



**DRAFT**

**SUMMARY: MARCH 25, 2021  
DELTA STEWARDSHIP COUNCIL MEETING**

For review and adoption by the Council at the April 22, 2021 meeting.

In accordance with the Governor's Executive Order N-25-20 issued on March 12, 2020, and the Governor's Executive Order N-29-20 issued on March 17, 2020, the meeting's proceedings were conducted entirely remotely.

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 Susan Tatayon called the meeting to order at 9:00 AM, March 25, 2021.

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

Roll call was taken, and a quorum was established. The following Councilmembers were present: Maria Mehranian, Don Nottoli, Christy Smith, Susan Tatayon, and Daniel Zingale.

Frank Damrell was absent.

**3. CLOSED EXECUTIVE SESSION: LITIGATION (NOT OPEN TO THE PUBLIC)  
(ACTION ITEM)**

Chair Tatayon announced there was nothing to report from the Closed Session.

**4. RECONVENE OPEN SESSION**

**5. ROLL CALL – RE-ESTABLISH A QUORUM (WATER CODE §85210.5)**

Roll call was taken after Closed Session, and a quorum was re-established. The following Councilmembers were present: Maria Mehranian, Don Nottoli, Christy Smith, Susan Tatayon, and Daniel Zingale.

Frank Damrell was absent.

**6. CONSENT CALENDAR (ACTION ITEM)**

- 6a. *Adoption of February 25, 2021 Meeting Summary*
- 6b. *Approval of an Amendment to a Contract with California State University, East Bay*
- 6c. *Approval of an Amendment to a Contract with Michigan State University*
- 6d. *Approval of an Amendment to a Contract with San Francisco State University*
- 6e. *Approval of an Amendment to a Contract with University of California, Merced*
- 6f. *Approval of an Amendment to a Contract with the United States Geological Survey (Chinook Salmon Study)*
- 6g. *Approval of an Amendment to a Contract with the United States Geological Survey (Sediment Study)*

**Motion:** Offered by Mehranian, second by Smith – Approve the Consent Calendar.

**Vote:** 5/0 – Mehranian, Nottoli, Smith, Tatayon, Zingale aye. The motion was adopted.

The item is viewable on the linked agenda at <https://cal-span.org/unipage/?site=cal-span&owner=DSC&date=2021-03-25> minute 04:33.

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

- 7a. *Delta Plan Interagency Implementation Committee Meeting Recap*

Chair Tatayon introduced Special Assistant for Planning and Science Amanda Bohl to provide a recap of the March 15, 2021, Delta Plan Interagency Implementation Committee (DPIIC) meeting. Bohl highlighted the meeting's agenda and takeaways, including a discussion on nature-based climate adaptation and how it can link to activities already undertaken by DPIIC agencies and Council initiatives (e.g., Delta Adapts and the Delta Landscape Scenario Planning Tool). In addition, Dr. Stephen Brandt and Dr. Jay Lund presented a progress report on the Science Needs Assessment. DPIIC member agencies will be providing staff to a task force to finalize the effort, expected by the July DPIIC meeting.

*Public Comment*

Dr. Tom Williams, Sierra Club Water Committee, expressed concern regarding the Delta Conveyance Project and requested information and source data for flow diversions, especially during drought conditions and impending climate change.

Council staff committed to providing Dr. Williams with follow-up information.

The Chair's Report is viewable on the linked agenda at <https://cal-span.org/unipage/?site=cal-span&owner=DSC&date=2021-03-25> minute 5:47.

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

Pearson reminded the public that the Council's physical office is closed. However, Council staff is working remotely to support physical distancing efforts. The public should contact [hello@deltacouncil.ca.gov](mailto:hello@deltacouncil.ca.gov) to be directed to the appropriate staff person for assistance. Additionally, the Council has changed its public meeting format to be fully remote in the interest of public health safety standards.

The Council sent one letter during the past month:

- San Joaquin County: Proposed amendments to their County Development Title on Agricultural Mitigation

There are three certifications of consistency that recently underwent public review but had no appeals filed:

- Central Valley Flood Protection Board - American River Common Features, Sacramento River Erosion Contract 1: River Mile 55.2 Left Bank Protection Project. The public review period ended on March 1, 2021.
- Department of Water Resources (DWR) - Bradmoor Island and Arnold Slough Tidal Habitat Restoration Project. The public review period ended on March 3, 2021.
- Brannan-Andrus Levee Maintenance District - Sacramento River Erosion Control and Habitat Enhancement Project. The public review period ended on March 10, 2021.

Pearson stated that the public review period for DWR's certification of consistency for the Lookout Slough Tidal Habitat Restoration and Flood Improvement Project (Lookout Slough Project) ended on March 24, 2021. Four appeals were filed. Council staff are reviewing the appeals and will now move forward with the covered action appeals process. The Council's statutory deadline to set a hearing is within 60 days of the appeal's filing. The Council then has 60 days after the hearing to issue a determination. Scheduled hearing dates are forthcoming and will be noticed through the Council's website and listserv.

Pearson announced that Bethany Pane had left the Council to accept a new position as an Administrative Law Judge with the California Unemployment Insurance Appeals Board. Vera Bezdicsek will serve as acting chief counsel. Avery Livengood has been promoted to environmental program manager I to lead the

Regulatory Review unit in the Planning Division. Jennica Moffat joins the Delta Science Program's Science-Based Adaptive Management Unit as their 2021 Sea Grant Fellow.

Pearson noted that the Outreach Highlights Report and Active Projects List were available in the Councilmember's packets and on the Council's website.

The Executive Officer's Report is viewable on the linked agenda at <https://cal-span.org/unipage/?site=cal-span&owner=DSC&date=2021-03-25> minute 11:27.

*6a. Legal Update (Information Item)*

Bezdicek provided details on the ex parte communication restriction for the Lookout Slough Project certification of consistency appeals process. The restriction is a requirement of California's Administrative Procedure Act and the Council's Appeals Procedures. It prohibits any communication, direct or indirect, regarding any issue in the proceeding to the Council or Councilmembers from an employee or representative of an agency that is a party, or from an interested person outside the agency, without notice and opportunity for all parties to participate in the communication.

Councilmembers and staff cannot and should not communicate about or discuss the Lookout Slough Project or the Council's appeal proceeding with any person outside of the Council. The only exception is communications regarding the administrative or procedural status of the proceedings. The Council has established an email address to receive those types of communications: [LookoutSloughCert@deltacouncil.ca.gov](mailto:LookoutSloughCert@deltacouncil.ca.gov).

Bezdicek strongly recommended that Councilmembers excuse themselves immediately from any conversations where Lookout Slough and/or the Council's appeals proceedings become a topic of discussion. Bezdicek provided guidance that if any Councilmember receives a request from someone other than a Council employee to discuss the Lookout Slough Project, to decline that request and make Pearson and Bezdicek aware so that it can be handled appropriately.

Any ex parte communications will be shared with the parties via the Council's listserv and posted to the Council's Lookout Slough Project website.

The Legal Update is viewable on the linked agenda at <https://cal-span.org/unipage/?site=cal-span&owner=DSC&date=2021-03-25> minute 19:21.

*6b. Legislative Update (Action Item)*

The Legislative Update was provided to the Council in writing.

**9. LEAD SCIENTIST'S REPORT (INFORMATION ITEM)**

Lead Scientist Dr. Laurel Larsen presented the findings from the article "A Later Onset of the Rainy Season in California." Dr. Larsen recapped the recent Steelhead Workshop and announced updates for the upcoming 11<sup>th</sup> Biennial Bay-Delta Science Conference and proposal solicitation notice. Dr. Larsen also provided the By the Numbers Report and announced the forthcoming Lead Scientist virtual officer hours on Instagram.

Councilmembers and Dr. Larsen discussed the article's findings and the prevalence of shorter and sharper precipitation seasons, and whether the various state water agencies were aware of its results. The relationship between salmon and steelhead trout in the Delta was also discussed. The Councilmembers welcomed Dr. Larsen's intent to hold virtual office hours.

*Public Comment*

Dr. Tom Williams, Sierra Club Water Committee, expressed concern regarding the impact of climate change on California species. Dr. Williams requested the precipitation data used for the research in the article, as well as Delta seismic and LIDAR data.

Dr. Larsen informed Dr. Williams that the research datasets are publicly available and can be found at a link within the article.

The agenda item is viewable on the linked agenda at <https://cal-span.org/unipage/?site=cal-span&owner=DSC&date=2021-03-25> minute 24:02.

**10. 2022 CENTRAL VALLEY FLOOD PROTECTION PLAN UPDATE (INFORMATION ITEM)**

Senior Engineer Erin Mullin provided an overview of the relationship and coordination between the Delta Plan and the Central Valley Flood Protection Plan (Flood Plan). Mullin introduced Department of Water Resources Chief of Systemwide Multibenefit Initiatives Branch Mary Jimenez, and Central Valley Flood Protection Board Program Manager Ruth Darling.

Darling provided an overview of the Flood Plan's goals, relationship with other planning documents, and the update process. Jimenez briefed the Council on the development and engagement process for Regional Flood Management Plans, the

Conservation Strategy update process, and the timetable for submitting a certification of consistency with the Delta Plan.

*Public Comment*

Dr. Tom Williams, Sierra Club Water Committee, expressed concern regarding the availability of flood flows and the Delta Conveyance Project's impact on flood flows and water rights.

The agenda item is viewable on the linked agenda at <https://cal-span.org/unipage/?site=cal-span&owner=DSC&date=2021-03-25> minute 1:00:48.

**11. RECREATION AND TOURISM CHAPTER 2020 UPDATE TO THE ECONOMIC SUSTAINABILITY PLAN FOR THE SACRAMENTO-SAN JOAQUIN DELTA (INFORMATION ITEM)**

Pearson introduced Deputy Executive Officer for Planning and Performance Jeff Henderson. Henderson provided details on the connection between the Delta Plan and the Delta Protection Commission's (Commission) Economic Sustainability Plan (ESP).

Henderson introduced Commission Executive Director Erik Vink. The Commission has completed the 2020 update to the Recreation and Tourism Chapter of the 2012 ESP to incorporate the best available current data and update recommendations regarding visitation, economic activity, and emerging Sacramento-San Joaquin Delta recreation and tourism trends.

Vink briefed the Council on the updated data in the ESP update related to agriculture, recreation, population, and economic activity. Vink also provided details on the ESP update's recommended actions and the next steps for the ESP's implementation.

Councilmembers and Vink discussed ways for the Council and Commission to partner on the ESP update's recommendations, the causes of the decrease in direct spending in the Delta, and the reduction in marinas in the Delta.

The agenda item is viewable on the linked agenda at <https://cal-span.org/unipage/?site=cal-span&owner=DSC&date=2021-03-25> minute 1:28:03.

**12. PUBLIC COMMENT**

Dr. Tom Williams, Sierra Club Water Committee, reiterated his request for flood flow and seismic data for the Delta. Dr. Williams also expressed concern with the placement of the general public comment at the end of the agenda and requested that it be moved to the beginning of the meeting.

**13. PREPARATION FOR NEXT COUNCIL MEETING**

The next Council meeting is on April 22, 2021, via teleconference.

The meeting adjourned at 11:36 AM.

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