



**FINAL**  
**For Review and Adoption by the Council at the July 25, 2019 Meeting**

**DELTA STEWARDSHIP COUNCIL**  
**Thursday, June 27, 2019**  
**Big Break Center**  
**69 Big Break Road**  
**Oakley, CA 94561**

**MEETING SUMMARY**

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**1. Welcome and Introductions**

Vice Chair Fiorini called the meeting to order at 9:31 am, June 27, 2019.

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

Roll call was taken, and a quorum was established. The following Councilmembers were present: Ken Weinberg, Maria Mehranian, Randy Fiorini, and Oscar Villegas.

Chair Susan Tatayon and Councilmember Frank Damrell arrived during the walking tour. Councilmember Mike Gatto was absent.

**3. Walking Tour of Big Break Regional Shoreline**

Supervising Naturalist Michael Moran led the Councilmembers, staff, and the public on a walking tour of the Big Break Regional Shoreline and discussed some of the restoration done at the site.

**4. Workshop: Review of Preliminary Draft Narrative, Revised Draft Policies and Recommendations, and Performance Measures for the Ecosystem Amendment (Information Item)**

Executive Officer Jessica Pearson discussed the work done on the Delta Plan Ecosystem Amendment to date. She then introduced Chief Deputy Executive Officer Jessica Law, Deputy Executive Officer for Planning, Jeff Henderson, Program Manager II Ron Melcer, and Senior Environmental Planner Avery Livingood to present the preliminary draft Chapter 4 narrative, policies and recommendations, performance measures, and appendices.

Staff provided the following attachments to the staff report for council member discussion:

*Attachment 1: Preliminary Draft Chapter 4 Narrative (first staff draft)*

*Attachment 2: Preliminary Draft Policies & Recommendations (revised June 2019)*

*Attachment 3: Preliminary Draft Performance Measures (first staff draft)*

*Attachment 4: Preliminary Draft Appendices*



Appendix 1 (first staff draft)

Appendix 2 (revised June 2019)

Appendix 3 (first staff draft)

Appendix 4 (first staff draft)

Mr. Henderson began the presentation by providing an overview of the Delta Reform Act of 2009 and specific strategies, subgoals, and conditions for Delta species, ecosystems, threats and stressors required by the Act. Mr. Henderson also described the Delta Plan's vision for a restored Delta Ecosystem. After the introduction, Ms. Law provided an overview of the five core strategies described in the preliminary draft narrative (outlined below).

### **Core Strategy 1: Create more natural functional flows**

- Defines functional flows using best available science to manage flows to support the needs of native species throughout their lifecycle, identifies the role of the State Water Resources Control Board in setting flow objectives, and explains the requirements for covered actions to meet these flow objectives
- Summarizes the potential for new flow objectives to be established through voluntary agreements

### **Core Strategy 2: Restore ecosystem function**

- Describes five priority attributes for protection, restoration, and enhancement actions; 1) Restore hydrological, geomorphic, and biological processes; 2) Be large-scale; 3) Improve connectivity; 4) Increase native vegetation cover; 5) Benefit at-risk natural communities or species
- Includes examples of existing constraints to implementing restoration projects with all five priority attributes, and how disclosure of these attributes is expected to shift funding priorities and other outcomes. The narrative also outlines existing constraints to implementing levee waterside habitat and setback projects and includes a case study highlighting the potential for multi-benefit projects to overcome these constraints

### **Core Strategy 3: Protect land for restoration and safeguard against land loss**

- Emphasizes protecting land from sea level rise and subsidence in the Delta
- Preliminary draft revisions to Ecosystem Restoration Policy 2 (ER P2) would require actions that protect land for restoration and climate change adaptation
- Identifies the role of the Sacramento-San Joaquin Delta Conservancy, and other state and local agencies, in addressing subsidence in the Delta and recommends a focus on, and greater urgency towards, halting subsidence and supporting



native species through incentive programs, including carbon offsets and working lands programs

**Core Strategy 4: Protect native species and reduce the impact of nonnative species**

- Updates the existing Chapter 4 narrative with the latest science supporting native and nonnative species management
- Describes ongoing efforts among public agencies and other stakeholders to identify and manage nonnative invasive species, recommends priority approaches to improving fisheries management, and explains the outcomes expected to result from these actions

**Core Strategy 5: Improve institutional coordination to support implementation**

- Explains the need for, and urgency surrounding, improved coordination towards funding, permitting, and interagency support for restoration projects. It also calls out coordination to align other state agency plans for the Delta, such as the Delta Conservation Framework (2018), and the Public Land Strategy (2019), with Chapter 4.

**Preliminary Draft Narrative Discussion**

Councilmember Weinberg provided a series of questions regarding the proposed amendment. He asked about the specificity of how the chapter will achieve the ecosystem restoration subgoals, how the proposed tiering system is expected to affect outcomes, and how the amendment addresses predation hotspots, such as the Clifton Court Forebay.

Councilmembers and staff discussed distinctions between species recovery standards and self-sustaining populations, standards that are both referenced in the Delta Reform Act. Mr. Melcer stated that the restoration targets are based on three standards; 1) recovery via federal language that speaks to halting declines; 2) self-sustaining diverse populations; and, 3) analysis on incorporating conservation plans.

Councilmember Damrell asked if there was any value to cataloging the agencies responsible for the locations of fish passages and how the passages are managed. In response Councilmember Fiorini suggested an existing resource that provides this information. The resource can be updated and used to list key agency roles in the Delta.

Councilmembers and staff further discussed barriers from legislative and scientific factors, land use conflicts and tiering, and predation.



### **Policies and Recommendations**

As described in the staff report, the following policies and recommendations have been revised since the April 2019 draft. (This information was not summarized at the meeting.)

- New ER Policy “A.” Disclose Contributions to Restoring Ecosystem Function and Providing Social Benefits
- Modified ER P2. Restore Habitats at Appropriate Elevations
- Modified ER P4. Expand Floodplains and Riparian Habitats in Levee Projects
- New ER Recommendation “H.” Improve Fish Migration within the Delta and Sacramento – San Joaquin Watershed

In total, staff is proposing one new, three modified, and two unchanged policies and nine new, three modified, three removed, and three unchanged recommendations.

### **Performance Measures by Core Strategy**

Mr. Melcer presented staff’s proposal for five preliminary draft output/outcome performance measures:

- Core Strategy 2
  - PM 4.16 Acres of Natural Communities Restored
  - PM 4.14 Increase Funding for Restoring Ecosystem Function
  - PM 4.15 Seasonal Inundation
- Core Strategy 3
  - PM 4.12 Subsidence Reversal for Tidal Reconnection
  - Core Strategy 4
- PM 4.13 Restore and Enhance Fish Habitat Connectivity

In total, staff is proposing 18 new, seven modified, ten removed, and ten unchanged administrative performance measures and five new, four removed, and six unchanged output/outcome performance measures.

### **Preliminary Draft Performance Measures Discussion**

Councilmembers and staff discussed whether the narrative should list and define the agencies responsible for carrying out the proposed Chapter 4 strategies and



recommendations. Chair Tatayon stated that the agencies taking action on a particular issue may change over time. Given the unknowns associated with climate change, the Delta ecosystem's trajectory could change and the Council should be creative in its partnerships.

Councilmembers and staff also discussed existing performance measures that deal with functional flows, nonnative species, and the salmon doubling goal.

There was one public comment on the item from Deirdre Des Jardins. Ms. Des Jardins stated that a recent report from the University of California, Davis found that primary productivity of food sources for aquatic species in the Delta has been suppressed by 97 percent due to eutrophic cascade. Science needs to be taken into account regarding the functional flow recommendations. Decision 1641 from the State Water Resources Control Board required a fisheries protection plan for the use of the joint point of diversion. This plan has not been updated since 2006. Updating this plan is an important component of adaptive management. Those affected by, and affecting, the flow cannot respond quickly enough if the plan is not updated.

### **Final Discussion**

Councilmember Villegas asked that staff provide a timeframe in which they would respond to the written comment letter submitted by the Delta Protection Commission. Staff will schedule a future meeting with the Delta Protection Commission to discuss its concerns. Staff stated that they would like to collect additional comments from the future public comment period before recommending a specific response or course of action.

Councilmember Fiorini noted that the success of the Cosumnes River Preserve case study is due in part to the ongoing ownership and land management by the Bureau of Land Management (BLM). Councilmember Fiorini asked that staff consider adding the BLM to the Delta Interagency Implementation Committee (DPIIC). Staff will consider adding BLM as a member.

Councilmember Weinberg requested that Councilmember concerns be captured in detail and asked that Council staff provide those details in a separate document. Council staff offered to provide a summary of the changes made in response to Councilmember input within the next staff report prepared for the Ecosystem Amendment and offered to meet with Councilmember Weinberg to continue the discussion.

*The video recording of the Agenda Item 4 is available at: minute 0:04:21*

<https://cal-span.org/unipage/?site=cal-span&owner=DSC&date=2019-06-27&site=cal-span&owner=DSC&date=2019-06-27>



## 5. Adoption of May 23, 2019, Meeting Summary (Action Item)

There were no changes to the meeting summary.

**Motion:** Offered by Weinberg, second by Damrell - Approve the May 23, 2019 meeting summary.

**Vote:** 6/0 – Weinberg, Damrell, Mehranian, Fiorini, Tatayon, and Villegas voted aye. The motion was adopted.

*The motion and vote are viewable on the linked agenda at: minute 02:28:24.*

<https://cal-span.org/unipage/?site=cal-span&owner=DSC&date=2019-06-27&site=cal-span&owner=DSC&date=2019-06-27>

## 6. Chair's Report (Information Item)

Councilmember Villegas introduced Delaney Bird, a student at Sierra Leone University.

Chair Tatayon mentioned she was interviewed for an article in The Water Report , and the interview was a good opportunity to tell readers the story of the Council. Copies of the article were made available to the Councilmembers and public at the meeting. Chair Tatayon also recapped the June 26 Delta tour she attended with the Delta Watermaster and reminded everyone of the upcoming DPIIC meeting on July 15.

*The Chair's Report is viewable on the linked agenda at: minute 02:30:00.*

<https://cal-span.org/unipage/?site=cal-span&owner=DSC&date=2019-06-27&site=cal-span&owner=DSC&date=2019-06-27>

## 7. Executive Officer's Report (Information Item)

Executive Officer Jessica Pearson noted that several staff attended a three-day tour of the Delta in June hosted by the Water Education Foundation. Ms. Pearson also highlighted the tour she attended of the Hemly Cider Company in Courtland. Ms. Person then announced a rulemaking milestone from GP1(b)2, as it was approved by the Office of Administrative Law. This action added one new mitigation measure, and the regulations become effective on July 1. She also mentioned the RRP1 hearing at the August Council meeting and reminded everyone of the May Outreach Highlights report.



Ms. Pearson discussed the following comment letters:

- Three comment letters sent to the Department of Water Resources regarding:
  - The Notice of Preparation of an Environmental Impact Report for the State Water Project stating that the project is a potential covered action.
  - The 2017 Storm Damage Rehabilitation – Phase 4 and 5 Repair Sites stating that the project is a potential covered action.
  - The Proposition 68 Sustainable Groundwater Management Grant Program requesting that the guidelines for the program include a requirement that grant recipients whose projects occur in the Delta or the Suisun Marsh must engage in early consultation with the Council.

She said there were no covered actions to report.

Ms. Pearson also announced that new University of San Francisco McCarthy Center Fellow Jamie Andan has joined the Council for the summer.

**7a. Legal Update (Information Item)**

Chief Counsel Bethany Pane had nothing to report.

**7b. Legislative Update (Action Item)**

Legislative and Policy Advisor, Ryan Stanbra introduced Sea Grant Fellow, Dr. Kate Melanson. Dr. Melanson reviewed the status of Senate Bill (SB) 19.

Bills of interest and relevant legislative activities:

- Senate Bill (SB) 19 (Deploying a network of stream gages) would require the Department of Water Resources and the State Water Resources Control Board to develop a plan to determine funding needs and opportunities to deploy gages.
  - Discussion: Councilmember Fiorini asked if federal agencies did this activity. Doctor Callaway stated there was some activity, but it would not duplicate existing efforts due to the size of the gaps between the gages.
- AB 658 (Groundwater recharge projects) would divert water during high flow events and divert water to recharge aquifers. Some conjunctive use regulatory challenges will need to be addressed.
- House Resolution (HR) 830 (Flood insurance for farmers act) passed the house financial services committee and replaced HR 67. This act would direct the Federal Emergency Management Agency (FEMA) to develop a new flood mapping zone and address gaps in flood protection. Levees with only 50-year



flood protection would get reduced premiums allowing a variance for floodproofing (e.g., raising barns or silos) which is currently not encouraged.

- Discussion: Councilmember Weinberg asked if groundwater recharge as a beneficial use was removed. Mr. Stanbra stated that the issue would continue to be discussed.

*The Legislative Report is viewable on the linked agenda at: minute 02:38:23.*

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*The Executive Officer's Report is viewable on the linked agenda at: minute 2:32:54.*

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## **8. Lead Scientist's Report (Information Item)**

Doctor Callaway announced the release of the 2019 Update to the Delta Science Plan, provided copies for the councilmembers, and thanked Doctor Yumiko Henneberry and the science staff for their work. He also mentioned the By the Numbers Report and gave a brief overview of the results. Doctor Callaway then announced the current recruitment for members of the Delta Independent Science Board (ISB). The ISB currently has six vacancies. He also provided updates on the Delta Independent Science Board Monitoring Enterprise Review, Delta Conservation Adaptive Management Action Strategy, and the solicitation for the upcoming class of Science Fellows. Lastly, Doctor Callaway provided highlights from the recent Brown Bag seminar on by Doctor Rich Batiuk comparing the Chesapeake Bay to Bay-Delta Integration.

Councilmember Villegas asked if water quality in the Delta had improved. Doctor Callaway stated that it had. Councilmember Weinberg asked if the Chesapeake Bay was more regulated than the Delta. Doctor Callaway stated that the efforts were more coordinated.

*The Lead Scientist's Report is viewable on the linked agenda at minute 02:48:35.*

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**9. Public Comment**

There was one public comment from Deirdre Des Jardins regarding sea level rise in the Delta and the new Delta conveyance planning. She provided a document titled Re-Evaluate North Delta Intake Locations and Performance for High Sea Level Rise (Draft) by California Water Research.

**10. Preparation for Next Council Meeting**

The meeting adjourned at 1:43 p.m.