Delta Vision Stakeholder Coordination Group Meeting Survey Meeting #11, September 17, 2008

Hilton Arden West 2200 Harvard Street Sacramento, CA

Welcome and Introductions

Leo Winternitz, CALFED, welcomed the group to the final meeting of the Stakeholder Coordination Group. Greg Bourne, Center for Collaborative Policy, reviewed the agenda and noted that Secretary Chrisman would be attending.

Comments from Secretary Mike Chrisman, California Resources Agency

Secretary Chrisman, Resources Agency, thanked the Stakeholder Coordination Group (SCG) for all the work and commitment that has helped the Delta Vision effort. It has informed the Blue Ribbon Task Force work and the cabinet committee as well. The cabinet committee will be meeting in October and are beginning the effort of planning for two public workshops to listen to issues that still may need to be addressed. He encouraged the group to continue to stay engaged in that process.

One question from the group related to who makes up the Delta Vision cabinet committee. Secretary Chrisman explained that the Directors of the California EPA, Housing, Food and Agriculture, and the PUC are on the committee. He then finished by noting it has been an ambitious schedule and work continues to move forward toward completing the Governor's Executive Order.

There were some Roberts Island residents in the audience at the meeting with concerns over Delta Risk Management Study (DRMS) maps that appear to show Roberts Island being inundated for a potential San Joaquin flood bypass. These residents asked staff to explain how that could be included in the Strategic Plan. Director Kirlin explained that there are many different aspects to the Delta Vision process. DRMS is just one technical aspect and the current Task Force Strategic Plan draft does not appear to have adopted that particular recommendation. He referred the group to the DRMS staff for clarification.

Major Changes to the Draft Delta Vision Strategic Plan

John Kirlin, Delta Vision executive director, spoke about the fourth draft Strategic Plan. Volume 1 and 2 are currently organized around seven goals. There are three major changes. 1) Previous drafts seemed to slight traditional agricultural activities; therefore this draft has added traditional agriculture along with new activities such as transitional crops. 2) Another area is in the ecosystem area – it is a high priority area. There is less change among dual conveyance proposals, but there are some clarifications in the current draft. 3) Regarding governance, the discussion has been simplified, but the State Water Project (SWP) will not be split off from DWR as has been suggested. Language has been clarified that suggests the Delta Protection Commission (DPC) be enhanced with certain authorities, as well.

Questions, Answers and Comments about the Draft Strategic Plan:

Q. By not moving the water management stuff away from DWR it appears then this project is just a name change. The biggest failing of the CALFED program is not having authority over the implementing agencies. More needs to be done to deal with the management of moving, marketing and related aspects of Delta water.

A. The intent is not to take away control of the State Water Board. In the absence of the authorities of control over funding and other remedies, the changes would not be different than previous, but the current proposal includes more authority over these areas that should make it more successful.

Q. What about worries that local authorities are being stripped of their authority? Reform needs to be at the highest level.

A. The DPC would have authority over primary zone protection, which is a clear recommendation. But existing counties and governments should still be able to do business as usual. The new governance structure would also provide new tools to local governments, especially with a Natural Heritage designation.

Q. The Plan seems to blame problems on the local governments, but problems with levee deterioration, etc. can't be blamed on locals. There is not enough local knowledge that is included in the Strategic Plan.

A. It is not inconsequential that the new governance authority will do everything. The conservancy recommendation is to help provide a way for locals to participate more in the decisions in the Delta.

Comment: The current draft is too vague and makes people nervous. Therefore, the Task Force should specifically state what the powers are that the Council will have or not have. Director Kirlin agreed.

Q. How did we get from version two to this one? The ecosystem needs to be discussed as a whole and has been split into three areas instead of a coherent ecoystem. Stuart Siegal previously had the best description of ecosystem – where has it gone and who is making these types of changes?

Stuart Siegal responded that it has been a struggle taking input from various people as well as how to contextualize what is beneficial to the ecosystem. It has been challenging for staff to put these larger pieces together and sometimes the connections don't remain intact. The pieces are all still in this draft, but may not be as cohesively written. He added that to see the connectivity and flow of the recommendations, the ecosystem section could be strengthened.

Director Kirlin added that Stuart has been deeply involved in the writing of each draft. However, the Task Force did not want to go toward specifically naming protections. The directions of flow, etc will be acknowledged, however.

ACTION ITEM: Greg Bourne concluded that specific sections and comments that SCG members would like brought back into the draft Strategic Plan should be identified and given to staff for consideration.

General Strategic Plan Comments, specifically on Governance changes:

- Regarding governance and the DPC you need to streamline it to make it
 effective. This plan seems to do the opposite. Each of the five counties
 has the local expertise and their authority needs to be protected. If it is not
 broken, don't fix it.
- It appears that there is a lot less authority at the local level. But DWR has
 a different standard than the local governments for certain areas. What is
 not covered enough is the floodplain management legislation that was just
 passed. The climate change work, too, under the Regional Council of
 Governments should be included.
- The three-legged stool analogy is appropriate here. The Delta is equal to the two other co-equal goals, but not quite. This draft seems to put the ecosystem in first place (partly due to legislation and litigation), water will then need to adapt, but the uncertainty of the local communities is what is left out. How it gets worked out on the ground is uncertain. There are a lot of concerns around adaptive management since we don't know what the outcomes of our strategies will be. Delta communities will need to help with levee protection, but there doesn't seem to be a commitment on the part of the Council to protect those same levees.

 The appointed advisory committee recommendation, which would include representation from local governments, seems to have gotten lost in this draft. Director Kirlin noted that although the advisory committee wasn't included on the handout, it is included in the structure.

Continued Comments on the Draft Strategic Plan:

 Dual conveyance appears to have been promoted, while other options seem to have gotten lost. It appears as though there is a forgone conclusion, rather than a true collaborative plan. There is always talk about the Delta and the five counties, but in the plan, the watershed starts at Mt. Shasta and western Sierra Nevada. The Delta doesn't make the water; it gets there from the rivers that enter it from outside. Mr. Mulcahy then thanked the group for letting the Tribe participate in this process.

Secretary Chrisman noted that the process began when the Governor issued an Executive Order to do an independent assessment of issues related to the Delta. The committee will take all the comments from the Task Force plan, the SCG input and other public review into consideration. It is far from being wrapped up and ready to be delivered. They want to make recommendations that will stick. They are listening regardless of whether they agree or not, but the ultimate submittal of recommendations to the governor have yet to be made and continued input is still welcome.

• This fourth draft seems very different than the first two drafts. Rather than looking at refinements, it seems this draft has whole new sections. This draft doesn't seem reflect the work of the SCG, either. The fact that DWR will not be diversified is very troubling. Something revolutionary needs to be done and diversifying DWR would be that task. This draft seems business as usual.

Director Kirlin commented that staff works for the Task Force and they submitted specific outlines that reflect their needs. Yes, this draft is different, but it is a change that the Task Force wanted. It is ultimately their list of recommendations.

- The intensive schedule has a lot to do with pieces getting left out or parts left in that should be deleted. We need to do a better job of interaction between staff and the Task Force and maybe there are additional steps that can be taken after the October draft to ensure that it is a strong final product.
- DWR even feels that some restructuring could be done related to separating the CWP from the SWP. Including language that it will be explored would help alleviate the concerns of many people.
- Near term actions is something that should be included in the plan, but has not been populated yet.

It appears that things are rushed and ill considered (for example: CDEW).
 The groundwater reporting is a big change. The fragmentation problem seems to be part of the problem of Delta Vision, not the other way around. The legs of the stools are not equal. Financing and motivation seems to ask the stakeholders to give up more than they get back. This plan would only help the ecosystem marginally and hurt the economy more.

Specific Comments on the Seven Primary Goals of the Strategic Plan.

Goals 1 and 2:

- Generally the water community feels this version is much improved over version 3. References and justifications are appreciated. The approach on flow is much more objective. Concerns about governance are still shared among many.
- It was noted that on page 16, volume 1 there is slightly different wording on goals. Director Kirlin noted it probably was just an oversight that they will fix.
- Regarding the concept of a reliable water supply for California if the
 implication is that traditional water rights will be abandoned, there will be
 many problems with this Plan. Be clear about the intention.
- The DPC feels it is unanimous that the Delta also needs to be co-equal with the ecosystem and water supply.
- One of the improvements is increased talk of protection of the Delta. One thing that would help a great deal is if the document is clear about what the Delta will look like after protecting the ecosystem and water supply.
- Be sure this goal does not tie the hands of agriculture in the Delta.

Goal 3:

- Suisun marsh is called out while other areas aren't. The acreage listed in the
 draft is actually about half the land in Suisun marsh. The consequences of
 certain actions may be detrimental to others. Cross pollination and fact
 checking needs to happen to ensure more success.
- The language is better and clearer with regards to the State board. There is still some concern about flow language (increased outflow and no reverse flows during a specific timeframe), which should be more flexible. There may be periods where this is needed, but try not to make it appear it would be the entire time.
- A performance measure should be to encourage private ownership with benefits and compensation for communities.

- There should be an opportunity to tie floodplain management into levee management.
- The finance section is not heavy on details related to water quality and planning. The lack of a system of water quality planning should be addressed structurally and financially.

Goal 4:

- The strategies appear to be driving the policy rather than the other way around. Incentives versus requirements would be more useful.
- Clarify recommendation 4.2.
- Regarding recommendation 4.1.6, in some instances return flows are used by downstream users, so the next draft should elaborate on that. There should be a note that acknowledges these downstream water users since it is a unique situation in the Delta.
- On page 5 in the box, there seems to be a problem in the urban and agriculture sector. Page 17, the statement "seems inevitable and desirable" – should be restated. For recommendation 4.2, the goal for recycled water use of 1.5 million acre feet by 2020 might need to be reconsidered. There should be more realistic numbers. Although the statewide target is an improvement.

Goal 5:

- There are less building permits in the state this year since WWII. There will be minimal gains with conservation targets for new homes.
- Clarify the state interests on page 21, line 20.
- The bar graph is not accurate.
- Where did the 15% come from? It should be documented and referenced.
- Will DWR be responsible for 5.1.b? Clarify the intent of having DWR doing the Central Valley flood protection plan.
- On page 22, line 24-26 it should be explained that we all share the same quality of water.
- How much is there a linkage between efficiency and storage, when there are uncertainties? How does the state determine what their outcome would be if there is an unexpected gap with conveyance or storage or something else?

 On page 39, second bullet, please avoid the conclusion that state and federal government will do this. It misses the concept that local agencies should solve their own water problems and that the state should fund those programs. This paragraph should be rewritten.

Goal 6:

- Recommendation 6.1 seems to indicate there will be an evaluation and that is an incorrect assumption. The DRMS data is also wrong and should not be used. The PL-99 standard should be the standard for levees. The subventions program can help and can also improve habitat. We need to act now with Prop 84 and 1E to increase habitat in the Delta and improve the levees more so than this Strategic Plan.
- To reduce risks, the solution is not to move to the edge of the Delta. We need to go further upstream (pg 45, line 30 volume 2.)
- There should be some recognition that levees protect aquatic and terrestrial
 habitat but it is still insufficient. Also, the potential for on-island flood control is
 also not mentioned. In volume 2, page 43, there is an odd collection of
 actions that would devise an action plan for levees. There should be an effort
 that is driven by reclamation district engineers as to how to protect the Delta
 to the extent possible.
- Emergency preparedness is important, but there is no substitute for a good levee system. The plan incorrectly emphasizes the seismic risk since that is a worst-case scenario. Volume 1, page 15 – there is no appropriate linkage. There also seems to be confusion about timeline.
- For the near term actions, it should be noted that the priority is protecting life and property.
- There are some major disagreements about DRMS and other reports, so that should be noted before we draw conclusions. The same goes for a major facility such as a peripheral canal that would be built over weak and unstable soils. The current draft has little emphasis on protecting existing communities, and therefore should be updated with more emphasis on this aspect.
- Related to public safety, there are concerns about the Task Force recommending a sea level rise higher than is generally accepted. But if the level is in fact as high as it is, then adjustments will need to be made regarding policies and should be evaluated every 10 years or so.
- The schedule for adoption is being misinterpreted. On page 43, paragraph 8 –
 "repair and rest process, then waiting for the CDEW plan" is foolish and
 inconsistent.

- Page 46, volume 2, line 36. The town of Hood has been overlooked, so there
 may be others that are missing. Include the seven at-risk Delta communities
 including Hood and Thornton.
- Clarify how the dates were conceived.
- Volume 1, page 23, "housing should not be built." The plan should clarify that housing already can't be built due to reclamation standards.
- The collaborative process should not be just for DWR, but levee engineers and others (Recommendation 6.1.4)

Goal 7:

- Regarding recommendation 7.3, the fees on exporters seems to miss the
 point of conservation measure for fish because a facility would be making
 them pay twice. The PPIC report concluded there isn't extra money out there.
 What are the persuasive arguments? Market mechanisms may be the best
 way and this recommendation seems to dismiss them.
- Draft 3, page 75 Delta conservancy will be further removed from the ground, so a more informed program would be to add conservation easements at the DPC level.
- There isn't a clear picture of who is responsible for flood management and flood protection. Also there are problems with CDEW in that it isn't truly representative of the Delta and its people.
- It seems that CDEW is the judge and the jury. Smaller cities are disenfranchised in this process.
- Each city should have one vote and not be weighted. The two non-elected positions should be non-voting, ex-officio members.
- Water agencies are currently relying on that bond funding.
- Suisun seems to be ignored related to governance. Acknowledge concerns
 that success or failure in the marsh should be included with relation to levee
 maintenance.

Mr. Bourne finished up the discussion by explaining that all these comments will be presented to the Task Force. In addition, SCG representatives will present this information to the Task Force personally. Those representatives are: Debbie Davis, Gary Bobker, Joan Dym, Topper van Loben Sels, Arne Simonson, Mike McGowan, Tom Flinn, Greg Zlotnick, Byron Buck and Thad Bettner.

Public Comment:

Ragine Reynolds. She is a Roberts Island representative and spoke about concerns they have about the draft Strategic Plan including that they do not want to be moved off their land for a San Joaquin flood bypass. She commented that the process is fundamentally flawed. She also feels there is a link between the DRMS information (a map that represents Roberts Island being inundated) and Delta Vision.

Peter Owen suggested for Goal 3, establish new floodplains. Keep the Delta as it is rather than trying to change it. Four generations of landowners are not going to walk away.

Mike Robinson said the primary goals of restoring the ecosystem and a reliable water supply leave out that the migratory fish seem to be the only one in need of help. What is the number needed for reliable water supply? The goal 5 strategy appears to indicate that the lower San Joaquin river flood bypass would cover Roberts Island.

Elmer Muller owns a 110-year old family ranch. She thanked the group for participating. She said to step softly on the flood control issue where the natural bypasses exist. It will make some landowners unhappy, but it can be done.

George Brothers reminded the group about Louisiana. There was a will to rebuild and a plan of action. California seems to be manufacturing potential floods. The plan is flawed on many levels.

Next Steps:

It was noted that this meeting was the last official meeting of the Stakeholder Coordination Group; therefore certificates of appreciation to the members were passed out to those in attendance and will be mailed to those who were not able to attend.

Attendance: Lenora Clark, Linda Bendsen, Steve Lamar, Gary Bobker, Gil Cosio, Tom Zuckerman, Marci Coglianese, Bob Ferguson, Topper van Loben Sels, Susan Tatayon, Chris Cabaldon, Mike McGowan, Anson Moran, Thad Bettner, Rudy Rosen, Diane Ross-Leach, Debbie Davis, Kathryn Hardy, Gary Mulcahy, Roberta Goulart, Randall Neudeck, Arne Simonson, Steve Chappell, Randy Fiorini, Greg Gartrell, Byron Buck, Joan Dym, Greg Zlotnick, Tom Flinn, Valerie Nera, Barry Nelson and Justin Fredrickson