Landing Conservation Bank
California Department of Fish and Game	Fish Screen Project at Sherman and Twitchell Islands
California Department of Fish and Game, Department of Water Resources, U.S. Fish and Wildlife Service, U.S. Bureau of Reclamation, and Suisun Marsh Charter Group	Suisun Marsh Habitat Management, Preservation, and Restoration Plan
California Department of Parks and Recreation	Central Valley Vision
California Department of Water Resources	North Delta Flood Control and Ecosystem Restoration Project
California Department of Water Resources	Dutch Slough Tidal Marsh Restoration Project
California Department of Water Resources	California Water Plan Update 2009
California Department of Water Resources	Central Valley Flood Protection Plan
California Department of Water Resources	Delta Risk Management Strategy
California Department of Water Resources	FloodSAFE California
California Department of Water Resources	Meins Landing Restoration
California Department of Water Resources	Cache Slough Area Restoration
California Department of Water Resources	North Bay Aqueduct Alternative Intake Project
California Department of Water Resources	Pilot Study to improve Dissolved Oxygen in Stockton Deep Water Ship Channel
California Department of Water Resources and U.S. Bureau of Reclamation	Franks Tract Project
California Department of Water Resources and U.S. Bureau of Reclamation	North-of-the-Delta Offstream Storage Investigation
California Department of Water Resources and US Bureau of Reclamation	In-Delta Storage
California Department of Water Resources, CALFED, and National Marine Fisheries Service	Upper Yuba River Studies Program
California Department of Water Resources, Department of Fish and Game, and U.S. Army Corps of Engineers	CALFED Levee System Integrity Program
California High Speed Rail Authority and Federal Railroad Administration	Corridor Rail Project
Central Valley Regional Water Quality Control Board	Sacramento-San Joaquin Delta Estuary TMDL for Methylmercury
Central Valley Regional Water Quality Control Board	Studies on emerging contaminants including ammonia and/or ammonium, endocrine disrupting compounds, and pesticides
Contra Costa Water District, US Bureau of Reclamation, and Department of Water Resources	Los Vaqueros Reservoir Expansion Project
Davis, Woodland, and University of California, Davis	Davis-Woodland Water Supply Project
East Bay Municipal Utility District	Camanche Permit Extension
East Bay Municipal Utility District	Water Supply Management Program 2040
East Bay Municipal Utility District, Contra Costa Water District, Santa Clara Valley Water District, and San Francisco Public Utility Commission	Bay Area Regional Desalination Project
El Dorado Irrigation District and U.S. Bureau of Reclamation	Folsom Lake Temperature Control Device
El Dorado Water and Power Authority	Supplemental Water Rights Project
Sacramento County	Sacramento County General Plan Update
Sacramento County and U.S. Fish and Wildlife Service	South Sacramento Habitat Conservation Plan

Agency	Programs, Projects, and Policies
San Francisco Bay Conservation and Development Commission	San Francisco Bay Plan Amendment and Special Programs
San Joaquin County	San Joaquin County General Plan Update
Semitropic Water Storage District	Delta Wetlands
Solano County Water Agency	Solano Multispecies Habitat Conservation Plan
U.S. Army Corps of Engineers	Lower San Joaquin Feasibility Study
U.S. Army Corps of Engineers and Department of Water Resources	Delta Islands and Levees Feasibility Study
U.S. Army Corps of Engineers	San Francisco Bay to Stockton Deep Water Ship Channel Project
U.S. Army Corps of Engineers	Expansion of Sacramento Deep Water Ship Channel Project
U.S. Bureau of Reclamation	Shasta Lake Water Resources Investigation
U.S. Bureau of Reclamation and California Department of Water Resources	Delta-Mendota Canal Recirculation Feasibility Study
U.S. Bureau of Reclamation and California Department of Water Resources	Sacramento Valley Water Management Plan
U.S. Bureau of Reclamation and California Department of Water Resources	Upper San Joaquin River Basin Storage Investigation
U.S. Bureau of Reclamation and San Luis & Delta Mendota Water Authority	Grassland Bypass Project, 2010 - 2019
U.S. Bureau of Reclamation and San Luis & Delta Mendota Water Authority	Agricultural Drainage Selenium Management Program
U.S. Bureau of Reclamation and San Luis & Delta Mendota Water Authority	Two-Gates Project
U.S. Bureau of Reclamation, Santa Clara Valley Water District, and the San Luis and Delta Mendota Water Authority	San Luis Reservoir Low Point Improvement
U.S. Fish and Wildlife Service, U.S. Bureau of Reclamation, and Sacramento Water Forum	Lower American River Temperature Reduction Modeling Project (Formerly the Lake Natoma Temperature Curtains Pilot Project)
West Sacramento Area Flood Control Agency and US Army Corps of Engineers	West Sacramento Levee Improvements Program
Yolo Basin Foundation and the Delta Protection Commission	Lower Yolo Bypass Planning Forum
Yolo County Joint Powers Authority	Yolo County Habitat/Natural Community Conservation Plan

Progress Report regarding Bay Delta Conservation Plan and Discussion of the Council's Roles & Responsibilities (Water Code §85320)

Requested Action: This is an information item.

Recommendation

Receive report and provide direction as appropriate.

Background

The Bay Delta Conservation Plan (BDCP) is intended to provide for the conservation of threatened and endangered fish species in the Delta and improve the reliability of the water supply system within a stable regulatory framework. It is intended to be both a Habitat Conservation Plan under federal statute and a Natural Community Conservation Plan under federal and state statute. When adopted and approved by the federal and state fishery agencies, it is expected to result in the issuance of long-term permits for those activities that support water supply and power generation, such as water conveyance and facility maintenance and improvements.

An overview of the BDCP is provided in the attached BDCP Overview and Update brochure (Attachment 1)

http://www.baydeltaconservationplan.com/FactSheetLibrary/BDCP_Exec_Sum_web_pages.pdf .

Development of the BDCP began in 2006 with the formation of the BDCP Steering Committee. Original members of the Steering Committee signed a Planning Agreement in late 2006, and subsequent members have signed onto the agreement as well. You'll find the most recent agreement here:

http://baydeltaconservationplan.com/NewsLtrBackgroundDoc/12.6.09_BDCP_Planning_Agreement_Amendment.pdf

The Steering committee is composed of:

Federal and State Agencies

Department of Water Resources
Natural Resources Agency
State Water Resources Control Board
US Department of Interior
Bureau of Reclamation
US Army Corps of Engineers
California Department of Fish and Game
US Fish and Wildlife Service
National Marine Fisheries Service

Water Agencies

Kern County Water Agency
Metropolitan Water Dist. of So. Cal.
San Luis & Delta-Mendota Water Authority
Santa Clara Valley Water District
Westlands Water District

Zone 7 Water Agency
Contra Costa Water District
North Delta Water Agency

Environmental Organizations

American Rivers
Defenders of Wildlife
Environmental Defense Fund
Natural Heritage Institute
The Bay Institute
The Nature Conservancy

Other Organizations

California Farm Bureau Federation
Mirant Delta
North Delta Water Agency
Friant Water Authority

The California Bay Delta Authority was a member of the Steering Committee from its inception. SBX7 1 transferred all of the administrative rights, duties and obligations of the Authority to the Council, effective Feb. 3, 2010. It was unclear, given the Council's new role, if this included the Authority's seat on the BDCP Steering Committee. To preserve the Council's impartiality given its statutory obligations to review the BDCP, Joe Grindstaff, as Interim Executive Officer of the Council resigned from the Steering Committee effective May 10, 2010 (Attachment 2). For similar reasons, Council Member Richard Roos-Collins, who had been representing American Rivers on the BDCP Steering Committee, resigned from BDCP before taking office on the Council.

The heart of the BDCP is a long-term conservation strategy that sets forth habitat restoration and water conveyance actions needed to achieve the ecosystem and water supply goals. You can find an overview of the conservation strategy here:
http://baydeltaconservationplan.com/NewsLtrBackgroundDoc/Overview_of_Conservation_Strategy_1-12-2009.pdf

In general, the conservation strategy is based on 11 core elements:

1. Modify the Fremont Weir and Yolo Bypass to provide higher frequency and
2. duration of inundation
3. Move primary diversion point to north Delta diversion facilities with fish screens to reduce entrainment and expand opportunities to achieve planning goals and conservation objectives
4. Hood bypass flow criteria

5. Manage south Delta exports/hydrodynamics to reduce entrainment of fish and food resources
6. Delta Cross Channel (DCC) operations
7. Large scale tidal marsh restoration in the Cache Slough area
8. Strategic tidal marsh restoration in the west Delta
9. Large scale tidal marsh restoration in the Suisun Marsh area
10. Interim tidal gates
11. Delta outflow targets
12. Continuing identification, development, and refinement of measures to address other stressors on covered fish species and natural communities

Habitat restoration and water supply conveyance options included in the BDCP will be assessed through an ongoing Environmental Impact Report (EIR)/Environmental Impact Statement (EIS). Lead agencies for the EIR/EIS are the California Department of Water Resources, the Bureau of Reclamation, the U.S. Fish and Wildlife Service, and National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service.

The schedule for the completion of the BDCP and EIR/EIS has been delayed from earlier estimates. The current schedule calls for completion of a public draft BDCP by the end of September 2010. The final BDCP and EIR/EIS are scheduled for completion by the end of 2011.

What SBX7 1 says about the Council and BDCP

Section 85320 imposes certain requirements on the Department of Water Resources in the development of the BDCP, and also directs that the BDCP be included in the Delta Plan if certain conditions are met. It also says that the Department of Fish and Game's determination that the BDCP has met the requirements of this section may be appealed to the Delta Stewardship Council.

In addition, § 85320 directs that:

- The Department of Water Resources is required to consult with the Council (and the Delta independent Science Board) during the development of the BDCP.
- The Council is designated as a responsible agency for review of the BDCP Environmental Impact Report/Study under the California Environmental Quality Act.
- The Delta Science Board is required to review and comment on the draft EIR/EIS for the BDCP.

These roles and responsibilities are discussed in the attached memo re: The Delta Stewardship Council's "Responsible Agency" Role Regarding the Bay Delta Conservation Plan (Attachment 3).

Specifically, SBX7 1 says the following about BDCP:

CHAPTER 2. BAY DELTA CONSERVATION PLAN

85320. (a) The Bay Delta Conservation Plan (BDCP) shall be considered for inclusion in the Delta Plan in accordance with this chapter.

(b) The BDCP shall not be incorporated into the Delta Plan and the public benefits associated with the BDCP shall not be eligible for state funding, unless the BDCP does all of the following:

(1) Complies with Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code.

(2) Complies with Division 13 (commencing with Section 21000) of the Public Resources Code, including a comprehensive review and analysis of all of the following:

(A) A reasonable range of flow criteria, rates of diversion, and other operational criteria required to satisfy the criteria for approval of a natural community conservation plan as provided in subdivision (a) of Section 2820 of the Fish and Game Code, and other operational requirements and flows necessary for recovering the Delta ecosystem and restoring fisheries under a reasonable range of hydrologic conditions, which will identify the remaining water available for export and other beneficial uses.

(B) A reasonable range of Delta conveyance alternatives, including through-Delta, dual conveyance, and isolated conveyance alternatives and including further capacity and design options of a lined canal, an unlined canal, and pipelines.

(C) The potential effects of climate change, possible sea level rise up to 55 inches, and possible changes in total precipitation and runoff patterns on the conveyance alternatives and habitat restoration activities considered in the environmental impact report.

(D) The potential effects on migratory fish and aquatic resources.

(E) The potential effects on Sacramento River and San Joaquin River flood management.

(F) The resilience and recovery of Delta conveyance alternatives in the event of catastrophic loss caused by earthquake or flood or other natural disaster.

(G) The potential effects of each Delta conveyance alternative on Delta water quality.

(c) The department shall consult with the council and the Delta Independent Science Board during the development of the BDCP. The council shall be a responsible agency in the development of the environmental impact report. The Delta Independent Science Board shall review the draft environmental impact report and submit its comments to the council and the Department of Fish and Game.

(d) If the Department of Fish and Game approves the BDCP as a natural community conservation plan pursuant to Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code, the council shall have at least one public hearing concerning the incorporation of the BDCP into the Delta Plan.

(e) If the Department of Fish and Game approves the BDCP as a natural community conservation plan pursuant to Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code and determines that the BDCP meets the requirements of this section, and the BDCP has been approved as a habitat conservation plan pursuant to the federal Endangered Species Act (16 U.S.C. Section 1531 et seq.), the council shall incorporate the BDCP into the Delta Plan. The Department of Fish and Game's

determination that the BDCP has met the requirements of this section may be appealed to the council.

(f) The department, in coordination with the Department of Fish and Game, or any successor agencies charged with BDCP implementation, shall report to the council on the implementation of the BDCP at least once a year, including the status of monitoring programs and adaptive management.

(g) The council may make recommendations to BDCP implementing agencies regarding the implementation of the BDCP. BDCP implementing agencies shall consult with the council on these recommendations. These recommendations shall not change the terms and conditions of the permits issued by state and federal regulatory agencies.

85321. The BDCP shall include a transparent, real-time operational decision-making process in which fishery agencies ensure that applicable biological performance measures are achieved in a timely manner with respect to water system operations.

85322. This chapter does not amend, or create any additional legal obligation or cause of action under, Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code or Division 13 (commencing with Section 21000) of the Public Resources Code.

Fiscal Information

Not applicable.

List of Attachments

Attachment 1 – Overview of the Bay-Delta Conservation Plan

Attachment 2 – Letter from Interim Executive Officer Joe Grindstaff resigning from BDCP Steering Committee

Attachment 3 – Memo re: The Delta Stewardship Council's "Responsible Agency" Role Regarding the Bay Delta Conservation Plan

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BDCP
BAY DELTA CONSERVATION PLAN

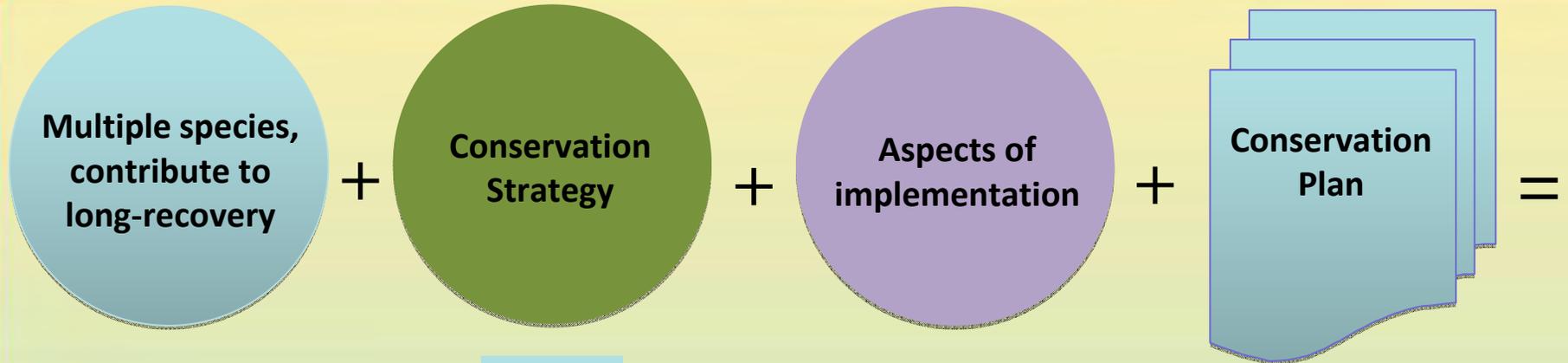
BDCP Overview

Delta Stewardship Council

May 29, 2010



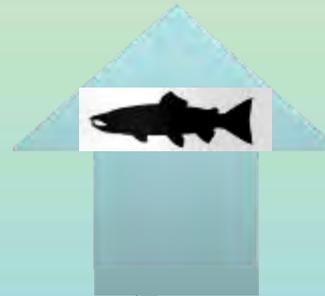
What is the BDCP?



Water supply reliability



Stable and healthy fish populations



ESA - HCP



NCCPA - NCCP