



May 26, 2021

Via email

The Honorable Nancy Skinner
Chair, California State Senate Budget and
Fiscal Review Committee
State Capitol Room 5019
Sacramento, CA 95814

The Honorable Phil Ting
Chair, California State Assembly Budget
Committee
State Capitol Room 6026
Sacramento, CA 95814

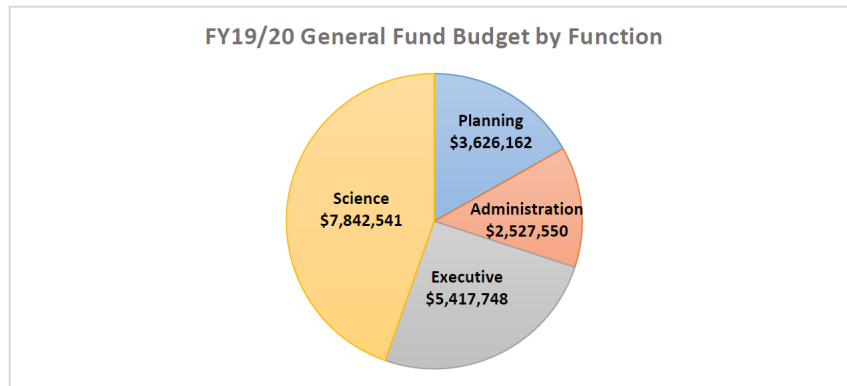
Re: FY 2020-21 appropriation to the Delta Stewardship Council has not been used as intended by the Legislature

Dear Chair Skinner and Chair Ting:

This letter is regarding appropriations made by the legislature for the Delta Independent Science Board, an independent board of the state of California. As detailed below, appropriations for FY 2020-21 have not been expended in support of the science board. We request that your committees ensure that the FY 2021-22 budget explicitly provides full support for the work of the Delta Independent Science Board through a line item or other means.

The Delta Independent Science Board (“Delta ISB”) was created by the legislature in the 2009 Sacramento-San Joaquin Delta Reform Act. This legislation was in many ways ahead of its time, providing for scientist-led adaptive management of the Sacramento-San Joaquin Delta. The legislation provides for a Delta science program, overseen by a lead scientist. To integrate independent peer review into the program, the Delta Reform Act established a “board in state government” of up to 10 “nationally or internationally prominent scientists with appropriate expertise to evaluate the broad range of scientific programs that support adaptive management of the Delta.” The legislature mandated that the board “provide oversight of the scientific research, monitoring, and assessment programs that support adaptive management of the Delta through periodic reviews of each of those programs,” as well as providing “independent science advice” to the Delta Stewardship Council (Wat. Code § 85280(a), § 85308(a).)

For the last decade, the legislature has appropriated funding for the Delta Science Program and the Delta ISB (Wat. Code § 85280) through the appropriation to the Delta Stewardship Council for all purposes of the Delta Reform Act (Wat. Code §§ 85000-85350.) The Council has developed a large science division, which had a budget of \$7.8 million in FY 2019-20 including \$3.1 million for salaries. Science division staff include one Deputy Executive Officer, one executive assistant, five managers, 12 scientists and one water rights engineer.



Delta Stewardship Council FY 2019-20 expenditures

Unlike any other state board, the Delta ISB was never provided with management or science staff who report directly to the board. Only a single environmental scientist has a majority of time assigned to support the Delta ISB. In FY 2019-20, only 10% of the Delta Stewardship Council’s budget, approximately \$800,000, was allocated for compensation for the Delta ISB members and the one staff scientist. As a result, the legislatively mandated oversight role of the Delta ISB has been limited.

The situation got disastrously worse after the Delta Stewardship Council had a reduction of \$647,000 in general fund support for Fiscal Year 2020-21.¹ Contracts which had funded individual Delta ISB members at professional scientific rates were abruptly discontinued and replaced by \$100 per diem exempt salary positions, reducing their compensation by over 90%. The change was done without authorization by the legislature. It crippled the work of the Delta ISB; members of the board are now paid *less than minimum wage* for a full day’s work.

Reports by the Delta ISB Chair at meetings show requests to hire senior staff were refused, as were requests to hire independent scientists through short-term contracts to assist with active reviews. As a result, the Delta ISB’s two active reviews have been significantly delayed.²

The Water Supply Reliability Review, which was started in 2018, is a major review and is essential to inform drought management decisions and investments. The Monitoring Enterprise Review, the largest review ever undertaken by the Delta ISB, was started in 2017. Both reviews should have been adequately funded during this past fiscal year, but were not.

In December 2020, the Delta ISB leadership sent a letter to the Governor and the legislative leadership requesting assistance in restoring adequate compensation for the board members. Five months have passed, but the Delta Stewardship Council has been unable to come up with a proposal to appropriately compensate the senior scientists on the board, or to provide it with appropriate staffing.

¹ The Delta Stewardship Council stopped publishing their Quarterly Budget Update in FY 2020-21.

² Excerpts from meeting transcripts available on request.

We respectfully request that:

- (1) The legislature mandate a detailed report from the Delta Stewardship Council on expenditures for FY 2020-21, including detail for administrative and planning expenses, for the Delta Science Program, for the Delta ISB, and any unexpended funds.
- (2) The legislature dedicate funding for the Delta ISB for FY 2021-22, through a line item appropriation under Water Code section 85280(a) or other means.

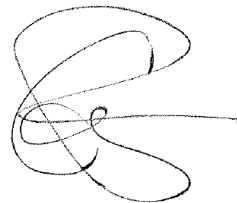
The work of the Delta ISB has never been more critical. The Sacramento-San Joaquin Delta is facing accelerating impacts from climate change. Taking these actions will ensure the Delta ISB has sufficient funding to fulfill its legislative mandate.

Thank you for your consideration of our request.

Sincerely,



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Honorable Toni G. Atkins, Senate President pro Tempore, California State Senate

Honorable Anthony Rendon, Speaker of the Assembly, California State Assembly

Alf Brandt, Senior Counsel, Office of Assembly Speaker Rendon

Honorable Bob Wieckowski, Chair, California State Senate Budget and Fiscal Review Committee, Subcommittee #2 on Resources, Environmental Protection and Energy

Honorable Richard Bloom, Chair, California State Assembly Committee on Budget, Subcommittee #3 on Climate Crisis, Resources, Energy, and Transportation

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Honorable Jared Blumenfeld, Secretary for Environmental Protection

Honorable Wade Crowfoot, Secretary, California Natural Resources Agency

Stephen Brandt, Chair, Delta Independent Science Board

Susan Tatayon, Chair, Delta Stewardship Council