



DRAFT

For Review and Adoption by the Council at the March 26, 2020 Meeting

DELTA STEWARDSHIP COUNCIL

Thursday, February 27, 2020

Park Tower

980 9th Street, 2nd Floor

Sacramento, CA 95814

MEETING SUMMARY

1. Welcome and Introductions

Chair Tatayon called the meeting to order at 9:03 AM, February 27, 2020.

2. Roll Call – Establish a Quorum (Water Code §85210.5)

Roll call was taken, and a quorum was established. The following councilmembers were present: Mike Gatto, Ken Weinberg, Frank Damrell, Maria Mehranian, Susan Tatayon, and Oscar Villegas.

Councilmember Randy Fiorini was absent.

3. Closed Executive Session: Litigation (Not Open to the Public) (Action Item)

The Closed Executive Session was canceled.

4. Reconvene Open Session

The Closed Executive Session was canceled.

5. Adoption of January 23, 2020 Meeting Summary (Action Item)

There were no changes to the meeting summary.

Motion: Offered by Mehranian, second by Gatto - Approve the January 23, 2020 meeting summary.

Vote: 6/0 – Weinberg, Gatto, Damrell, Mehranian, Tatayon, and Villegas. The motion was adopted.

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

The motion and vote are viewable on the linked agenda at: <https://cal-span.org/unipage/?site=cal-span&owner=DSC&date=2020-02-27> minute 00:01:08.

6. Chair's Report (Information Item)

Chair Tatayon began her report by announcing the upcoming March 2 meeting of the Delta Plan Interagency Implementation Committee. The Committee will discuss ecosystem-based management, focusing on the attributes and benefits of ecosystem-based management and potential or existing barriers to implementing ecosystem-based management. The meeting will also cover the urgent need to address invasive aquatic weeds and a presentation of the final report by the Social Science Task Force.

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The Chair's Report is viewable on the linked agenda at <https://cal-span.org/unipage/?site=cal-span&owner=DSC&date=2020-02-27> minute 00:01:33.

7. Executive Officer's Report (Information Item)

Executive Officer Jessica Pearson reviewed the purpose and history of the Delta Levees Investment Strategy (DLIS). She then explained how the elevation data used in the DLIS decision support tool needs to be updated with new data now available, noting that this information impacts the tool's risk maps. As a result, she said staff will be recommending that the Council withdraw its proposed rulemaking from the Office of Administrative Law and update the DLIS decision support tool to incorporate new elevation data. Staff will return in March with a plan for how to move forward.

Ms. Pearson stated that the Council sent two comment letters about active projects during the past month:

- Department of Water Resources regarding its Draft Environmental Impact Report for the Lookout Slough Tidal Habitat Restoration and Flood Improvement Project.
- Metropolitan Transportation Commission regarding its Proposed New Priority Development, Production, and Conservation Area Designations for Plan Bay Area 2050.

Ms. Pearson informed the Council that the public comment period for the certification of consistency for the Three Creeks Parkway Restoration Project ended on February 24, with no appeals.

Ms. Pearson announced three new employees: Office Technician Julia Schmitz, Retired Annuitant Anna Abelada, and 2020 Sea Grant Fellow for Planning Molly Williams.

She also announced that Delta Lead Scientist interviews are underway with candidates Dr. Jay Lund, Dr. Denise Reed, Dr. Lisamarie Windham-Myers, and Dr. Laurel Larsen.

Lastly, Ms. Pearson stated that councilmembers would find the Highlights Report and Active Projects List in their binders.

Staff and councilmembers discussed the recruitment process for the new Delta Lead Scientist.

7a. Legal Update (Information Item)

Chief Counsel Bethany Pane introduced Legal Intern Dan Cacciatore, who provided an update on recent litigation filed by the State of California against the federal government in the Northern District of California (*California Natural Resources Agency, et al., v. Ross, et al.*, 2020 WL 868110 (N.D.Cal.) 3:20-cv-01299). The complaint alleges the Biological Opinions prepared by those federal agencies, which allow increased water diversions from the Sacramento-San Joaquin River Delta, violate the Administrative Procedure Act and the National Environmental Policy Act by failing to provide the public with a meaningful opportunity to comment on the proposed action and potential impacts resulting from the Biological Opinions.

Cacciatore also provided an update on a second litigation matter (*Pac. Coast Fed'n of Fishermen's Assns., et al. v. Ross, et al.*, 3:19-CV-07897) also challenging the validity of the federal Biological Opinions. Two Central Valley water agencies, San Luis & Delta Mendota Water Authority and the Westlands Water District, were allowed to join the case to defend the Biological Opinions. The judge will hear arguments for that motion on March 26.

7b. Legislative Update (Action Item)

Legislative and Policy Advisor Ryan Stanbra reviewed the status of the following bills:

- AB 2518: Regarding voluntary stream restoration landowner liability. This bill would exempt a landowner, who voluntarily allows land to be used for a project to restore fish and wildlife habitat, from civil liability for property damage or personal injury resulting from the project, if the project is funded by the state or federal government.
- SB 996: Regarding the State Water Resources Control Board's Constituents of Emerging Concern. This bill would require the State Water Board to establish and maintain an ongoing Constituents of Emerging Concern Program to support and conduct research to develop information and provide recommendations on constituents of emerging concern in drinking water that may pose a risk to the public health.
- SB 1101: Regarding the Water and Climate Science Advisory Board. This bill would require the Department of Water Resources (DWR) to convene a Water and Climate Science Advisory Board.
- SB 1188: Regarding the California Water Plan. This bill would require DWR to include a discussion of various strategies for increasing regional water resilience in the update to the California Water Plan.

- SB 1258: Regarding the California Climate Technology and Infrastructure Financing Act. This bill would establish a Climate Catalyst Revolving Fund. The fund will provide financial assistance to eligible climate catalyst projects.
- SB 1328: Regarding the California Climate Change Assessment. This bill would require the Governor's Office of Planning and Research to develop a California Climate Change Assessment in coordination with the Natural Resources Agency, the State Energy Resources Conservation and Development Commission, and the Strategic Growth Council.

No action was taken during this agenda item.

7c. Approval of an Amendment to Interagency Agreement with the California Department of Water Resources to Support Information Technology Services (Action Item)

Ms. Pearson presented a summary of the amendment to the interagency agreement with DWR for Information Technology services. Under the current Agreement, the DWR Data Center provides information technology services that include supplying network infrastructure, server maintenance, and storage. The amendment to the interagency agreement is necessary to add services for the continued remediation of Council documents and websites per state law for accessibility, for conversion of the Council's website to improve content management capabilities for Council staff, and for the planning, configuration, and deployment of online collaboration software to improve the efficiency of internal document management by staff.

Motion: Offered by Weinberg, second by Gatto – Approve the amendment to add funding of up to \$216,000 to an existing Agreement with DWR to support information technology services. The current agreement runs from July 7, 2017, to June 30, 2020, and the amendment will increase the total cost of the Agreement from \$495,000 to \$711,000.

Vote: 6/0 – Weinberg, Gatto, Damrell, Mehranian, Tatayon, and Villegas. The motion was adopted.

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The Executive Officer's Report is viewable on the linked agenda at: <https://cal-span.org/unipage/?site=cal-span&owner=DSC&date=2020-02-27> minute 00:03:36.

8. Lead Scientist's Report (Information Item)

Delta Lead Scientist Dr. John Callaway discussed an article from *San Francisco Estuary and Watershed Science* on contaminant research in the Bay-Delta, reviewed updates from the publication *Estuary Pearls*, summarized the National Council for Science and the Environment Conference and eDNA Symposium, highlighted upcoming events, and provided the By the Numbers Report. Dr. Callaway also acknowledged Senior

Environmental Scientist Eva Bush for her efforts in improving Council access to journal articles. Lastly, he provided an update on the Delta Independent Science Board member recruitment, the development of the Social Science Task Force (SSTF) final report, and the UC San Diego California Sea Grant Extension Social Science Specialist recruitment.

Regarding the SSTF final report, Councilmember Villegas asked if staff could provide an update to the Council regarding their completed term efforts and the efforts that remain outstanding.

Regarding the article from *San Francisco Estuary and Watershed Science* on contaminant research in the Bay-Delta, councilmembers and staff discussed ways the new contaminant research can be used to benefit the Delta, providing additional resources to continue development of similar research, and details on how contaminants are identified and the effects they have on the Delta.

During the Lead Scientist's Report, Councilmember Weinberg provided a map depicting potable water reuse projects in California.

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The Lead Scientist's Report is viewable on the linked agenda at <https://cal-span.org/unipage/?site=cal-span&owner=DSC&date=2020-02-27> minute 00:30:30.

9. Review of the Public Draft of the Council's Public Participation Plan (Information Item)

Ms. Pearson introduced Meeting Services and Special Projects Manager Brandon Chapin, who provided an overview of the Draft Public Participation Plan, the feedback received from the public, and the proposed next steps.

The Council discussed how to clarify what the Council does, the development of an informational video that explains the nature of the Council's work, providing clear information about where the public can be involved, who the Council's public audience is, and how the Council can provide information to the public on how feedback is used.

10. Delta Conveyance Update (Information Item)

Ms. Pearson introduced Department of Water Resources (DWR) Environmental Program Manager Carrie Buckman and Delta Conveyance Design and Construction Authority (DCDCA) Executive Director Kathryn Mallon to provide an update on stakeholder engagement and environmental documents such as the Notice of Preparation relating to Delta conveyance.

Buckman provided an overview of the environmental review process and the details of the Notice of Preparation (NOP). Buckman said DWR is now taking public comments on the NOP.

Mallon presented information on DCDCA's Stakeholder Engagement Committee (SEC) and the Committee's guiding principles and framework. Mallon also provided details on the SEC meeting materials, topics of discussion and concern for the Committee, and how DCDCA keeps track of key concerns.

Councilmembers and the presenters discussed examples of the types of questions DCDCA receives. Mallon explained that they have not received a lot of questions regarding the project's methodology because thus far much of the information provided has been site drawings. DCDCA will be giving the SEC members a map book and expects to receive more comments.

Councilmembers and the presenters also discussed details of the guiding documents and the CEQA/NOP process.

Councilmember Villegas asked the panel to provide an update at the March meeting on the types of feedback received from the public and provide details on how the public's comments are being used in the project.

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The Delta Conveyance Update is viewable on the linked agenda at <https://cal-span.org/unipage/?site=cal-span&owner=DSC&date=2020-02-27> minute 01:42:14.

11. Public Comment

There was one public comment regarding the Delta Conveyance Project from Matt Conover, representing Reclamation District 1002 and John McCormack Ranches. Conover pointed out various places on a map of the Delta that could be impacted by the Delta Conveyance Project and summarized previous conveyance and levee projects in the Delta. They urged DWR to incorporate the various comments from the local communities in these surrounding areas to prevent any more damage to the area.

The public comment is viewable on the linked agenda at <https://cal-span.org/unipage/?site=cal-span&owner=DSC&date=2020-02-27> minute 02:23:45.

12. Preparation for Next Council Meeting

The next Council meeting is March 26, 2020 at the Jean Harvie Center, 14273 River Road, in Walnut Grove, CA. The meeting adjourned at 12:00 pm. *Since the Governor's Executive order N-25-20 issued March 12, 2020, the meeting location has changed. See current Meeting Notice for details.*

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