



June 10, 2021

Assemblymember Eduardo Garcia, Chair  
Assembly Water, Parks & Wildlife Committee  
State Capitol, Room 4140  
Sacramento, California 95814

**Re: SB 821 (Senate Natural Resources & Water Committee)—Support/Amend**

Dear Assembly Member Garcia:

California Water Research has advocated for the use of best available climate change science in water infrastructure projects and management for over a decade. Our experts have relied on information developed by the Delta Independent Science Board (Board), and we consider the Board's work to be essential in a time of rapid and accelerating climate change.

The Delta Stewardship Council (DSC) is authorized under existing law to issue contracts for scientific peer review and currently has contracts for such services. The Board provides oversight of the scientific research, monitoring, and assessment programs that support adaptive management of the Sacramento-San Joaquin Delta through periodic reviews of each of those programs. SB 821 would require the DSC to contract for the services of the scientists on the Board, providing needed flexibility in hours worked during the academic year. SB 821 would provide that Board members are not DSC employees, resolving issues of independence of the Board.

California Water Research believes SB 821 will make significant progress toward resolving compensation and funding issues that have arisen relating to the Board.

The Delta Reform Act of 2009 established the Board (Wat. Code 85280(a)(1)). In 2013, DSC estimated that the Board needed \$2.3 million a year to meet its mandate.<sup>1</sup> This amount represented about 29% of the 2019-20 Delta Science Program budget of \$7.8 million. Funding for the Board's activities in FY 2019-20, including DSC support staff, was less than half of this amount. In FY 2020-21, the compensation for Board members was changed to \$100 per diem, reducing the Board's funding to less than \$300,000, including DSC support staff.<sup>2</sup>

SB 821 responds to concerns raised by Newsom Administration attorneys that compensating Board members by contract is not supported by statute. The bill sets forth a CalHR pay classification used for senior scientists. The pay classification would restore some of the funding lost in FY 2020-21; however, we believe it is insufficient to properly compensate

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<sup>1</sup> Delta Plan Appendix M, Projected 5-year Budgets (Fiscal Years 2012–2017) p. M1, 2013.  
<https://deltacouncil.ca.gov/pdf/delta-plan/2013-appendix-m-projected-5-year-budgets.pdf>

<sup>2</sup> Estimates by California Water Research, based on publicly available information.

Board members, who are nationally or internationally prominent scientists with expertise to evaluate the scientific programs that support adaptive management of the Delta.

After extensive review of the difficulties experienced by the Board over the past year, we also believe that (1) management staff assigned to the Board should report to the Board and not DSC, (2) DSC science staff that assist with Board reviews should report to the Board for that work, and (3) DSC should be authorized to retain outgoing Board members who were leading a review immediately prior to their term end by short term contract to assist the new board members with finishing such reviews. We ask that the legislature consider addressing these critical needs as SB 821 moves forward.

Finally, we are concerned that FY2020-21 budget information for the Board has not been provided to Board or DSC members. This is a major challenge for the Board as well as stakeholders who rely on open and transparent governance. We ask that the legislature consider a requirement that the Board prepare and formally submit annual budget and staffing requests to DSC for approval. This procedure is used by the National Academies of Science in administering the National Research Council.<sup>3</sup> Requiring a formal annual budget process to support the Board would help ensure openness and transparency.

Thank you for your consideration of these comments. We respectfully request an "AYE" vote on SB 821 when it is considered by your committee.

Sincerely,



Deirdre Des Jardins  
Director, California Water Research

cc: Honorable Toni G. Atkins, Senate President pro Tempore  
Honorable Anthony Rendon, Speaker of the Assembly  
Alf Brandt, Senior Counsel, Office of the Speaker  
Honorable Henry Stern, Chair, Senate Natural Resources & Water Committee  
Dennis O'Connor, Consultant, Senate Natural Resources & Water Committee  
Stephen Brandt, Chair, Delta Independent Science Board  
Members of the Delta Independent Science Board  
Laurel Larsen, Delta Lead Scientist  
Susan Tatayon, Chair, Delta Stewardship Council  
Members of the Delta Stewardship Council  
Secretary Wade Crowfoot, California Natural Resources Agency  
Secretary Jared Blumenfeld, California Environmental Protection Agency  
Honorable Gavin Newsom, Governor of California

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<sup>3</sup> Articles of Organization of the National Research Council, June 1, 2015. Article V Powers, Section 1, Governing Board, subsections (b) and (c). <https://www.nationalacademies.org/about/institutional-policies-and-procedures/articles-of-organization>.