



**DRAFT**

*For Review and Adoption by the Council at the February 27, 2020 Meeting*

DELTA STEWARDSHIP COUNCIL  
Thursday, January 23, 2020  
Tsakopoulos Library Galleria  
828 I Street  
Sacramento, CA 95814

**MEETING SUMMARY**

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**1. Welcome and Introductions**

Chair Tatayon called the meeting to order at 9:00 AM, January 23, 2020.

Chair Tatayon adjourned the Council into Closed Executive Session.

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

**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, Maria Mehranian, Randy Fiorini, Susan Tatayon, and Oscar Villegas.

Councilmember Frank Damrell arrived after the quorum was established.

**4. Reconvene Open Session**

Open session reconvened at 10:30 AM. Chair Tatayon stated that there was nothing to report from the Closed Executive Session.

**5. Roll Call – Re-Establish a Quorum (Water Code §85210.5)**

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

**6. Adoption of December 19, 2019 Meeting Summary (Action Item)**

There were no changes to the meeting summary.

**Motion:** Offered by Mehranian, second by Gatto - Approve the December 19, 2019 meeting summary.

**Vote:** 7/0 – Damrell, Weinberg, Gatto, Mehranian, Fiorini, 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=2020-01-23> minute 00:02:14.

## 7. Chair's Report (Information Item)

Chair Tatayon began her report by announcing the release of the Draft Water Resilience Portfolio by the California Natural Resources Agency, California Environmental Protection Agency, and California Department of Food and Agriculture on January 3. She concluded her report by sharing her participation in a webinar facilitated by Eric Kuhn and John Fleck based on their new book *Science Be Dammed: How Ignoring Inconvenient Science Drained the Colorado River*. Chair Tatayon stressed the importance of following scientific knowledge when making decisions about the environment and public wellbeing.

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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=2020-01-23> minute 00:02:44.

## 8. Executive Officer's Report (Information Item)

Executive Officer Jessica Pearson began her report by announcing that the public comment period for the Delta Plan's Ecosystem Amendment ended on January 21. The Council received at least a dozen comments. Staff will initiate the California Environmental Quality Act (CEQA) process after consideration of the comments received.

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

- Yolo County Department of Community Services regarding their Yolo County Cannabis Land Use Ordinance Draft Environmental Impact Report.
- Department of Water Resources regarding their Draft Environmental Impact Report for the Long-Term Operation of the California State Water Project.

Ms. Pearson informed the Council that the public comment period for the Lower Marsh Creek Stream Corridor Restoration Program certification of consistency ended on December 30, with no appeals.

Lastly, Ms. Pearson announced two new employees: Senior Environmental Scientist Lynn Takata and Legal Intern Dan Cacciatore. Chief Counsel Bethany Pane then invited Dan Cacciatore up to provide the legal update.

### 8a. Legal Update (Information Item)

Dan Cacciatore provided an update on the County of San Joaquin v. Metropolitan Water District of Southern California, 2016 WL 7857016, court case. This case was originally presented to the Council in 2016. The County of San Joaquin argued that the Metropolitan Water District's (MWD) purchase of land was not exempt from CEQA and asked the courts to require an Environmental Impact Report (EIR) to analyze the impacts of the land purchase and proposed use of the property. The first trial court denied the injunction due to the purchase not being connected to any development plans. The second and final decision concluded that the sale was exempt under CEQA. On appeal, the 3rd District Court of Appeals found in the

County of San Joaquin v. Metropolitan Water District of Southern California, 2019 WL 7290544, that nothing in the record commits the use of the land in a particular way and affirmed the trial court's decision on December 30, 2019.

**8b. Legislative Update (Action Item)**

Legislative and Policy Advisor Ryan Stanbra announced the release of Governor Newsom's annual budget, noting that it emphasizes climate vulnerability and includes an augmentation for the Council to add five new positions relating to climate change, early consultation, administrative support, and research.

No action was taken during this agenda item.

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**8c, 8d, and 8e. Outreach Highlights Report, Active Projects List, and Contract and Budget Update (Information Item)**

Councilmembers received these reports in their binders.

Regarding the Active Projects list, Councilmember Weinberg asked that staff highlight changes to the table.

Regarding the Contracts and Budget Update, Councilmember Weinberg asked that staff in future reports sort the table by the total amount of the contracts.

**8f. Approval of an Amendment to a Contract with the University of California, San Diego/California Sea Grant to Revise the Scope of Work to Include Recruitment Activities for a U.C. Extension Specialist (Action Item)**

Ms. Pearson provided a short description of the contract amendment. The amendment would add recruitment for a UC Extension Specialist to the contract's scope of work. Once hired, the Specialist would work to address the Social Science Task Force's recommendations for enhancing the capacity for social science work to further the mission of the Council and the Delta Science Program.

Councilmembers asked for clarity on the change in scope of work, specifically how the Science Program planned to cover the salary for the new position. Dr. Callaway clarified that the new position would be under a different contract while this contract amendment solely covers the recruitment of the position.

**Motion:** Offered by Weinberg, second by Damrell - Authorize the Executive Officer to amend an existing contract with UC San Diego (#5298, for 2017 – 2020 Sea Grant Delta Science and Policy Fellows) to include, in its scope, Sea Grant recruitment activities for a UC Extension Specialist.

**Vote:** 7/0 – Damrell, Weinberg, Gatto, Mehranian, Fiorini, Tatayon, and Villegas. The motion was adopted.

**8g. 2019 Accomplishments and Proposed 2020 Work Plan (Information Item)**

Ms. Pearson invited Chief Deputy Executive Officer Jessica Law, Deputy Executive Officer for Planning Jeff Henderson, and Deputy Executive Officer for Science Louise Conrad to present on the agenda item. Ms. Law began by introducing the 2019 Annual Report. She then reviewed the priorities from the 2019 Council Retreat and the Council's 2020-2021 Priorities schedule.

Councilmembers and staff discussed the science needs assessment workshop and its desired outcome. Councilmember Villegas encouraged staff to collaborate with partner agencies to complete the priorities.

The Council received one public comment during the item:

- Osha Meserve, North Delta Water Agencies: Ms. Meserve shared that there seems to be disconnect between the Council and the Delta communities regarding the social implications of the Council's work. She stressed the need to interact with the local community and is encouraged by efforts being made through the Council's Sea Grant contract amendment attempt to address this disconnect.

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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=2020-01-23> minute 00:06:04.

**10. Lead Scientist's Report (Information Item)**

Due to scheduling constraints, the Delta Lead Scientist's Report was heard after the Executive Officer's Report.

Delta Lead Scientist Dr. John Callaway provided his report, which included an article from *Nature: Scientific Reports* on the life history of Delta smelt, an article from *Fisheries* on hatchery salmon releases, announcements and upcoming events, and the By the Numbers Report.

Dr. Callaway introduced Environmental Scientist Rachael Klopfenstein to present on the efforts of the Social Science Task Force (Task Force). She highlighted the members of the Task Force and summarized the findings of the draft report. The next steps for the Task Force include an open comment period until January 31 for the draft report, and the final report anticipated for March.

Councilmembers and staff discussed outreach for the Task Force effort.

Additional information is available on the Council's website at: <https://deltacouncil.ca.gov/delta-science-program/delta-social-science-task-force>.

Regarding the *Nature: Scientific Reports* article on the life history of Delta smelt, councilmembers and staff discussed how restoration efforts for Delta smelt are adapted for differing conditions.

Regarding the article from *Fisheries* on hatchery salmon releases, Councilmembers and staff discussed the Delta Plan's recommendation for salmon population control (wild and hatchery) and how the Delta Plan Ecosystem Amendment would include findings from this article.

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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=2020-01-23> minute 00:57:00.

**9. Bay Conservation and Development Commission's East Contra Costa Adapting to Rising Tides Project (Information Item)**

Assistant Planning Director Harriet Ross introduced the following Council staff members and guest panelists from the Bay Conservation and Development Commission (BCDC):

**Staff:**

Ronald Melcer, Program Manager  
Kaylee Griffith, Environmental Scientist

**BCDC:**

Jessica Fain, Planning Program Director  
Dana Brechwald, Adapting to Rising Tides Program Manager  
Samantha Cohen, Environmental Scientist and Project Manager

Mr. Melcer provided the Council with an overview of the discussion topics. Staff and BCDC reviewed BCDC's authority and the Memorandum of Understanding with the Council, presented the findings from the East Contra Costa County Adapting to Rising Tides (ART) Project, and discussed the Council's involvement in the project.

Dana Brechwald provided the Council with a description of the ART program's history, and Samantha Cohen described the regional project's process, flood risks, and potential adaptation solutions.

Ms. Griffith summarized how the Council will model their disadvantaged communities and environmental justice efforts for the Council's Climate Change Vulnerability and Adaptation Strategy from BCDC's efforts.

Councilmembers and staff discussed the Coastal Zone Management Act authority, developing an implementation plan for the Eastern Contra Costa ART Project, and the use of micro-grids.

The Council received one public comment on the item:

- Osha Meserve, North Delta Water Agencies: Ms. Meserve asked that the Council integrate the ART Program's modeling into the Ecosystem Amendment currently under development.

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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=2020-01-23> minute 01:26:50

**11. Public Comment**

There was no additional public comments.

**12. Preparation for Next Council Meeting**

The next Council meeting is February 27, 2020 at Park Tower, 980 Ninth Street, in Sacramento CA. The meeting adjourned at 1:45 pm.

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