

DRAFT 9/25/15 - SUBJECT TO CHANGE
For Review and Adoption by the DSC at the October 22-23, 2015 Meeting

Thursday, September 24, 2015
DELTA STEWARDSHIP COUNCIL
Park Tower Plaza, 2nd Floor Conference Room
980 9th Street
Sacramento, CA 95814

MEETING SUMMARY

Thursday, September 24, 2015, 9:00 a.m.

1. Welcome and Introductions

The meeting was called to order at 9:00 a.m., Sept. 24, 2015, by Chair Randy Fiorini.

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

Roll call was taken and a quorum established at 9:03 a.m. The following members were present: Randy Fiorini, Mary Piepho, Phil Isenberg and Susan Tatayon. Council members Patrick Johnston and Frank Damrell arrived shortly after the adoption of the August meeting summary. The following member was absent: Aja Brown.

3. Adoption of the August 27-28, 2015 Meeting Summary (Action Item)

Chair Fiorini asked if there were any questions, suggestions or comments from the Council or public regarding the Aug. 27-28, 2015 Meeting Summary. There were none.

Motion: (Offered by Piepho, seconded by Tatayon) to approve the Aug. 27-28, 2015 meeting summary.

Vote: (4/0: Fiorini, Piepho, Tatayon and Isenberg) and the motion was adopted.

The video showing this vote can be found on the linked agenda at <http://www.cal-span.org/cgi-bin/archive.php?owner=DSC&date=2015-09-24&player=jwplayer> at 02:08.

4. Chair's Report

Chair Fiorini provided brief opening remarks about the focus of the meeting, Delta Plan recommendation WR R15 (Improve Water Transfer Procedures) and update on the Delta Levees Investment Strategy. Chair Fiorini said he was looking forward to a very informative meeting. Chair Fiorini asked if there were any questions from the Council and, as there were none, he concluded his report.

5. Executive Officer's Report

Executive Officer Jessica Pearson began her report by describing the agenda for the Council meeting. Ms. Pearson briefed the Council on the 12th Biennial State of the Estuary Conference she attended on September 17-18, in Oakland, especially mentioning a presentation by Dr. Letitia Grenier, who is also the lead for the 2015 State of the Estuary Report. Dr. Grenier said the Delta is in poor condition and getting worse while the Bay was healthier, due in part to restoration efforts that have been done in the Bay. The 2015 State of the Estuary Report is posted at <http://www.sfestuary.org/about-the-estuary/soter/>.

Next, Ms. Pearson briefed the Council on two comment letters sent by staff and provided as handouts at the meeting. The first is to Brad Beck, Contra Costa Transit Authority (CCTA), regarding CCTA's Notice of Preparation of a Recirculated Draft Subsequent Environmental Impact Report for the 2014 Countrywide Comprehensive Transportation Plan. The letter is posted on the Council website at http://www.deltacouncil.ca.gov/sites/default/files/2015/09/CCC_CTP_NOP_DSC_comments_9-14-15.pdf. The next letter Ms. Pearson discussed is to Stacy Cepello, Department of Water Resources (DWR) regarding comments on the Draft Central Valley Flood System Conservation Strategy. The comment letter is posted on the Council website at http://www.deltacouncil.ca.gov/sites/default/files/2015/09/ConservationStrategy_DSCcomments_091415.pdf.

Ms. Pearson said included in the members' materials was a memo prepared by Jessica Davenport, the Council's program manager for ecosystem restoration and land use, regarding the Habitat Restoration Issue Paper – One Year Later. The memo provides a progress report on actions taken by Council staff and others on habitat restoration projects and areas of focus identified in the issue paper. The memo to Ms. Pearson and Council members is posted on the Council website at <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-september-24-2015-meeting-agenda-item-5-habitat-memo-habitat>. The issue paper, *Restoring Habitat with Science and Society in Mind*, endorsed by the Council in 2014, is posted on the Council website at <http://deltacouncil.ca.gov/sites/default/files/documents/files/14-0923%20Ecosystem%20issue%20paper%20Final.pdf>. Attachment 1, Progress in the 10 Areas of Focus Identified in the 2014 Habitat Restoration Issue Paper is posted at <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-september-24-2015-meeting-agenda-item-5-attachment-1-progress-ten>; Attachment 2, EcoRestore Fact Sheet and Map is posted at <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-september-24-2015-meeting-agenda-item-5-attachment-2-ecorestore-fact>; Attachment 3, Summary of Progress toward EcoRestore Goals, is posted at <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-september-24-2015-meeting-agenda-item-5-attachment-3-summary-progress>; and Attachment 4, Status of EcoRestore Projects is posted on the Council website at <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-september-24-2015-meeting-agenda-item-5-attachment-4-status>.

Ms. Pearson announced a Council workshop on October 12. The workshop will preview the Delta Levees Investment Strategy Support Tool that is being developed by ARCADIS. The workshop is open to the public and will be webcast. She also said there would be another demonstration of the tool on October 13 in West Sacramento and October 15 in Stockton, although these were subsequently postponed.

5b. Legal Update

Chief Counsel Chris Stevens made brief opening remarks before calling on Senior Staff Counsel Bethany Pane and the Council's legal intern, Caroline Soto, to provide the Legal Update. Ms. Pane and Ms. Soto's update is posted on the Council website at <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-september-24-2015-meeting-agenda-item-5b-legal-update>.

At the conclusion of the Legal Update, Ms. Pane, Ms. Soto and Mr. Stevens heard Council members' comments, answered questions and provided clarification. Chair Fiorini asked if there were any questions or comments. There were none.

5c. Legislative Update

The Legislative Update was presented by Ryan Stanbra. Mr. Stanbra's update is posted on the Council website at <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-september-24-2015-meeting-agenda-item-5c-legislative-update>. The bills of interest to the Council that Mr. Stanbra has been tracking are posted on the Council website at <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-september-24-2015-meeting-agenda-item-5c-bill-tracking-report>.

Mr. Stanbra provided brief updates on selected items of interest. The additional materials Mr. Stanbra discussed and provided to the Council included the Assembly Committee on Water, Parks, and Wildlife analysis for SB 223 that is posted on the Council website at <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-september-24-2015-meeting-agenda-item-5c-sb-223-bill-analysis>; the Assembly Committee on Appropriations analysis for SB 573, posted on the Council website at <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-september-24-2015-meeting-agenda-item-5c-sb-573-bill-analysis>; and the bill analysis for AB 1323, posted on the Council website at <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-september-24-2015-meeting-agenda-item-5c-ab-1323-bill-analysis>.

Chair Fiorini asked if there were any questions or comments. There were none.

At the conclusion of the Executive Officer's Report, Chair Fiorini asked if there were any members of the public who wished to comment. There were none.

6. Lead Scientist's Report

Chair Fiorini welcomed Dr. Cliff Dahm to the first Council meeting since his appointment. Dr. Dahm presented the Lead Scientist's Report, covering a number of collaborative and science communications activities. The staff report for the Lead Scientist's Report is posted on the Council's website at <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-september-24-2015-meeting-agenda-item-6-lead-scientists-report>. Dr. Dahm noted the inclusion of the Delta Science Fellows 2015 Priority Research Topic, posted on the Council website at <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-september-24-2015-meeting-agenda-item-6-attachment-2-delta-science>. Dr. Dahm said that two posters from the Science Conference were displayed outside the meeting room and encouraged everyone to take a moment to look at them. After Dr. Dahm concluded the Lead Scientist's Report, he invited Daniel Livsey, the Council's Sea Grant state fellow, to discuss the *By the Numbers* report. *By the Numbers* is posted on the Council website at <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-september-24-2015-meeting-agenda-item-6-attachment-1-numbers-summary>.

Throughout the discussion of the Lead Scientist's Report, Dr. Dahm heard Council members' comments, answered questions and provided clarification. Chair Fiorini asked if there were any members of the public who wished to comment. There were none.

7. Single-Year Water Transfers and the Delta Plan

Chair Fiorini introduced Kevan Samsam, a Supervising Engineer for the Council, who explained how the different focus of each of the the three panel discussion being presented today on Agenda Item 7. The staff report for this item posted on the Council website at <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-september-24-2015-meeting-agenda-item-7-single-year-water-transfers>. Attachment 1, *Water Transfers and the Delta Plan*, prepared by the Department of Water Resources (DWR) in consultation with the State Water Resources Control Board (SWRCB) is posted on the Council website at <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-september-24-2015-meeting-agenda-item-7-attachment-1-report-water>.

Mr. Samsam introduced the first panel: Bill Croyle, Deputy Director Statewide Emergency Preparedness and Security, DWR; and Tom Howard, Executive Director of the State Water Resources Control Board. The panel would be briefing the Council on their respective efforts in implementing the Delta Plan recommendation WR R15. Mr. Croyle provided a PowerPoint that is posted on the Council website at <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-september-24-2015-meeting-agenda-item-7-powerpoint-presentation-bill>. Mr. Howard spoke about the SWRCB's efficient administrative processes for approving a water transfers that involves post-1914 water rights. Mr. Howard said there were actually very few transfer requests in 2015 that required SWRCB approval and that the SWRCB tries to discourage recurring single-year water transfers. He also made brief comments on groundwater substitution transfers and the need to study their impacts further.

Following the panel discussion, Mr. Croyle and Mr. Howard heard Council members' comments, answered questions and provided some technical details pertaining to water transfers. Jerry Johns, a previous DWR Deputy Director and current consultant discussed the mechanics of approving and executing water transfers with respect to water quality impacts in the Delta, potential biological impacts, and streamflow depletion factors. Mr. Johns also explained how streamflow depletion factor is calculated through mathematical modeling and that they are in the process of improving DWR's groundwater model.

At the conclusion of Panel 1, Chairman Fiorini was called away. The Council recessed at 11:15 and resumed the meeting at 11:20 with Vice Chair Isenberg presiding.

The second panel, Mr. Samsam introduced to provide an environmental prospective were: Dr. Bruce Herbold, estuarine ecology consultant, fish biologist, retired from U.S. Environmental Protection Agency; and Sandi Matsumoto, Associate Director, The Nature Conservancy Integrated Water Management. Dr. Herbold provided a PowerPoint that is posted on the Council website at <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-september-24-2015-meeting-agenda-item-7-powerpoint-presentation-bruce> and Ms. Matsumoto's PowerPoint is posted at <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-september-24-2015-meeting-agenda-item-7-powerpoint-presentation-sandi>.

Following the panel discussion Dr. Herbold and Ms. Matsumoto heard Council members' comments, answered questions and provided clarification.

The last panel were: Dustin Cooper, an attorney/partner, whose practice areas include public agency representation, water law, environmental law, and contract disputes; Frances Mizuno, Assistant Director, San Luis and Delta Mendota Water Authority; and Steve Hirsch, program manager, Metropolitan Water District of Southern California. Mr. Cooper provided a PowerPoint that is posted on the Council website at <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-september-24-2015-meeting-agenda-item-7-powerpoint-presentation>. Ms. Mizuno gave the perspective of the Central Valley Project buyers. Ms. Mizuno began by providing background on the Water Authority and its members. Ms. Mizuno said the ability to transfer water is necessary to the members of the Authority and said progress in streamlining the processes used by DWR, SWRCB, and the Bureau of Reclamation has been made. Ms. Mizuno said eliminating transfers would not increase water in the Delta because if the water wasn't transferred it would be used. The last panelist, Steve Hirsch, explained the role water transfers play in his agency and said because they have done a good job of increasing storage, water transfers are used as a tool but a limited tool. Mr. Hirsch expressed concern on the need of an additional regulatory oversight and if it would be another layer that might impede the process. Mr. Hirsch said that he was unaware of recurring single-year transfers being used in lieu of a long-term water transfer agreement. He believes the risk associated with getting single-year transfers approved would outweigh any possible benefits.

Following the panel discussion Mr. Cooper, Ms. Mizuno and Mr. Hirsch heard Council members' comments, answered questions and provided clarification.

At the conclusion of the presentation, Vice Chair Isenberg asked if there were any members of the public who wished to comment. There were none.

The Council recessed for lunch at 12:45 and reconvened at 1:10.

8. Delta Levees Investment Strategy Update

Vice Chair Isenberg introduced Dustin Jones, a supervising engineer for the Council, who explained how the panel discussion was to be focused and led the panel discussions of Agenda Item 8. Mr. Jones said at the June Council meeting, Gilbert Cosio of MBK Engineers offered to provide case studies to illustrate the level of protection that has occurred in recent decades through State funded levee improvements, to help inform the Council's levee investment Strategy.

The staff report for Item 8 is posted at <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-september-24-2015-meeting-agenda-item-8-delta-levees-investment> and the project schedule is posted at <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-september-24-2015-meeting-agenda-item-8-attachment-1-delta-levees>.

Mr. Jones introduced panelists Gilbert Cosio of MBK Engineers, Greg Fabun, a flood protection manager, and John Powderly, an associate planner, both with the City of West Sacramento's Flood Control Agency.

Mr. Cosio provided a PowerPoint that is posted on the Council website at <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-september-24-2015-meeting-agenda-item-8-powerpoint-presentation>.

Mr. Fabun provided a PowerPoint that is posted on the Council website at <http://www.deltacouncil.ca.gov/docs/delta-stewardship-council-september-24-2015-meeting-agenda-item-8-powerpoint-presentation-greg>.

Throughout the panel presentation, Mr. Jones, Mr. Cosio, Mr. Fabun, and Mr. Powderly heard Council members' comments, provided clarification and answered questions. Vice Chair Isenberg asked if there were any members of the public who wished to comment.

Public Comment – Agenda Item 8

Erik Ringelberg, Local Agencies of the North Delta, thanked the staff for putting together the panel presentation with panelists that have “boots on the ground” experience. Mr. Ringelberg said in Mr. Cosio’s presentation where he described the levee cross sections, the amount of material needed, that the high associated costs were in part due to the high cost of transporting the material to isolated areas of the Delta. Mr. Ringelberg noted an opportunity to reduce the costs by using the more than 30 million cubic yards of material (tunnel muck) that had been identified from the construction of the tunnels for the purpose of levee rehabilitation. Mr. Ringelberg commented on the need for a Delta as place working group included in the DLIS process in order to address the socio-economic perspectives of the project. Mr. Ringelberg said it was easy to figure the costs of the infrastructure in the Delta but much more difficult to identify the social, cultural, and economic values.

9. Public Comment

Vice Chair Isenberg asked if there were any members of the public wishing to address the Council. There were none.

10. Preparation for Next Council Meeting – Discuss (a) expected agenda items; (b) new work assignments for staff; (c) requests of other agencies; (d) other requests from Council members; and (e) confirm next meeting date – October 22-23, 2015.

The meeting adjourned at 2:20 p.m.