

***DRAFT 1/31/2011 – SUBJECT TO CHANGE  
For Review and Adoption by DSC at 2/24-25/2011 Meeting***

**DELTA STEWARDSHIP COUNCIL  
January 27-28, 2011  
MEETING SUMMARY**

**1. Welcome and Introductions**

The meeting was called to order at 10:02 a.m., January 27, 2011, by Chair Phil Isenberg.

**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: Phil Isenberg, Randy Fiorini, Felicia Marcus, Gloria Gray, Patrick Johnston, and Don Nottoli (arrived at 10:30). Absent: Hank Nordhoff.

**3. Chair's Report**

Chair Isenberg provided a brief update to the Council regarding the seven statewide scoping meetings for the Delta Plan Environmental Impact Report process and announced that they were now complete – the last meeting was held the night before in Chico. Chair Isenberg also briefly updated the Council on the Governor's appointments.

**4. Executive Officer's Report (Action Item)**

**a. Legislative and Legal Update**

Curt Miller presented the Legislative Update. Miller discussed the legislative and budget issues such as the Appropriation bills that will be held over with regard to debt service. Miller stated the treasurer has suspended bond sales for the immediate future. He also stated we may have a note sale by the end of July. In terms of the Council's budget, Miller stated it would go to Committee the week of February 7. The main topic of discussion will be the budget change proposal which will extend the date of the zero-based budget from this year to next year. On February 12, the Council will go before the senate subcommittee and will likely discuss the zero based budget process again. Miller explained that all Resources Agency departments will propose flat budgets this year.

Chris Stevens introduced Christopher Stiles, the Council's new legal extern from McGeorge School of Law. Chris Stiles updated the Council on the consolidated smelt cases. At a January 4 conference hearing, Judge Wanger asked the parties to attempt to reach a joint settlement proposal in the 2-3 weeks following the hearing. Chair Isenberg noted that the Brown administration may have asked for a time extension. Stiles also reported that the Sacramento Regional County Sanitation District had appealed to the State Water Board a new wastewater discharge permit issued by the Central Valley Regional Board.

**b. Quarterly Contract Listing**

Grindstaff introduced the quarterly contract listing. He explained that there are some contracts on the list that will be coming up in the next few months but may not have been executed yet.

The list includes some contracts from CALFED and those that are now being completed under the Council. The Council requested a listing of all the contract items and specifically what is left of the \$30 million earmarked for those contracts.

**c. Sacramento-San Joaquin Delta Conservancy Funding Request**

This agenda item was a request from the Conservancy for \$150,000 to complete its strategic plan. Grindstaff explained that Council staff is currently providing all administrative services for the Conservancy. Member Fiorini asked if Grindstaff had a breakdown of the ancillary costs. Grindstaff said that the majority of the costs would be for equipment and other operating expenses. Grindstaff also stated the Conservancy is in the process of hiring its executive officer but the name of the candidate has not been made public. Grindstaff stated the requested funding would come out of the Council's existing budget of \$16 million for the Delta Plan. After questions were asked by the Council and clarification provided by Grindstaff, Chair Isenberg asked if there were any members of the public wishing to comment and as there were none, it was moved (Johnston) and seconded (Gray) to approve the funding for the Conservancy. A vote was taken (5/0) and the motion passed.

**d. Update on MOU's with Department of Fish & Game and Bay Conservation & Development Commission**

Grindstaff and Stevens updated the Council on the Memorandum of Understanding (MOU) with the Department of Fish and Game. Chair Isenberg requested the MOU with Fish and Game to be posted on the Council's website in a prominent spot. Stevens gave praise to the Chief Counsel at Fish and Game for his help in putting together the MOU. Stevens and Grindstaff also discussed the progress on the Bay Conservation and Development Commission MOU, answering Member Gray's question about the other MOU's we anticipate. Grindstaff said he believes that the MOU with BCDC should be completed by next month.

**e. Response to Suisun Marsh Draft EIR**

Grindstaff discussed the Draft EIR on the Suisun Marsh that came out last month. The Council had been asked to comment on the draft and staff started reviewing it but the deadline for comments was December 23. Staff from the Delta Science Program had some significant concerns with the Plan and how it relates to the Delta Plan. A letter and spreadsheet listing the concerns was prepared and sent over. Grindstaff explained that he wanted to bring this item to the Council and provide them with a copy of the letter and supporting documents that were sent in response.

**5. Adoption of December 16-17, 2010 Meeting Summary (Action Item)**

Chair Isenberg asked if there were any questions or comments from the Council or members of the public on the January meeting Summary. There were none.

It was moved (Johnston) and seconded (Marcus) to approve the meeting summary with the noted revisions. A vote was taken (5/0) and the motion passed.

**6. Lead Scientist's Report**

The Lead Scientist's Report was presented by Cliff Dahm. Dahm's report consisted of a PowerPoint presentation for the Council that focused on the La Nina event in the Pacific Ocean, current sea surface temperature anomalies and their effect on the world climate, including the

current US drought. His last slides showed the cumulative precipitation in the Northern, Central and Southern Sierra (current water year) – typical of La Nina events. Council Member Nottoli requested a copy of Dahm's presentation.

Dahm briefed the Council on the 2010 Proposal Solicitation Package of Delta-related scientific research, including information about the Final Review Panel Meeting that was held on January 19-20, 2011 and the next steps in the process. More detailed information on the 2010 PSP and its process can be found at

[http://deltacouncil.ca.gov/delta\\_science\\_program/research/psp\\_2010.html](http://deltacouncil.ca.gov/delta_science_program/research/psp_2010.html).

Dr. Dahm stated that 49 proposals were received and reviewed by a panel of 13 experts. He answered Council members' questions and provided clarification in several areas. Dahm will update the Council on the proposals once they are selected.

#### **7. Approval of Amendments to Science Related Contracts – *San Francisco Estuary and Watershed Science* Online Journal and Delta Science Fellows (Action Item)**

At the December meeting, the Council members decided not to take action on this item until they were provided with a breakdown of the budget for both contracts. They also requested a further explanation for the need and purpose of both contracts. As identified in the Delta Reform Act, "the mission of the Delta Science Program is to provide the best possible scientific information for water and the environmental decision making in the Bay-Delta system." Lauren Hastings explained that the Science Program fulfills this mission in part by adding to the body of best available scientific information through funding research (grants and fellowships) and peer-reviewed publication of research findings.

Cliff Dahm briefed the Council on the requests - beginning with the journals and the benefits they provide and examples of their success. Dahm explained the benefits of the Delta Science Fellows Program. Hastings briefed the Council in detail on the budget for the request to amend existing agreements to (1) provide \$258,645 (\$20K U.S. Geological Survey, \$238,645K Science Program Prop 50 funds), for publication of the *San Francisco Estuary and Watershed Science* online journal in FY 2011/12 (July 2011 to June 2012), and (2) support the 2011 multi-year class of Delta Science Fellows by approving the use of existing Science Fellows funds of \$1.151M, and approving the addition of \$379,261 Prop 50 funds, for a total of \$1.53M from July 2011 to December 2013.

The Council requested the Science Program send notification of the release of the journals and the Science News (next issue due to be released in February) to the Delta Council listserve as well as the listserve sent to the science communities.

After discussion and clarification for the Council members on the request to fund the journals, Chair Isenberg called for questions from the public and for public comment. As there were none, it was moved (Gray) and seconded (Johnston) to approve the request. A vote was taken (5/0) and the motion passed.

After discussion and clarification for the Council Members on the requests regarding the Delta Science Fellows and the funding, Chair Isenberg called for questions from the public and for public comment. As there were none, it was moved (Marcus) and seconded (Gray) to approve the requests to support the Delta Science Fellows by approving use of existing funds and approving the additional funds for the Program. A vote was taken (5/0) and the motion passed. The Council recessed for lunch at 11:40 a.m. and resumed at 12:10 p.m.

## **8. Setting Flow Criteria**

### **a. Science Overview for Setting Flow Criteria for Estuaries and Rivers**

At the request of the Council at the December meeting, Drs. Cliff Dahm and Lucas Paz presented a PowerPoint regarding a scientific review for setting flow criteria for estuaries and rivers. Dahm gave a brief overview of flow criteria. His presentation focused on examples of setting flow criteria as well as the performance measures designed to evaluate the effectiveness of flow standards and restoration projects.

Paz followed up Dahm's discussion by speaking on the influence of flows on the ecosystem processes and functions, which he said are tied to freshwater flows. Paz gave examples of how flows affect fish directly and indirectly. His presentation also showed the historical hydrology of through-Delta flows. Paz concluded his presentation with the hierarchy of recommended approaches linking flows to viability criteria for public trust species (Fleenor et. al. 2010: TBI 2010)

Paz and Dahm answered questions and provided clarification on the presentation for the Council. Council member Nottoli requested a copy of the presentation.

### **b. Performance Measures, Evaluation Criteria, Multiple Stressors, and Adaptive Management**

Dahm began the presentation by giving examples of adaptive management programs and restoration projects. Paz gave examples of other programs and assessed their performance. Paz also gave guiding principles for estuary restoration that in his opinion should be used. The last slide Paz showed was desirable Delta habitat conditions.

Public comment on Agenda Item 8 was provided by:

Gary Bobker, The Bay Institute, made comments on the status of flow science stating that it was a complex system in poor health with a lot of factors becoming more important. Bobker also commented on the importance of flows and looking at the whole system and not just exports. He feels that flow is the most critical driver of conditions. Bobker stated four key points: Abundance, productivity, distribution and diversity. Bobker stated that The Bay Institute will submit supplemental comments on what has already been stated.

Byron Buck, State and Federal Contractors Water Agency, made six points: flow is a fundamental ecosystem factor; unimpaired flows are not natural flows; exports are only 17 percent of diversions; the big gorilla is hydropower impacts; hydropower is what balances the system in the summer. Buck also made comments about his experience in Florida. He said Floridians also have no statewide water management guidelines, let alone coordination. He concluded by stating the State and Federal Contractors will have a draft report to provide to the Council within the next few months that will address all eight co-equal goals.

Pete Kutras, Delta Counties Coalition, commented on the overall water picture and the realization that there isn't enough money in the budget to drive everything the Council is doing. He is not hearing in any of the discussions that there isn't enough water in the state when talking about flows, exports and upstream uses and wonders how that fits into the solution.

Mark Rentz, ACWA, reviewed the summary points in Geoffrey Petts' science paper provided to the Council as background material (pp 1076-1077). Rentz felt the referenced pages included a good analysis for the approaches to flows. He went on to read the referenced pages.

Tom Zuckerman, Central Delta Water Agency, stated he is very encouraged that the two articles provided as background information on flows were the most cogent articles he's read on flows and elaborated on them. He also talked about how work/issues on flows were the same as those addressed by the Delta Vision Stakeholder Coordination Group. He encouraged the Council to look at the differences of what should be done during the dry years versus the wet years.

### **9. Delta Water Master Presentation on Reasonable Water Use Doctrine and Agricultural Water Use Efficiency**

Craig Wilson, the Delta's new Watermaster, gave a presentation on Agricultural Water use. His presentation was on the Reasonable Use Doctrine and Agricultural Water Use Efficiency. Wilson began his report by focusing on the importance of the Reasonable Use Doctrine and the amount of water used by agriculture and the relevance of the document to the Council. Wilson discussed efficient water use, and concluded that inefficient water use is an unreasonable use of water. Wilson also discussed ways to use water more efficiently and had specific recommendations such as convening a reasonable water use summit, creating a reasonable use unit, streamlining enforcement, conducting proceedings regarding inefficient water use, promoting modernization of water delivery systems, evaluating conservation practices at on-farm level, looking at transfers of conserved water and financial incentives.

Wilson stated that he will provide the Council with regular reports on various issues. He answered Council members' questions and provided clarification on his presentation and the role (functions) of the Watermaster.

### **10. Delta Plan Development**

Terry Macaulay opened the agenda item. Macaulay stated that the Enhances List of Strategies to be considered in the Delta Plan (Attachment 2) was not included in the meeting packet, however she gave statistics of the outcomes of the scoping meetings. Macaulay stated that the seven scoping meetings collectively had 376 attendees who signed in of which 90 offered verbal comment.. 3,032 letters have been received. Macaulay stated that there will be seven drafts of the plan – four this spring and three more in the fall as we approach the final version. The first release will be February 14. Attachment 4 showed the schedule for the Delta Plan and EIR schedule. The comment period will close at 5 p.m., January 28.

Following Macaulay's update, consultant Gwen Buchholz, led the discussion on the development of the Delta Plan that included an update on the Delta Environmental Impact Report Scoping Meeting process as required by the California Environmental Quality Act. Buchholz also reviewed the latest Delta Plan draft outline and the schedule of the Delta Plan. Buchholz received comments from the Council and provided clarification. She then went through the redline version, line by line, providing explanations for all changes. The Comment Matrix for comments received was also reviewed.

Following the discussion, Chair Isenberg called for public comment. Public comment on Agenda Item 10 was provided by:

Gary Bobker, The Bay Institute, who stated The Bay Institute has submitted comments that focus on what they think are the many and diverse elements of the Plan. Bobker also commented on near term actions and the need to look at prioritization criteria.

#### **11. Public Comment**

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

**The meeting concluded for the day at 3:50 p.m.**

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***DAY 2: Friday, January 28, 2011, 9:00 a.m. – 3:30 p.m.***

#### **12. Call to Order**

The meeting resumed at 9:01 a.m., with Chair Isenberg presiding.

#### **13. Roll Call – Establish Quorum (Water Code §85210.5)**

Roll call was taken and a quorum was established. All Council members were present for the meeting: Phil Isenberg, Randy Fiorini, Gloria Gray, Patrick Johnston (arrived at 9:35), Felicia Marcus, Don Nottoli (arrived at 9:15) and Hank Nordoff.

#### **14. Delta Independent Science Board Report**

Dr. Richard Norgaard, Chair of the Delta Independent Science Board, reported on the outcomes of the January 12-13, 2011, Delta Stressors Workshop, held in Sacramento and conducted by the Delta ISB. Chair Norgaard briefed the Council on progress made by the Delta ISB and its Delta Stressors Workshop and included an overview of the resultant report. The report was requested by some members of the Senate and Assembly and is anticipated to be used in planning for the statutorily required reviews of all Delta scientific programs supporting adaptive management.

Dr. Norgaard gave a chronology of the effort of the Council's request to address multiple stressors. Dr. Norgaard presented a letter from the Delta ISB to the Council regarding addressing multiple stressors and multiple goals in the Delta Plan.

Public comment on Agenda Item 14 was provided by:

Val Connor, Science Manager, State and Federal Contractors Water Agency, commented on the ISB Stressor Report. She stated the Agency agrees with the findings of the ISB and has submitted verbal comments at the ISB and will submit written comments on Friday, January 28.

#### **15. U.S. Geological Survey (USGS) Presentation on Seismic Risk in the Delta**

Eric Nichol introduced Drs. Joe Fletcher, Russell Graymer, David Schwartz, all with USGS' Earthquake Center in Menlo Park. The USGS team gave a PowerPoint presentation on

Seismic Risk in the Delta. Their presentation reviewed the current level of understanding of earthquake forecasting for the Delta region and discussed potential levee behavior during an earthquake. The presentation also highlighted previous relevant studies and discussed ongoing efforts to further investigate Delta seismic risk and recommendations for future efforts to better understand the overall risk.

Public Comment on Agenda Item 15 was provided by:

Tom Zuckerman, Central Delta Water Agency, commented on his recollection of the Loma Prieta earthquake and his experience. Zuckerman stated that he felt it was unlikely to have an earthquake that isolated in the Delta but more likely that the earthquake will happen to the west of the Delta and there will be incredible damage outside the Delta to the State Water Project facilities. Zuckerman recalled during the Loma Prieta quake, the State Water Project went out of operation not because of the earthquake but because someone made the decision to “de-water” it near Tracy, rapidly, which caused damage to the canal, making it inoperable for some time. He also felt that deterioration of water quality in the Delta is a main concern – saltwater intrusion during dry periods. He also spoke of the infrastructure failures in the Kobe region of Japan but there was very little damage to the levees. Zuckerman also mentioned efforts such as stockpiling emergency repair materials that is going on in the Delta.

Connie Ford, Sacramento County Delta Water Resources, commented on how earthquake prediction is still developing. Ford stated she felt the greatest structural damage happens when the earthquake and the structures reach the same harmonic level, saying engineers have incorporated designs and standards in their use of materials, safety levels, etc. Ford also stated this can also be done with the levees but thinks that more geologic studies need to be done in the statutory Delta.

Gilbert Cosio, MBK Engineers, commented on the studies the Department of Water Resources has done with the sensors placed in the levees. Joe Flecher, USGS responded to Cosio’s comment, stating USGS and DWR share data. Cosio further stated there has been damage to the levees in the past as described by the USGS team but not one drop of water escaped because of that damage. Cosio also recalled his earthquake experiences and said the levees take a lot of shaking. Cosio also spoke on costs of armoring the levees, levee standards and a new levee design.

Leo Winternitz, The Nature Conservancy, stated he appreciated the seismic presentation. There were general references made to changes to the Delta levee system between 1906 and the current period and he wanted to remind the Council that some of the major changes have been 20-30 feet of subsidence on many of the Delta islands and six inches of sea level rise as well.

Pete Kutras, Delta Counties Coalition, offered four points. – He wanted to remind the Council of the efforts between the five counties and the State Emergency Management on Delta Preparedness and hopes the Delta Plan references those efforts. Kutras also referenced a pending early action project that Contra Costa County is taking the lead on with regard to levee rock and that it may morph into part of the Delta Plan. Another issue Kutras wanted to make was how DWR determined earthquake standards. He gave an example of earthquake standards for hospitals that he said can be used as a model. His last point was about the continuing conversation that the five Delta counties have allowed rampant urbanization in the primary zone of the Delta. He said the counties do not believe that is the case and when it has

occurred, it has been either over county objections or by other approving bodies and request to present their general plan.

#### **16. U.S. Geological Survey (USGS) Presentation on Groundwater and Subsidence**

Kevan Samsam, introduced Chris Bonds, DWR. Bonds presented a PowerPoint on Groundwater and legislation SBx7 6. The presentation focused on groundwater in California, especially in the Central Valley. Bonds also discussed the highlights of DWR Bulletin 118 and followed with a brief discussion on the recent legislation (SBx7 6) leading California Statewide Groundwater Elevation Monitoring (CASGEM) and explained the program.

Following Bonds' presentation, Michelle Sneed, USGS, discussed subsidence issues along with the impacts that subsidence causes. Sneed's presentation focused on land subsidence due to groundwater overdraft.

Public comment on Agenda Item 16 was provided by:

Bob Riopel, who questioned the panel as to whether additional storage (such as the Auburn Dam) would help the climate change scenario.

Tom Zuckerman, Central Delta Water Agency, who gave his estimation of the amount of water flows that were reduced because of subsidence. Zuckerman stated the National Heritage Institute did several studies as to where groundwater recharge would be beneficial.

Gary Bobker, The Bay Institute, who commented that he liked the Sacramento River Restoration Group's study and gave an example using something that was done at Friant Dam. Bobker also spoke on recharge opportunities and floodplain restoration.

#### **17. Delta Plan Development (Continuation of Agenda Item 10)**

This agenda item was completed on Thursday, January 27.

#### **18. Public Comment**

Chair Isenberg asked if there were any members of the public wishing to address the Council and as there were none, the meeting adjourned at 1:30 p.m.

**19. 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) confirmed the next meeting date and location – February 24-25, 2011, West Sacramento City Hall Galleria.**

**1:30 p.m. ADJOURN**