



**DRAFT**

**SUMMARY SEPTEMBER 28, 2023  
DELTA STEWARDSHIP COUNCIL MEETING**

For review and adoption by the Council at the August 24, 2023, meeting.

All meeting materials, presentations, and comment letters are available at  
<https://deltacouncil.ca.gov/council-meetings>

**MEETING SUMMARY**

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**1. WELCOME AND INTRODUCTIONS**

Chair Virginia Madueño called the meeting to order at 9:03 AM on September 28, 2023, at the California Natural Resource Agency building at 715 P Street, Room 221 Sacramento, CA 95817.

**2. ROLL CALL – ESTABLISH A QUORUM (WATER CODE §85210.5)**

Roll call was taken, and a quorum was established. The following councilmembers were present: Burgis, Damrell, Hueso, Lee, Mehranian, Zingale, and Madueño.

**3. CLOSED SESSION: LITIGATION (WATER CODE §85210.5) (ACTION ITEM)**

**4. RECOVENE OPEN SESSION**

Chair Madueño reconvened the open session and stated there was nothing to report out of the closed session.

**5. PUBLIC COMMENT**

Chair Madueño asked for public comment.

There was no public comment.

**6. CONSENT CALENDAR (ACTION ITEM) (including Resolution 2023-06 and Resolution 2023-07)**

**a. Adoption of August 24, 2023, Meeting Summary**

- b. Consideration and Possible Approval of a Contract with the Regents of the University of California San Diego, California Sea Grant for the 2024 Class of Delta Science Fellows and 2024/2025 Classes of State Policy Fellows (Resolution 2023-06)**
- c. Lead Scientist Memorandum of Agreement (Resolution 2023-07)**

Chair Madueño presented the agenda item for adopting the consent calendar.

Chair Madueño asked for public comment.

There was no public comment.

**Motion** (approve the consent calendar): offered by Councilmember Mehranian, seconded by Councilmember Burgis.

**Vote:** 7/0 - The motion was adopted (Burgis: Aye, Damrell: Aye, Hueso: Aye, Lee: Aye, Mehranian: Aye, Zingale: Aye, Madueño: Aye)

The agenda item is viewable on the linked agenda at <https://bit.ly/48X9YK9> , minute 00:07:00.

## **7. CHAIR'S REPORT (INFORMATION ITEM)**

Chair Madueño acknowledged the end of Delta Plan litigation and thanked the attorneys involved for all their work. Chair Madueño followed with a summary of her attendance at a Tribal dinner she attended with Executive Officer Jessica Pearson. Chair Madueño highlighted California Native American Day which she attended with Council staff, acknowledging the opportunity to continue to build strategic partnerships with the Native American community. Chair Madueño followed with a summary of a meeting Council staff had with a New Zealand Delegation. Chair Madueño highlighted the Delta Conveyance tour she and several councilmembers attended (the tour was attended in two different groups on different days without a quorum present on either tour). Councilmember Mehranian, Councilmember Hueso, Councilmember Damrell, Councilmember Burgis, and Councilmember Lee discussed the educational value of the tour, the

magnitude of the project, and the importance of visiting the sites. Executive Officer Jessica Pearson shared perspective about the different iterations of this project and the Council's role in the oversight and protection of the Delta. Pearson highlighted the following website, <https://www.dcdca.org/>, where the public could learn more about what Councilmembers and staff saw on the tour. Councilmember Mehranian shared the importance of understanding the complexities of the project through each phase of development.

Chair Madueño continued with a summary of her virtual attendance at the Fresno State Water Forum where she got to hear from state leaders, the President of Fresno State University, and private sector leaders about agriculture and the impacts of the changing climate. Chair Madueño highlighted her attendance at the Delta Champions Dinner where former Councilmember Don Nottoli was recognized. Chair Madueño also shared about the opportunity she had to attend the Clarksburg School House Open House and the culture, rich history, and traditions of the Delta she learned about. Finally, Chair Madueño closed with a reflection on the United States Geological Survey hydrology tour she attended with Councilmember Mehranian and a delegation of Southern California representatives. Councilmember Mehranian reflected on the different agencies involved and the different perspectives and shared learning from Council staff and Southern California representatives. Chair Madueño closed thanking Council staff for all their help in coordinating this tour.

Chair Madueño asked for public comment.

There was no public comment.

The agenda item is viewable on the linked agenda at <https://bit.ly/48X9YK9>, minute 00:07:53.

## **8. EXECUTIVE OFFICER'S REPORT (INFORMATION ITEM)**

Executive Officer Jessica Pearson announced that the Council finalized the Delta Levees Investment Strategy, which will take effect January 1, 2023. The priorities set in these regulations are intended to reduce the likelihood and consequences of

levee failures. These new regulations will require the Department of Water Resources (DWR) to submit an annual report to the Council; the first of these reports is scheduled before the end of this year. Pearson thanked Council staff for all their work on these regulations. Next, Pearson highlighted the Council's Delta Plan Performance Measures Guidebook was updated and now available. The Guidebook includes information on new and updated ecosystem performance measures adopted by the Council and can be found on the Council's website under the performance measures tab here: <https://viewperformance.deltacouncil.ca.gov/>. Pearson reported that the 30-day review period for the Central Valley Flood Protection Plan Covered Action Certification expired on August 31 without appeal.

Pearson next reported on the two comment letters sent out this month. The Council sent a letter to DWR regarding the Notice of Preparation of an EIR for the Long-Term Operations of the State Water Project facilities in the Delta. The Council's letter stated the project may meet the definition of a covered action and invited DWR to meet with the Council in early consultation to discuss the project and mitigation measures to promote consistency with the Delta Plan. The Council also sent a letter to the Yuba County Water Agency regarding the Notice of Preparation for an EIR for the Extension of the Lower Yuba River Accord Water Transfer Program, the letter outlined that this project appears to meet the definition of a covered action and outlined recommendations as well as invited Yuba Water to engage in early consultation.

Pearson next announced that Miranda Tilcock joined the Delta Science Program's Science Communications unit.

Pearson also reviewed the Outreach Highlights Report and Active Projects List before passing the item to Chief Counsel Jorge Aguilar.

**a. Legal Update**

Chief Counsel Jorge Aguilar introduced the new legal extern, Rebecca Wilson.

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

Legislative and Policy Advisor Brandon Chapin began with an update on the Bagley-Keene Open Meeting Act and outlined the implications of SB

544 for future Council meetings; this bill will go into effect in January. Chapin mentioned that there will be more information on this bill in the future. Councilmember Lee and Chapin discussed that this bill has been signed by the Governor and will go into effect in January. Chapin next covered AB 345 passed by the legislature and focused on lowering the barrier for restoration projects and flood protection. This bill is awaiting signature. Chapin closed with a review of SB 586 relating to flood management, which did not make it off the floor for this session; in January, the legislature will have a chance to take action on it.

Chair Madueño asked for public comment.

There was no public comment.

The item is viewable on the linked agenda at <https://bit.ly/48X9YK9>, minute 00:29:21

## **9. LEAD SCIENTIST REPORT (INFORMATION ITEM)**

Dr. Laurel Larsen began with her monthly article highlight:

*Wesley A. Heim, David Bosworth, Carol DiGiorgio, Mark Stephenson, Gary Gill, Effects of vegetation on methylmercury concentrations and loads in a mercury contaminated floodplain, Science of The Total Environment, Volume 901, 2023, 165864, ISSN 0048-9697, <https://doi.org/10.1016/j.scitotenv.2023.165864>.*

Larsen summarized the main points of the article using a visual aid. This article explored Mercury from legacy gold and mercury mines in the Delta's watershed and the microbial processes that break down organic matter in sediments that modify elemental mercury into methylmercury, which is bioavailable (i.e., readily taken up by organisms) and increasingly concentrated at upper levels of the food web. The Central Valley Regional Water Quality Control Board is required to adopt a Total Maximum Daily Load (TMDL) for mercury as part of its Basin Plan Amendment. The TMDL allocates required reductions in methylmercury to major sources, with a phased, adaptive management approach that allows regulated entities to conduct studies to determine the feasibility of load reductions. In the spotlighted study,

funded by DWR, the research team from San Jose State University, DWR, and Pacific Northwest National Laboratory, conducted controlled laboratory and field experiments to evaluate whether decaying vegetation was responsible for the Yolo Bypass' high methylmercury contributions. To test their hypothesis, the researchers excavated large blocks of intact sod-containing sediment and put them into outdoor containers (called mesocosms) that were co-located at a DWR laboratory facility adjacent to the Yolo Bypass, where they could all experience identical light and meteorological conditions. Replicate mesocosms were collected from grazed and ungrazed pasture within the Yolo Bypass, as well as grazed pasture in which the soil had had been disked (i.e., mechanically turned over). The experiments revealed that the vegetated pastures (both grazed and ungrazed) produced significantly higher amounts of methylmercury than the disked pastures.

In a second set of laboratory experiments, the research team tried to better understand the relationship between vegetation and methylmercury production and isolate contributions from vegetation versus sediment. They incubated homogenized sediment with and without varying amounts of dried grass and compared the findings to a control incubation with water only and one with vegetation only. They found that there was a clear increase in methylmercury production as the amount of vegetation increased, and the combination of sediment (i.e., the primary source of the microbes) and vegetation produced the highest amounts of methylmercury. These results highlight one of the challenging tradeoffs involved in managing a complex system like the Yolo Bypass. A path forward may be to conduct field experiments that evaluate whether partial vegetation load reduction may produce an acceptable balance between benefits for food webs and fish as well as water quality.

Councilmember Hueso and Dr. Larsen discussed mercury as a legacy problem that cannot be removed from the sediment. Chair Madueño and Dr. Larsen discussed the mercury levels around Stockton and the effect on Environmental Justice communities. Councilmember Hueso and Dr. Larsen discussed the effects of mercury levels in fish. Councilmember Mehranian and Dr. Larsen discussed where Mercury is concentrated geographically and how the regional water boards regulate Mercury levels. Councilmember Burgis mentioned the historical presence of

Mercury in East Contra Costa County in Mt. Diablo and the complicated process of cleaning up Mercury contamination. Councilmember Burgis, Councilmember Mehranian, Chair Madueño and Dr. Larsen discussed the need more for research on areas of concentrated Mercury and the challenge it presents for water quality, and the challenges for Tribal communities.

Dr. Larsen highlighted a survey launched by the Delta Science Program to connect researchers and the community affected by the research as part of the next round of solicitations for research projects that implement the Delta Science Action Agenda. Dr. Larsen reported on the public meetings held September 12-14 for a peer review of the US Bureau of Reclamation's Water Temperature Modeling Platform. This is the second of two peer reviews on this topic; the previous midterm review occurred in July 2022. The public meeting featured two days of presentations by Reclamation staff on the modeling platform's design and development, followed by a third day in which the initial findings from the peer review panel were presented. The panel members will provide comments to improve the process of developing and implementing water temperature modeling tools and a framework for the CVP. A final report of the panel's review will be available in early November.

Councilmember Burgis and Dr. Larsen discussed saltwater intrusion happening around the nation and how California is addressing those challenges.

Dr. Larsen closed with a brief discussion on the "By the Numbers" report.

Chair Madueño asked for public comment.

*Public Comment*

*Lawrence Abbott, a founder of the City of Lathrop, shared future plans for an expanded bypass in Paradise Cut, similar to the Yolo bypass but smaller in scale, and shared concerns about flooding in the coming months due to the reservoirs and levee levels.*

Dr. Larsen shared that engineers at DWR are thinking through these scenarios for the upcoming water year and how the Delta Science Program is promoting the best

available science for municipalities and the public to have more information on scenario planning. Chair Madueño thanked Abbott for his public comment and shared the importance of the local perspective on these key issues.

The item is viewable on the linked agenda at <https://bit.ly/48X9YK9>, minute 00:43:16.

#### **10. WATERMASTER UPDATE (INFORMATION ITEM)**

Chair Madueño introduced the Delta Watermaster, Jay Ziegler. Ziegler thanked the Chair and provided a presentation on the Delta Drought Response Pilot Program, 2022-23 Water Reporting, and the next steps in science collaboration relating to the Delta.

Following the presentation, Chair Madueño offered thanks for the presentation and provided comment on Ziegler's seamless transition into the Delta Watermaster position following his predecessor.

Chair Madueño asked for public comment.

There was no public comment.

The item is viewable on the linked agenda at <https://bit.ly/48X9YK9>, minute 01:14:48.

#### **11. NATIONAL HERITAGE AREA MANAGEMENT PLAN UPDATE (INFORMATION ITEM)**

Deputy Executive Officer for Planning and Performance Jeff Henderson provided background on the National Heritage Area (NHA) and introduced the Program Manager for the Sacramento-San Joaquin Delta National Heritage Area, Blake Roberts.

Roberts thanked Henderson and provided a presentation on the NHA. Roberts covered topics on NHA boundaries, responsibilities of local coordinating entities, management plan outreach, interpretive themes, key outcomes of the NHA and



management plan, Council involvement opportunities, management plan schedules, and completed and current NHA projects and work.

Following the presentation, Councilmember Zingale and Roberts discussed the presentation's interpretive themes and the importance of tribal inclusion and creating a space where water (water quality and restoration) is a primary focus in NHA work.

Councilmember Mehranian and Roberts discussed outreach strategies (state and local), the Draft Management Plan's reach, and community messaging.

Councilmember Lee and Roberts discussed modeling of the Delta NHA including other examples and future project focuses.

Councilmember Burgis and Roberts discussed how the Delta Protection Commission got involved in the NHA initiative, clarification of origin, and the importance of partnerships.

Chair Madueño and Roberts (including a small clarification offered by Burgis) discussed the internal structure of the advisory committee (geographical diversity), the inclusion of a tribal member/representative on the committee, outsourcing funding from a non-restricted source and plans to expand the boundary of the NHA in the future.

Councilmember Hueso and Roberts discussed the history of native people in the Delta, the economic and geographical significance of the region, and the importance of switching conventions that the country was primarily founded on the East Coast and how the Delta NHA, and future Western NHA's, could help to provide perspective regarding the importance of the region.

Chair Madueño asked for public comment.

There was no public comment.

The item is viewable on the linked agenda at <https://bit.ly/48X9YK9>, minute 01:29:30.

## **12. DELTA INDEPENDENT SCIENCE BOARD (ISB) UPDATE (INFORMATION ITEM)**

Delta Lead Scientist, Dr. Laurel Larsen introduced Delta Independent Science Board (Delta ISB) member Dr. Tom Holzer. Dr. Holzer provided an update on the Delta ISB's active reviews: managing subsided lands in the Sacramento-San Joaquin Delta, exploring scientific and management implications of upper tropic level interactions in Delta food webs, and science-supporting decision-making under deep uncertainty.

After the presentation, Chair Madueño and Dr. Holzer discussed upcoming workshops and workshop goals in terms of the intended audience and expected numbers. Chair Madueño expressed appreciation for the Delta ISB's scientific support and guidance.

Councilmember Mehranian and Burgis provided commentary on adding Biogeochemistry to their lexicon. Councilmember Burgis highlighted that the Delta ISB operates in all facets of time (past, present, and future).

Chair Madueño asked for public comment.

There was no public comment.

The item is viewable on the linked agenda at <https://bit.ly/48X9YK9>, minute 02:39:13.

## **13. PREPARATION FOR THE NEXT COUNCIL MEETING**

The next Council meeting will take place on October 26 and 27. Please refer to the posted meeting notice 10 days before the meeting for further information or updates.

The meeting was adjourned at 1:43 p.m.

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