

Delta Vision Stakeholder Coordination Group

Meeting Summary

July 22, 2008 10:00 am – 4:30 pm

Opening and Introductions:

Greg Bourne, Center for Collaborative Policy, opened the meeting, walked through the agenda, and invited Stakeholder Coordination Group (SCG) participants and members of the public to introduce themselves. Mr. Bourne then stated that the focus of the meeting would be to garner SCG comments on the second staff draft of the Delta Vision Strategic Plan (Plan).

Overview of Recent Delta Activities

Mr. Bourne then provided an overview of the status of the Plan. Workgroups continue to meet to refine subject-specific content. All input from the workgroups and external comments were combined into the first Plan draft in June. The second draft primarily contained corrections and editorial changes. John Kirlin, executive director of Delta Vision, gave an overview of the Plan later in the day. Mr. Bourne also commented that the recently released Public Policy Institute of California (PPIC) report would be reserved for offline conversations.

Leo Winternitz then gave a status report on Bay Delta Conservation Plan (BDCP) activities. Mr. Winternitz reported that there are two components of the BDCP process: the BDCP Habitat Conservation Plan (HCP)/Natural Communities Conservation Plan (NCCP) and the Delta Habitat Conservation and Conveyance Program (DHCCP). The HCP/NCCP process focuses on permitting, while the DHCCP will develop the Environmental Impact Statement/Review (EIS/R). The US Bureau of Reclamation (USBR) and the Department of Water Resources (DWR) are the lead agencies for the DHCCP.

Discussion:

- Tom Zuckerman asked if the BDCP Steering Committee provides oversight for the DHCCP. Mr. Winternitz responded that it is a separate entity from BDCP.
- Tom Flynn asked what the process was for public involvement in BDCP/DHCCP. Mr. Bourne replied that a public outreach strategy is currently under development and should be adopted within two weeks.
- Mr. Levin asked how the DHCCP/BDCP process will interact with Delta Vision and the proposed Delta Vision governance structure. Mr. Winternitz replied that BDCP and Delta Vision are closely coordinated. Delta Vision staff meet regularly with Karen Scarborough, Resource Agency, to determine where conflicts may exist. Staff also meet between Delta Vision and BDCP to discuss any other similarities and differences between the two plans.
- Mr. Levine asked who will ultimately be responsible for development of the EIR/S and implementation of the plans. Mr. Kirlin responded that it is unknown at

- this time; multiple organizations/agreements will be in charge of implementing the plans including the legislature, contractual agreements, etc.
- A number of SCG participants raised concerns about the public outreach for the BDCP in general, and stressed the need for continuous public participation in all BDCP decisions. Mayor Arnie Simonson added that Secretary Chrisman is committed to ensuring adequate participation opportunities throughout the BDCP process.

Mr. Winternitz delivered an update on recent legal decisions. Judge Wanger delivered his decision on salmon and steelhead on Friday, July 18. The decision assumes that continued operation of the SWP/CVP will effect the health of winter run and spring run Chinook salmon, as well as steelhead trout. The decision does not, however, remove the take authorization for either of the water projects. A public workshop on the decision will take place on August 23.

Mr. Kirlin then delivered an overview of the Delta Vision process from now until the final recommendations are adopted in October. After the final recommendations are adopted by the Task Force, they will be sent to the Delta Vision Committee for review and approval before being sent to the Governor. The final work product will include the Plan with goals that rely on performance indicators for progress, near and long term performance targets, action items for the Administration and Legislature, near term action recommendations, and the programmatic elements relevant to the proposed Plan.

The Task Force has received a wide range of first round interactions on the Plan, and the August draft will look very different than current formats based on Task Force input. In September, Delta Vision staff will prepare a draft that the Task Force can hone in on to develop clear recommendations for October. The Administration will also provide reactions to the September draft.

Mr. Kirlin then discussed the preliminary strategies for Delta governance/finance, ecosystem, Delta channels, integration with other processes, water, and Delta as Place components of the Plan:

- The governance/finance section focuses on a new California Delta Environment and Water (CDEW) Council and Conservancy. Success of the Plan depends on effective mechanisms for governance and finance; future iterations of the Plan will provide more detail on this section.
- Ecosystem restoration in the Plan relies on restoring large, connected complexes of physical habitat, restoring water flows and other ecological process, and reducing or removing stressors to the Delta such as invasive species.
- The Plan acknowledges that restoring Delta channels to pre-1873 conditions is impossible, but creating natural, branching channels will be a major strategy for Delta restoration.
- Integration with other planning processes in the Delta such as BDCP will be essential in figuring out how to combine human uses with desired ecosystem functions. A major challenge in this section will involve integrating water conveyance and operation functions in the near and long term.

- Regarding water conveyance, the Task Force has consistently said that conveyance is an important decision, but not the most important decision to complete its charge. Issues to address include implementing wet period diversion systems, enhancing regional self-sufficiency, and delivering performance targets for water conservation.
- For Delta as Place, increasing the statewide understanding of the Delta as a unique environment and community will include strategies for tourism, agriculture, and improving levee systems. The key issue to address is how to maintain current uses with the understanding that the Delta will require significant change to the physical landscape over time.

Mr. Kirlin closed by stating that the general reaction to the Plan framework has been positive. Written comments are likely to become more cautionary as specifics in the Plan are further developed.

Discussion:

- Mr. Levine asked if the Task Force will make specific recommendations as to what strategies should be used for ecosystem, water, and levee plans. Mr. Kirlin responded that the Task Force will provide greater detail in these issues and is committed to creating performance targets for each program area, but reminded the group that the Plan will not be an “operations” level document.
- Mr. Levine asked if the Task Force will make a recommendation on conveyance that includes flow levels, the type of system, and operational criteria. Mr. Kirlin answered that the Task Force agrees that dual conveyance is the best option. A project of this magnitude will require a comprehensive EIS/R process, and will probably result in legislative action. The Task Force also expects to put together a state policy framework on the issue of levee rehabilitation.
- Gary Bobker asked how the CDEW Plan will address project phasing issues. Mr. Kirlin responded that the Task Force will address this issue in August, but agrees that an interim plan may be needed to get near term actions underway as soon as possible.
- Mr. Bobker noted that the ecosystem and Delta as Place recommendations have considerable overlap, but there is little linkage between these two and the water supply reliability recommendations. Mr. Kirlin agreed, and responded that the Task Force has said that regardless of what conveyance option is chosen, the current system will have to be repaired to keep it functional until a new system comes online.
- Ms. Goulart suggested that the Delta Vision Gantt chart/schedule should include any public meetings.
- Ms. Goulart stressed the need to include LTMS workgroup members and products in any Resources Agency levee discussions. Mr. Kirlin responded that Delta Vision staff will have to look into the issue and respond at a later date.
- Topper van Loben Sels asked what the Task Force’s opinion is of the recommendation to undertake massive habitat restoration projects in the Delta. Mr. Kirlin responded that the Task Force still believes that the goal *over time* should be the restoration of 100,000 acres of tidal habitat in the Delta. How it is phrased specifically won’t be apparent until a later draft.

- Andy Moran asked what the Task Force reaction to the recent PPIC report was. Mr. Kirlin responded that they will consider the report as another source of information, but are unlikely to submit formal comments on it.
- Mr. Flynn suggested that the issue of buffer islands regarding levee stability be given closer examination in the Plan. Marci Coglianese agreed, and suggested that the PPIC report fails to appreciate the importance of each island and their relationship to other areas.

Review and Discuss the Delta as Place Recommendations

Linda Fiack, Delta Protection Commission, delivered an overview of the Delta as Place recommendations. She reported that the proposed Delta National Heritage Area (NHA) does not appear to add any new land use regulations or authority to the Delta. In the recommendation for a “multi-unit” recreation area, it also became clear that a single, large recreation area is unlikely; instead, the Plan recommends a series of smaller, linked recreation facilities. Finally, she reported that some USDA designations have been successful in the past; the agricultural suggestions given so far focus on being habitat friendly.

Ms. Fiack then delivered remarks on specific Plan recommendations. The Delta as Place recommendations can be found in the Strategic Plan in Strategies 10, 11, and 12.

Discussion:

- SCG members stressed the need to maintain a diverse agricultural economy in the Delta. This includes both small scale “tourism based agriculture” *and* large scale production agriculture.
- Several SCG members raised concerns over the use of Special Area Management Plans (SAMPs) in the Delta as Place Recommendations. One participant suggested that this is too similar to the management strategies in the Coastal Zone Management Act (CZMA) and should be removed from the Plan entirely.
- Gary Mulcahy asked which resources an NHA seeks to protect. Ms. Fiack reported that an NHA is designed to bring cultural assets in a given area to the public’s attention, not “protect” them as such. Assets would be identified by the grassroots team charged with establishing the NHA. Ms. Coglianese added that the idea is to highlight the unique history of the Delta in a way that promotes tourism.
- Mr. Minton suggested that the Delta as Place recommendations be reworded to speak about “adapting” to new land uses, instead of “transitioning” from agriculture. Ms. Coglianese agreed that this language could be taken negatively by Delta communities, and suggests that the Delta as a place is secondary to the coequal goals of the Plan.
- Mr. Moran stated that from the landowner’s perspective, sea level rise is not a big fear, as levees can be built up over time to deal with climate change.
- Mr. Flynn commented that Action 12.2 should emphasize that existing urbanized areas should be protected before anything else. There is more constraint in these

- areas because the repairs must be done in a very limited area. Appropriate financing is critical to fund these repairs.
- Gilbert Cosio commented that reclamation districts are looking at getting levees up to the PL84-99 standard and how to deal with sea level rise. He added that no one has looked at the science of levees since 1980, but the problems associated with subsidence have gotten worse. Some problems area exist regarding the pumping necessary to keep islands dry.

Review and Discuss Ecosystem Recommendations

Stuart Siegel, Wetlands and Water Resources, delivered an overview of the ecosystem recommendations in the Plan. Mr. Siegel also provided a chart prioritizing areas within the Delta for restoration. The ecosystem recommendations in the Plan can be found in Strategies 4, 5, and 6.

Discussion:

- Mr. van Loben Sels asked why Liberty and Little Holland Islands are not included as part of the Yolo Bypass in the prioritization chart. Mr. Siegel responded that they can already be considered “restored” since they are currently open to tidal flow.
- Ms. Coglianese asked if the chart is a work product of the BDCP. Mr. Sigel responded that it is broader and defines the entire “universe” of possible restoration projects in the Delta.
- Ms. Coglianese asked if multi-function agriculture fits in with the restoration strategies. Mr. Siegel responded that is depends on the type of restoration. Tidal marsh is not conducive to any type of agriculture, while floodplain restoration can support some crops quite well. Additionally, the economics of restoration projects dictate compatible agricultural uses: restoring peninsulas is typically cheap, as a single levee can be built between adjacent landowner(s) and the restoration project. If unwilling sellers are in the middle of a restoration project however, levees would have to be built around their entire property to minimize the impacts of restoration on their operations.
- Ms. Coglianese asked Mr. Siegel to elaborate on water quality issues in the ecosystem recommendations. Mr. Siegel responded that the ecosystem water and water supply for human consumption have their own requirements. Variable salinity and high organic carbon levels could be good for the ecosystem water supply, but bad for human use.
- Mr. van Loben Sels suggested that Sutter Island should be listed as high-value agriculture on the chart.
- Mr. Minton asked if the chart is based on the existing conveyance system, future systems, or both. Mr. Siegel responded that it describes where the Ecosystem Work Group would like to get with restoration projects, but takes into account the three main conveyance options. Members of the Workgroup are still trying to define what they want the ecosystem to be based on and what they know right now.

- Mr. Flynn asked how future flows of the San Joaquin River could affect plans for restoration. Mr. Siegel responded that more water from the San Joaquin would be good, but significant water quality improvements are needed for it to benefit the system. Additionally, if water from the Sacramento were rerouted down the San Joaquin, it could negatively affect the chemical “trail markers” that salmon use to find their way back to spawning grounds.
- Ms. Goulart commented that the issue of “variability” causes concern for some groups, and also noted islands in the Western Delta aren’t included on the chart. Mr. Siegel responded that variability has multiple meanings, and the ability to bring some salt water into the system could be good for the ecosystem. Ms. Goulart suggested that the Plan attempt to clearly define what is meant by variability.
- Mr. Bobker stated that additional salinity in the Western Delta would help stop invasive species throughout the system.
- Mr. Bobker stressed that flow targets should be thought of as minimum requirements for restoration, and should be thought of as a good place to start serious restoration efforts instead of the solution to all of the ecosystem concerns in the Delta.
- Mr. Cosio noted that the Delta as Place Workgroup discussed “green levees” as something to encourage, and suggested that it should be reinserted in the Plan.
- Mr. Moran asked if comments on the chart can be submitted for review. Mr. Siegel affirmed that they can.
- Mr. Moran asked if the idea of “Delta Corridors” is still included in the Plan. Mr. Siegel responded that while Suisun Marsh is conducive to this approach, other areas in the Delta probably aren’t.
- Steve Chappell commented that the Plan is very “fish-centric” and does not acknowledge that seasonal wetlands can be negatively affected by tidal restoration. Mr. Siegel commented that seasonal wetlands benefit water fowl that are not permanent residents of the Delta like the fish are. Restoration activities in Suisun Marsh in particular will be phased in over time as sea level rise makes privately held levees around seasonal wetlands too expensive to maintain.

Review and Discuss Water Recommendations

Greg Young, Tully and Young, delivered an overview of the Water Supply and Reliability recommendations in the Plan and asked for questions/input on the recommendations. These recommendations can be found in Plan Strategies 7, 8, and 9.

Discussion:

- Mr. Minton noted that the PPIC report states that additional surface water storage will have little benefit to the overall system, and asked what kind of analysis they did to come up with this conclusion. Some data shows that with global warming, there could be less snow *and* less rain, effectively dropping reservoir levels and creating more storage capacity.

- Mr. Bobker cautioned the SCG to avoid a situation like the Colorado River Compact. He also asked that baseline data on what “wet year diversions” consist of (i.e., how wet is wet, and how much would be exported in these years).
- Mr. Mulcahy raised significant concerns about the Plan proposal to raise Shasta Dam, and commented that it could lead to the further inundation of Native American cultural sites. Unless the compensation promised in the Central Valley Project Acquisition of Indian Lands Act is given to the Winnemum Wintu Tribe or the expansion idea is removed, the Tribe could pursue legal action. Mr. Young asked Mr. Mulcahy to submit the specific legal sections cited, and said that the recommendation should be modified to include his suggestions.
- Mr. Bobker remarked that his organization disagrees with the idea of raising Shasta as well. He also noted that this raises the question of how funding will occur, and said that Action 9.6 suggests a combination of federal and state funding.
- Ms. Coglianese stressed the need for including environmental justice considerations in the Plan. Mr. Bourne reported that environmental justice was intended to be part of the CDEW Plan, but the details still need to be flushed out.
- Christopher Cabaldon suggested that the Plan take a more holistic approach to water quality issues and include wastewater discharge issues.
- Mr. van Loben Sels asked that the streamlining of water transfer approval processes be discussed in more detail in the Plan. Without changes to the current system, it could allow a continuation of irrigation districts selling water without landowner consent. Mr. Young responded that this is mentioned in the full draft, but further detail will be needed in the final draft.
- Mr. Mulcahy asked that the recommendation for more resources for the SWRCB to enforce reasonable use regulations be included in the next staff draft. Mr. Young responded that it was in the first draft, but may have been moved in the current version. He agreed to make sure that it is included in the August draft of the Plan.
- Mr. Minton suggested that the opportunity for willing buyers/sellers to transfer water rights should be included in the water supply recommendations.

Review and Discuss Governance Recommendations

Elizabeth Patterson, City of Benecia, delivered an overview of the governance recommendations in the Plan. These recommendations can be found in Plan Strategies 1, 2, and 3. One of the major challenges has been to establish a model for Delta governance that has real regulatory and market power. The CDEW Council and Plan seek to address this through a variety of mechanisms, including a new *related but separate* Delta Conservancy. Finally, the governance system proposed by the Plan must include a sound financing strategy to ensure the implementation and success of future projects.

Discussion:

- A number of SCG members raised the concern that the CDEW concept does not mention or reinforce the role of local government. Ms. Patterson commented that

- the membership of the proposed Council has not been vetted yet, and will likely include some local government representatives.
- Mr. Cabaldon raised the concern that the proposed expanded role of the Delta Protection Commission could be beyond its expertise. In particular, the idea that the Commission aid in the economic development of Delta communities could be beyond the scope of its initial intended role. Furthermore, expanding the Commission's jurisdiction into the Secondary Zone could overtax the limited resources of the Commission. Ms. Patterson noted that this is a very important point, and needs to be improved in future drafts. Regardless, there is a substantial tension between the desire of local government to deal with Delta Issues, and the state's need to protect the public trust.
 - Mr. Cabaldon noted that the recommendation that the Delta Protection Commission lead the development of Specific Plans for Delta Communities will cause substantial concern at the local level, as not all jurisdictions are represented evenly on the Commission. Ms. Patterson noted that Benicia has a seat on the Bay Conservation Development Commission and has a joint partnership with the Delta Protection Commission. This could be a good model in that a state land use authority must develop its plan with Benicia's direct input.
 - Mr. van Loben Sels stressed that local land use disputes in the Primary Zone should still be appealable to the Delta Protection Commission instead of the CDEW Council. Mr. Simonson responded that the Delta Protection Commission would still retain its current authorities, but must to comply with the CDEW Plan. He also stressed that members of the Commission are there as Commission members, not to represent their own local jurisdictions.
 - Mr. Cosio noted that special districts like reclamation districts should not be overlooked in the Plan, and should be represented on the CDEW Council as well.
 - Mr. Flynn asked if the CDEW Council is modeled after existing entities. Ms. Patterson said that the California Energy Commission, BCDC, and Tahoe Regional Planning Agency were all looked at. Mr. Bourne added that some Australian models were studied as well.
 - Ms. Goulart noted that the proposed Delta Conservancy should not be part of the Coastal Conservancy, and that the CZMA should not have any jurisdictional authority in the Delta. Mr. Bourne commented that the Conservancy will not be part of the Coastal Conservancy, and follow a model similar to the Sierra Nevada Conservancy.
 - Ms. Goulart remarked that the expanded Delta Protection Commission and CDEW Council should not cover services local government is usually responsible for such as police and fire protection.
 - Mr. van Loben Sels commented that Senator Mike Machado had a bill several years ago linking the Coastal Conservancy to the Delta, and noted that this "outside" influence killed the bill. Ms. Goulart reported that the Senator still has this bill, and stressed that the language in the Plan seems to refer to Coastal Conservancy interaction with the Delta.
 - Mr. Mulcahy stressed the importance of realizing that water rights are not written in perpetuity, and can be changed. One of the major challenges in the governance

recommendations will be mapping out how the state and federal water interests interact.

Review and Discuss Overall Reactions to the Strategic Plan

Mr. Bourn asked SCG members for their final reactions to the second staff draft of the Plan. Mr. Chappell commented that one of the big concerns is that the workgroups appeared to work independently of one another and came up with some conflicting recommendations. One example of this is that restoration plans for the Suisun Marsh and flow objectives at Chipps Island are incompatible. Both can't be achieved without some concession or phasing on one part or the other. Mr. Bourne responded that there is another workgroup trying to reconcile the ecosystem and water supply recommendations with one another. Rudy Rosen reiterated that the Plan as written is very fish-centric, and said that he and Mr. Chappell would put together some alternate language to avoid this by August 4th.

Discuss Planned Public Workshops and Next Steps

Mr. Bourne reported that seven public workshops will be held throughout the state to discuss the Plan. He added that each SCG member should encourage their constituency to attend the workshops. Further information on workshop locations and times will be available shortly.

Additionally, a final SCG meeting has been suggested in September. Mr. Bourne asked SCG participants for their preference on a meeting date. Greg Zlotnick suggested that the meeting could be held prior to the final Task Force meeting to review the final draft of the Plan as a group. Mr. Bourne responded that a Doodle survey would be sent out to get everyone's preferences.

Public Comment

A representative of the Sacramento Regional Sanitation District suggested that Governance Strategy 3, Principle 3 regarding compliance with all existing aspects of California resources laws and policies could be very difficult.