

Delta Vision Stakeholder Coordination Group Meeting Summary

May 15, 2008
Sheraton Grand Sacramento
1230 J St., Sacramento, CA 95814

Welcome and Introductions:

Greg Bourne, Center for Collaborative Policy, opened the meeting and thanked the Stakeholder Coordination Group (SCG) members for participating. He then invited SCG members to introduce themselves and walked through the agenda for the day. Finally, he provided a brief overview of the activities of the four Delta Vision workgroups, and noted that the bulk of the day's time would be spent reviewing workgroup recommendations to the Delta Vision Blue Ribbon Task Force (Task Force).

Overview and Discussion of Activities since the Last SCG Meeting:

Update on the Strategic Planning Process

John Kirlin, Executive Director of the Task force, reviewed the Delta Vision schedule, delivered an update on recent Task Force activities, and discussed how recommendations from the workgroups will feed into the Delta Vision Strategic Plan (Plan). He also discussed other concurrent activities, including a questionnaire on Delta issues sent out to affected state and federal agencies.

The first chance to submit comments to the Task Force on the Plan ended on May 9th, but outside submissions/recommendations will continue to be accepted throughout the strategic planning process. Existing comments, as well as responses from affected agencies on the questionnaire will be reviewed for inclusion in the Plan. All information received by the Task Force is public and will be posted to the Delta Vision website (www.deltavision.ca.gov) as soon as possible.

One issue the Task Force has asked for specific information on is sea level rise. Choosing common sea level planning numbers for major state ecosystem projects is of critical importance to the Plan. Currently, the levels being used by the Task Force include a 16 inch rise by 2050 and a 54 inch rise by 2100. A letter has been submitted to Governor Schwarzenegger that includes these numbers; the Task Force is waiting to see if the estimates are adopted.

In addition to actions by the entire Task Force, Mr. Kirlin stated that Task Force Chair Phil Isenberg sent a letter to CalTrans director Will Kempton concerning infrastructure in the Delta. Additional infrastructure inquiries have been made to the Delta Protection Commission, (DPC) the California Public Utilities Commission, (PUC) and others.

Pulling all of the existing materials developed by the workgroups and independent fact finding groups into the Plan will be the main focus of the Task Force between now and the June Task Force meetings. All workgroup products will be standalone documents, but included into the Plan wherever possible. The first draft in June will be incomplete and open to change, but will contain plausible recommendations developed by Delta Vision staff built on the best available knowledge. By September, the Task Force will be ready to daylight preliminary recommendations. The final Plan will be complete in October.

Each Task Force meeting between now and October will have a different focus. At the June meeting, staff will present the first iteration of the plan with the understanding that some of the recommendations will generate more discussion than others. The July meeting will rely heavily on external recommendations (those generated outside of workgroups) to the Task Force, with panel discussions on each as necessary. As with the Visioning process last year, the remaining meetings will provide more opportunities for Task Force members to discuss what they have heard so far with less emphasis on discussion panels and presentations. The Plan will be formally adopted at the October meeting. Mr. Kirlin also provided an outline of potential meeting topics to SCG members and the public. This outline is subject to change as more information becomes available.

Discussion:

- Byron Buck asked if Task Force members are involved in the initial draft of the Plan, or just staff. Mr. Kirlin responded that staff is starting the drafting process; the Task Force will become more engaged as initial recommendations are developed.
- Roberta Gulart asked if there will be a levee/infrastructure panel at the next Task Force meeting. Mr. Kirlin responded that a utilities/infrastructure group is being assembled by the DPC. This group will continue to inform the Plan throughout the remainder of the Delta Vision process.
- Marci Coglianese noted that given the critical importance of roads in the Delta, there should be a standalone conversation (i.e., separate from the utilities/infrastructure discussions) on improving roadways. Mr. Kirlin agreed, and noted that the Task Force is treating them as separate issues.
- Tom Flinn remarked that a conveyance design has not been discussed yet, and expressed a concern that the workgroup products will be incomplete without a better understanding of which model might be chosen. Mr. Kirlin responded that the Task Force has stated that dual conveyance is the preferred direction at this point. A study by DWR is currently underway to gather more information.

Update on Workgroups and Fact Finding

Terry Macaulay, CALFED, reported that CALFED and DWR both reported on existing conveyance at the April Task Force meeting. Additional work on levee design and cost is also underway; the Delta Risk Management Strategy (DRMS) report will provide more information on levee costs upon its completion. Ms. Macaulay also commented that all four of the existing Delta Vision workgroups have met at least five times with a

corresponding progress report at each Task Force meeting. Mr. Bourne added that that the Governance and Finance Workgroup has a final 6th meeting scheduled to review all other workgroup products.

DRMS Update

Dave Mraz, Department of Water Resources (DWR) Delta Suisun Office, delivered a presentation on DRMS and the revised DRMS schedule. Phase 1 of the DRMS study determined that the primary risk facing the Delta is flooding events triggered by seismic events, climate change, and sea level rise. These risks were measured in environmental and economic terms. Phase 2 of the study will focus on pairing existing risks with risk reduction methods. A revision to Phase 1 and the rest of Phase 2 are both under development.

Phase 2 suggests risk reduction methods such as strengthening levees, an “armored pathway”, or an isolated facility. A number of technical memos are available on these and other subjects at www.drms.water.ca.gov.

The executive summary of the study will be completed on June 13th and will be released after an internal review. The ecosystem component of the study is not finished, and may not be complete by time of DRMS release. DWR is working internally with DRMS staff to ensure that the primary DRMS consultant, URS Corp, meets internal deadlines. After Phase 2 is completed, the CALFED Science Panel will be given full review.

Discussion:

- Greg Zlotnick asked if discussions on economics issues were included in the technical memos or the risk analysis. Mr. Mraz responded that economics is included in both.
- Mr. Zlotnick commented that there was a generic economic impact statement in the original version of Phase 1 that did not separate statewide and local interests. Mr. Mraz responded that the final draft should show which entities would be affected in a given disaster situation.
- Spreck Rosencrans asked how independent the DRMS process is from Delta Vision and how DRMS will be integrated into Delta Vision and the Bay Delta Conservation Plan (BDCP). Mr. Mraz responded that an independent DRMS steering committee consisting of a variety of people from state and private entities direct DRMS. In addition to the steering committee, there is also a technical advisory committee led by Professor Jeff Mount, UC Davis, and Dr. Michael Healy, CALFED lead scientist.

Update on BDCP

Cindy Darling, Resources Agency, delivered an update on BDCP and explained how it will be integrated with, but different from the Delta Vision process. The main difference is that the BDCP is an aquatic conservation plan with a regulatory outcome. The

timeframe for BDCP is also significantly shorter, as it is an outgrowth of the revised Operating Criteria and Plan (OCAP) for the State Water Project (SWP) and Central Valley Project (CVP). BDCP will essentially provide the long term strategy for aquatic management of the Delta; OCAP provide short term, interim measures.

While there are separate workgroups similar to the Delta Vision workgroups, BDCP staff has worked to ensure that there is substantial overlap. Where the same ideas are being addressed, BDCP has tried to coordinate directly with Delta Vision. DWR is California Environmental Quality Act (CEQA) lead, while the US Bureau of Reclamation (Bureau) and the National Marine Fisheries Service, (NMFS) and the US Fish and Wildlife Service (FWS) serve as the federal National Environmental Protection Act (NEPA) leads. The NEPA/CEQA scoping process is currently underway for the BDCP. One of the key components of the scoping process will be a vastly expanded public outreach/workshop strategy.

Discussion:

- Mr. Zlotnick remarked that there is no “dotted line” of separation between Delta Vision and the BDCP, and that there appears to be unnecessary overlap between BDCP and the Delta Vision Ecosystem Workgroup in particular. He also added that Delta Vision will necessarily make some recommendations that affect BDCP, and given the “fast tracked” BDCP schedule, there could be significant conflict between the two.
- Mr. Rosencrans raised the concern that while Delta Vision reports directly to the Governor, the BDCP steering committee directs the permitting process for its activities.
- Ms. Coglianesse commented that the BDCP process appears to be moving to quickly for DRMS or Delta Vision to keep pace, and was concerned that BDCP is attempting to “drive” the other process in the Delta already underway. Jonas Minton agreed, and stated that the 6 month schedule for BDCP could cause unsound science and leave out the overlying issues of Delta governance.
- Mr. Minton then said that the BDCP model of doing all near term actions before starting long term actions/planning could cause delays, and noted that Delta Vision suggests beginning long term actions *in parallel* with short term activities to prevent lag.
- Ms. Darling stated that in addition to the Programmatic Environmental Impact Statement/Review (PEIS/EIR) required by BDCP, project specific actions under the permit will also have to have their own environmental documentation. She also noted that the Governor assigned the schedule to BDCP.
- Christopher Cabaldon noted that several members of the SCG were at the BDCP scoping meeting in Clarksburg and were concerned that BDCP may be avoiding local input in the permit. Ms. Darling responded that the Clarksburg meeting illustrated the need for more robust public input.
- Mr. Flinn asked who was directing the BDCP process as a whole. Ms. Darling answered that because the BDCP is essentially a Habitat Conservation Plan/

Natural Communities Conservation Plan, (HCP/NCCP) there is a state and federal statutory requirement to involve the affected regulatory agencies, namely DWR, the Bureau, FWS, NMFS, and the California Department of Fish and Game (DFG). Also involved are a number of private organizations including Mirant Energy, Environmental Defense, and the Planning and Conservation League.

- Mr. Cabaldon stressed the need for in-Delta representation in the BDCP process; Ms. Darling agreed to have any interested parties put on the mailing lists.

Delta as Place Work Group Update

Mr. Mraz delivered an overview of the Delta as Place Workgroup draft recommendations. This workgroup developed 13 recommendations on a range of issues identified to protect the unique nature of the Delta such as a special state/federal designation for the Delta, ecosystem restoration projects, and levee improvement projects. Several key themes run throughout the recommendations including demonstrating the viability of restoration techniques on public lands first, preserving the rural character of the Delta, and protecting existing privacy rights. The group agreed consensus on all recommendations except number 3, (pertaining to levee repair prioritization) which had a majority and minority opinion.

Discussion:

- Mr. Minton asked which interests were represented in the majority and minority opinions on Recommendation 3. The workgroup members responded that the majority opinion was based on in-Delta interests while the minority opinion was based on out of Delta concerns.
- Mr. Rosencrans asked if the workgroup discussed how levee repair should best be financed. Mr. Mraz and Ms. Coglianese responded that there was some discussion of a “beneficiary pays” principle based on the idea of benefit assessment districts. Topper Van Loben Sels added that the idea was raised that urban levee repairs should not be funded using the levee subventions fund like rural areas, but instead be part of a separate finance package.
- Barry Nelson noted that there were a lot of good recommendations, and that the Governance and Finance workgroup came to the same conclusion about some type of Delta designation, but that a national or state parks designation could be used in conjunction with the proposed “National Heritage Area” (NHA) suggestion. Mr. Mraz and Mr. Van Loben Sels commented that an NHA designation was chosen because it would allow local tax revenue to remain in existing legacy towns.
- Bill Eisenstein added that the idea of a state recreation area for Sherman Island is included in Recommendation 4; Ms. Coglianese remarked that Brannan Island Recreation Area already exists and is heavily used.

Ecosystem Work Group Update

Stuart Siegel, Wetlands and Water Resources, delivered a presentation on the Ecosystem Workgroup's recommendations to the Task Force. The presentation was delivered to the Task Force at its April meeting.

The Ecosystem Workgroup started by grouping the problems outlined in the Vision into categories. The various problems were distilled into six key "indicators" of Delta collapse:

- 1) Population decline
- 2) Impaired primary and secondary productivity
- 3) Low variability in the aquatic environment
- 4) Minimal and uniform habitat with poor connectivity
- 5) Poor transit corridor for migratory fish
- 6) Poor water quality (environmental water quality and contaminants in drinking water).

The indicators were then studied and potential causes or "drivers" of the problems were identified:

- 1) Physical habitat loss
- 2) Flow-related habitat loss
- 3) Loss of connectivity and lengthy interfaces
- 4) Harmful aquatic invasive species
- 5) Altered flow regimes
- 6) Altered geometry of Delta waterways
- 7) Low variability in surface water residence times
- 8) Fish entrainments
- 9) Contaminant loading

In order to develop a "restoration recipe," the workgroup then developed several opportunities and constraints to restoration: topography, hydrology, land use, environmental water quality, infrastructure, sea level rise, conveyance, etc...

Of particular importance in restoration projects is the ability to respond to sea level rise with upland transitions. This land provides the best opportunity for tidal marsh and floodplain restoration and will not be inundated as sea levels increase.

Taking into account restoration opportunities and constraints, the "recipe for restoration" determined by the workgroup is as follows:

- 1) reduce stressors
- 2) restore processes
- 3) Restore habitats
- 4) Improve ecosystem functions
- 5) Develop species, human benefits

Mr. Siegel explained that the desired characteristics of a healthy ecosystem can be divided into two groups:

Group 1, Human and species benefits include:

- 1) Viable populations of a wide variety of organisms
- 2) Functional corridors for migratory fish species
- 3) Ecosystem functions that support humans

Group 2: Habitats, Processes, Stressors

- 4) A diverse mosaic of habitats and ecosystem processes to support native resident and migratory estuarine species
- 5) Stressors reduced below levels of adverse effects- stressors such as contaminants cannot be completely removed, but can be reduced to levels that they no longer exhibit any negative effects.

These characteristics can be further described by specific indicators for a healthy ecosystem:

- 1) Viable pops of native resident fish and migratory birds
 - a) abundance of selected species representing diverse functional groups
 - b) geographic distribution
- 2) Functional corridors for migratory fish species
 - a) migration success
 - b) connectivity to upstream and downstream habitat
 - c) suitable environmental water quality and flow along migratory corridors
- 3) Ecosystem functions that support humans (adequate floodplain for flood protection, levees, etc.)
- 4) A diverse mosaic of habitats to support a variety of native species includes indicators such as:
 - a) a significant extent of tidal marsh, floodplains, uplands, open water
 - b) the ecosystem characteristics of healthy ecosystem
- 5) Reducing stressors below the level of adverse impacts exhibit indicators such as
 - a) reduced contaminant loads
 - b) reduced entrainment
 - c) controlled invasives

Mr. Siegel then explained the estimates used by the Ecosystem workgroup that could constitute viable populations of fish species based on population densities and geographical distribution. The numbers are indicators only, based on *recent* historical populations instead of historical projections where no hard data is available. Mr. Siegel explained that while it will take an extended period of time to reach these targets, developing a positive trend in the right direction will indicate an accurate strategy.

Mr. Siegel then presented a sample strategy for smelt restoration, and explained that there are substantial overlaps between individual species management for smelt and management for other species (i.e., restoring natural floodplains helps smelt, but also helps splittail and longfin smelt). Determining definite acreage targets for smelt habitat restoration and other species is difficult; starting restoration and monitoring the results is the only accurate to determine the correct strategy. As stated, if a positive trend in populations develops, the strategy is adequate. Mr. Siegel also explained that beginning restoration projects quickly and leveling out in the long term could be the most beneficial strategy.

The long term restoration goal for aquatic species should be “do everything” and revise acreage targets as necessary. 80,000 acres of tidal restoration are available *total* in the Delta; 50,000 acres are available in the marsh. For seasonal floodplain, approximately 50,000 acres is available for restoration. Potential restoration sites include the Yolo Bypass, along the Consumnes/Mokulumne Rivers, along the lower San Joaquin River, and within the Westlands/McCormick property in the lower Yolo Bypass.

Mr. Siegel remarked that all restoration sites are not the same and may be suited to different purposes. In the Yolo Bypass, shallow inundation for a longer period of time might work well, though it would be inappropriate in the riparian jungle of the Consumnes/Mokulumne river corridor.

In grasslands and seasonal wetlands protected to accommodate for sea level rise, it is unlikely that there would actual restoration as opposed to protection from future development.

Linking floodplains and tidal marshes together to create contiguous habitat will be critical for success. While this type of restoration will likely produce the most beneficial results for species management and habitat restoration though, it could also create public health hazards such as methylmercury and mosquito breeding areas. Finally, in any restoration project we must be aware of the potential for legal barriers and cost restrictions to success.

Discussion:

- Mr. Minton commented to the group that the format used in Mr. Siegel's presentation should be used by other workgroups.
- The question was asked what steps could be taken to increase productivity of diatoms (as opposed to blue-green algae) as the main food supply for aquatic organisms in the Delta. Mr. Siegel responded that restoring historic nutrient loads, reducing contaminants such as ammonia, and increasing water residence times (i.e., allowing water to stay in one area longer) would all help.
- Another participant asked how the adaptive management plan (AMP) suggested by the Ecosystem Workgroup is different then what was in place under CALFED. Mr. Siegel responded that increased monitoring efforts will allow scientists to test

hypothesis in the future as restoration projects move forward. If a positive trend in species recovery doesn't develop, the AMP needs the flexibility to quickly alter the restoration strategy.

- A follow up question was asked on how we can ensure that the AMP is supported by a future governance structure. Mr. Siegel commented that ideally, science would become an integral part of the governance structure.
- Mr. Van Loben Sels noted that before smelt and splittail populations began crashing in 2000, there was more water flowing through key parts of the Delta, and asked what this change can be attributed to. Mr. Siegel acknowledged that more work needs to be done in this arena, but that many factors including floodplain management could be the cause.
- Mr. Chappell raised the concern that the presentation suggested 50,000 acres of tidal wetlands be restored in Suisun Marsh. Mr. Siegel responded that the 50,000 acre target provides a number that considers the *entire* range of possibilities as opposed to what is available right now.
- Gay Bobker noted that Suisun Marsh is uniquely situated to adapt to sea level rise over time, and reinforced the idea that the 50,000 acre restoration target is what may be available over time, but not right now.
- Mr. Chappell commented that the Ecosystem Workgroup appears to be suggesting an entirely "fish-centric" approach to restoration, and noted that if this isn't the case, it should be more clearly described in the Ecosystem Workgroup documents.
- Ms. Coglianesi stressed the need to include local Delta interests in the Ecosystem Workgroup process, and noted that connectivity in agriculture is as important as connectivity for habitat purposes. Mr. Siegel acknowledged that future restoration projects will come against land management conflicts, and reiterated that the acreage targets show what should happen *in the long term*.
- Mr. Van Loben Sels stressed that restoration experiments must be adaptable, reversible, and take place on publicly owned lands first. Mr. Siegel responded that this is the strategy being adopted, and that where privately held land must be used; acquisition should always be based on the willing seller principle where possible.

Water Supply and Reliability

Greg Young, Tully & Young, delivered an overview of the Water Supply and Reliability Workgroup charge and process. Like the other groups, the Water Supply Workgroup held five meetings to discuss conceptual ideas around water supply.

One of the main themes the workgroup focused on was the idea of regional self sufficiency throughout the state. The workgroup acknowledged that this was an essential starting point, and straw proposals were developed by the staff based on this idea. Workgroup members also submitted their own strategies and performance measures. Both staff and individual ideas were presented to the Task Force several times.

Mr. Young then referred the group to the chart “Suggested Strategies and Tools for Water Supply for California.” Each strategy on the chart was linked to a specific recommendation in the Vision. A prioritized “A list” was also developed at the request of Phil Isenberg to show those projects that should be considered high priority. Mr. Young also noted that the workgroup did not focus on conveyance; that subject was deferred to DWR for development. Finally, he commented that the workgroup did develop performance measures, but stayed at a “high” level to avoid attributing specific numbers to each strategy. A finished package of materials will be sent to the Task Force by May 23rd.

Discussion:

- Susan Tatayon asked Mr. Young to elaborate on performance measure 3a (regarding the management of water diversions to meet federal Endangered Species Act goals). Mr. Young responded that this recommendation was essentially a revision of the CALFED performance measure Phase 1 Report. The main difference was the lack of a hard acre-feet target in the workgroup version.
- Mr. Bobker commented that the Water Supply Workgroup may wish to revise its statements on environmental water assets to incorporate the idea of a buffer similar to what the Ecosystem Workgroup did to avoid the assumption that once a particular standard is met, the work is done.
- Steve LaMar commented that strategy A2.2 in the chart appears similar to a bill in the Assembly sponsored by the Planning and Conservation League. He continued that requiring developers to mitigate for 20 years of water supply in addition to requiring all homes to be extremely water efficient seemed unfair. Mr. Young responded that the ideas submitted were not the product of consensus, and that the workgroup chose a number of diverse ideas to provide the Task Force with as many “tools” as possible. Mr. Buck agreed, and noted that trying to constrain the workgroup to those ideas that resulted in consensus would result in a very small number of options.
- Mr. Flinn asked how the workgroup recommendations coincide with existing water rights laws. Mr. Young responded that increasing staffing and funding for the State Water Resources Control Board would assist in enforcing current laws. He also reminded the group that the Vision is looking 100 years down the road, and water rights laws are liable to change over time.
- Mr. Flinn asked if the workgroup looked at current water violations in the South Delta when putting together its recommendations. Mr. Schuering followed up by asking if the workgroup addressed the issue that in-Delta water users are not currently required to report their diversions. Mr. Young responded that the workgroup did not look at specific violations or in-Delta diversion requirements. Mr. Buck responded that Delta diverters are currently the only group that doesn't have to report its diversions.
- Mr. Nelson asked if there was a timeframe for further refinement of the workgroup's recommendations. Mr. Young responded that the workgroup would not develop additional documents at this point, but would respond to Task Force information requests as needed.

- Mr. Nelson asked if recommendation B1.1 (regarding environmental water purchases) took into account that the original Environmental Water Account (EWA) was largely viewed as inadequate. Mr. Young responded that there were a number of lessons learned from the EWA that could assist in the development of a better water purchasing system to help meet the co-equal goals of the Vision. Mr. Rosencrans and Mr. Buck added that each recommendation was developed separately and merely part of the larger “tool box” for the Task Force to choose from. In fact, another recommendation suggests that there *shouldn't* be anything resembling an EWA.
- Ms. Gulart noted that given the Governor’s call to decrease water use by 20% by 2020, agricultural water conservation should be addressed in the workgroup’s recommendations. Mr. Young responded that DWR has interpreted the Governor’s directive to apply only to urban water users, but that the workgroup has thought about some ways for agriculture to conserve water.

Governance and Finance Work Group Update

Gwyn-Mohr Tully, Tully & Young, described the Governance and Finance Workgroup’s process in developing its recommendations to the Task Force. The initial Vision was “deconstructed” and looked at piece by piece, and then inserted the pieces into a charge for the workgroup.

The main issues identified in the charge were the structure of a Delta governance system, the potential governance function, and specific examples of how a governance structure might work. This structure was not intended to be something that would have authority over existing entities.

Three specific governance entities were suggested: a “co-equal goals entity” to support the goals of the Vision, a parcel-specific land use structure, and a conservancy entity. Informing all three entities would be existing state and federal agencies and a Delta science and engineering council (an outgrowth of the existing CALFED Science Panel). Working together, all three entities, state and federal interests, and the Delta science panel would help inform the development of a governance plan. This plan will be a fundamental starting point for the creation of a new governance structure for the Delta.

Mr. Cabaldon noted that there are a wide variety of interests that impact the Delta, but cannot necessarily be considered “Delta-specific” interests such as local schools and roads. Mr. Tully agreed, and noted that integrating different interests and other existing plans will be a major part of any new Delta governance structure.

One major concern that arose was that the suggested governance structure appears to suggest a Delta-wide general plan similar to what counties are already required to adopt, and that this may cause conflict in the future. Additionally, it was observed that there are a number of “non-plan” issues that local entities may still have a statutory obligation to address. Mr. Buck acknowledge this, and noted that the governance plan

will need to reconcile these issues over time, and may ultimately need to request legislative intervention.

Discussion:

- Mr. Flinn asked what the geographical boundaries for the governance plan would be. Mr. Tully responded that it would probably be the entire Delta watershed. The governance plan would be designed to govern the state *interests* in the watershed, but not the local entities within the watershed itself.
- Ms. Coglianesi asked whether local plans would be pre-empted by the Delta governance plan. Mr. Tully said that there is no desire to usurp specific plans from local governments.
- Mr. Flinn asked what is/what role the Coastal Zone Management Act (CZMA) is/would have in the Delta. Mr. Tully responded that it is a federal law requiring communities within the state to develop local coastal plans (LCP). The LCP must be approved by the California Coastal Commission, and after approval state and federal entities can't alter it. According to Mr. Tully, federal entities can currently overturn a local action in the Delta. By extending the CZMA into the Delta and requiring something akin to an LCP, there would be statutory restraints on federal actions.
- Mr. Van Loben Sels noted that at the beginning of the Delta Vision process, it was discovered that there were 216 governmental entities with some type of authority in the Delta. He then raised the concern that the Delta governance plan wouldn't eliminate this confusion, but rather add to it. Mr. Bourne responded that the idea behind the governance plan is to create an entity that can carry out the state interests on Delta specific issues, essentially creating a "one-stop shop" for all Delta related problems.

Mr. Tully then explained the parcel-specific land use entity. This entity would be constructed so that state and federal interests would funnel into a single point of contact to ensure consistency with all other land use actions. At the same time, it would leave as much decision making authority with local governments as possible.

Discussion:

- Mr. Mraz raised the question of state liability, and asked if the land use entity would take on the state's existing flood liability. Mr. Tully did not believe this would be the case.
- Ms. Gulart asked if a revised version of the DPC would be the new land use entity. Mr. Tully responded that it would be similar to the DPC, but with an expanded authority to address land use issues upstream/downstream that affect the Delta.
- Mr. Flinn commented that when referencing the land use entity, instead of saying "leave as much decision making authority as possible with local agencies," the workgroup should say "empower local entities with as much authority as possible."

- Mr. Zlotnick asked if the Task Force will need further detail on the idea of an expanded DPC before the Plan can be developed. Mr. Bourne responded that the Governance Workgroup will be further informed by the final products of the other workgroups. Additionally, he noted that the Task Force has specifically asked for *concepts* from the workgroups as opposed to fully developed plans.
- Mr. Cabaldon cautioned the workgroup and noted that the DPC as it currently exists is not equipped to deal with the issues a Delta land use entity would be required to address.

Mr. Tully then described the potential “conservancy entity.” This idea came directly out of the Delta vision. A number of examples of conservancies that could function in the Delta already exist, though this idea presupposes that purchased land will be needed to achieve the goals of the Plan. The Delta conservancy would be a state entity that could receive bond funding with a separate (but parallel) local land trust that would manage and own land itself.

Discussion:

- Mr. Van Loben Sels stressed that all existing Delta uses such as agriculture, recreation, and habitat are met in any easements purchased by the conservancy. Mr. Flinn echoed this point, and added that lands bought by the conservancy and managed by the land trust be enhanced to further support the agricultural and recreational economy of the Delta.

Mr. Tully then explained the “co-equal goals” entity. This entity would function as the coordinating governmental structure that ensures that decisions in the Delta support the goals of a healthy ecosystem and reliable water supply. Potential functions of the entity would include oversight of the governance plan, regulatory authority, appellate and conflict resolution authority, revenue creation, employ incentives, and coordinate scientific experimentation, monitoring, and assessment.

Discussion:

- Mr. Zlotnick asked what the relation of the co-equal goals entity would be to regulatory entities at the state level regarding the ecosystem. Mr. Tully responded that its authority would be somewhere between a singular authority in the Delta and a purely advisory committee with no authority (i.e., it would still be answerable to state agencies).
- Ms. Gulart asked if it would be a state agency or be a composite agency consisting of local, regional, and state representation. This detail has not be developed yet.
- Mr. Bourne noted that the Task Force has suggested two existing models: the California Energy Commission and the Bay Conservation Development Commission.

- Mr. Flinn noted that the ability to impose fees and levee taxes is a legislative function, not an administrative function. Mr. Tully agreed that this issue will need further development.
- Mr. Rosencrans noted that adaptability in the governance structure will be helpful as it continues to be developed. The Task Force should create its Plan based on an educated assumption of which agencies should be involved in the new governance structures. Specific recommendations could then be made to those agencies on how they should change to meet the demands of the new Delta governance structure.
- The comment was made that whatever new governance structure is created must have the political will and force to work directly with the administration and the state legislature.
- Mr. Buck noted that the workgroup was not suggesting that existing agencies are abolished, but rather fixed to increase their functionality in the Delta.
- Mr. Tully reminded the SCG that the Task Force is currently questioning existing agencies to determine where they succeed in the Delta and where there is more work to be done.
- Staff acknowledged that creating a *financing structure* for the new Delta governance entity will be a very difficult and require additional development.

Public Comment

Spreck Rosencrans, speaking as chairman of the board of Restore Hetch Hetchy urged both the Task Force and the SCG to consider the removal of O'Shaughnessy Dam on the Tuolumne River as part of the Delta Vision Strategic Plan. He noted that the Hetch Hetchy Reservoir is considered small by most standards, and the river could be reoperated to provide nearly the same amount of water to the Bay area as it does not without the dam.

Richard Meehan, Civil Engineer, Stanford University, asked that the SCG and the Task Force focus on sunny day levee failures such as Jones Tract with particular attention paid to the possible effects of the SWP/CVP pumps on water velocity and levee scour. He commented that water velocity is increased due to the pumps and exacerbates the amount of material scoured from the base of levees. He contended that ultimately, this could lead to total levee collapse, as in the case of the Jones Tract levee failure.

Discussion:

- Mr. Rosencrans asked if DRMS addresses any issues surround water velocity. Mr. Mraz responded that it is not discussed directly, but states that seepage is a natural result of hydraulic pressure through submerged/buried sand lenses. Mr. Mien. Added that the first draft of DRMS specifically said that scour issues are beyond the scope of the report.

Potential Meeting Schedule and Timeline

Mr. Bourne noted that an additional SCG meeting will be needed after the first draft of the Plan is released by the Task Force in June. An electronic survey will be send out to all of the SCG members over the next week to determine the best dates for a meeting. Mr. Buck noted that it could be beneficial to hold the meeting after the July Task Force meeting to provide enough time to thoroughly review the Plan.

Attendance:

- Rob Wainwright, Shea Homes
- Doug Obegi, Natural Resources Defense Council
- Steve Lamar, California Building Industry Association
- Gwyn-Mohr Tully, Tully & Young
- Brett Baker, Office of the Lt. Governor
- Mel Johnson, City of Sacramento
- Jonas Minton, Planning and Conservation League
- Chris Scheuring, California Farm Bureau
- Ray Suhlberg, US Bureau of Reclamation
- Julia McIver, Yolo County
- Terrie Mitchell, Suisun Resource Conservation District
- Linda Fiack, Delta Protection Commission
- Gary Bobker
- Stuart Siegel, Wetlands and Water Resources
- Melinda Terry, North Delta Water Agency
- Lorri Clamurro, California Department of Fish and Game
- Byron Buck
- Valerie Nera, California Chamber of Commerce
- Spreck Rosencrans, Environmental Defense
- Susan Tayaton, The Nature Conservancy
- Andy Moran, Delta Wetlands
- Randall Neudeck, Metropolitan Water District
- Bruce Gwynne, California Department of Conservation
- Joan Dym, Southern California Water Committee
- Brent Walthall, Kern County Water Agency
- Karen Keene, California State Association of Counties
- Greg Young, Tully & Young
- Richard Meehan, Stanford University
- Tom Flinn, San Joaquin County
- Topper Van Loben Sels, Delta Protection Commission
- John Beutler, California Sportfishing Protection Alliance
- Christopher Cabaldon, West Sacramento
- Trina Filan, UC Davis
- Ryan Brodderick, North Delta Water Agency
- Steven Chappell, Suisun Resource Conservation District
- Diane Ross-Leech, Pacific Gas and Electric
- Dave Mraz, California Department of Water Resources
- Ann Spaulding, City of Antioch
- Roberta Goulart, Contra Costa County
- Randy Fiorini, Turlock Irrigation District
- Greg Zlotnick, Santa Clara Valley Water District
- Kurt Schuparra, California Strategies
- Paul Gilbert, East Bay Municipal Utilities District
- Marci Coglianese