



DRAFT

**SUMMARY: MARCH 24, 2022
DELTA STEWARDSHIP COUNCIL MEETING**

For review and adoption by the Council at the April 28, 2022, meeting.

In accordance with Assembly Bill 361 (Government Code §11133) and the Governor's Executive Order N-1-22, 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

1. WELCOME AND INTRODUCTIONS

Vice-chair Virginia Madueño called the meeting to order at 9:00 AM, March 24, 2022.

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

Roll call was taken, and a quorum was established. The following councilmembers were present: Frank Damrell, Julie Lee, Virginia Madueño, Maria Mehranian, Don Nottoli, Christy Smith, and Daniel Zingale.

3. CLOSED SESSION

The Council may discuss litigation matters pursuant to Government Code §11126 (e)(2)(A), (e)(2)(B)(i), and/or (e)(2)(C)(i), including: (a) Delta Stewardship Council Cases, Coordinated Proceeding JCCP No. 4758; (b) North Coast Rivers Alliance, et al. v. Delta Stewardship Council, Sacramento County Superior Ct. No. 34-2018-80002898; and (c) Takahashi v. Delta Stewardship Council, Sacramento County Superior Ct. No. 34-2018-00232084.

(This closed session is authorized under Government Code section 11126, subdivision (e).)

The Council adjourned for closed session at 9:06 am.

4. RECONVENE OPEN SESSION

Vice-chair Virginia Madueño re-convened the meeting at 10:00 AM and announced that there was nothing to report from the closed session.

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

Roll call was taken, and a quorum was re-established. The following councilmembers were present: Frank Damrell, Julie Lee, Virginia Madueño, Maria Mehranian, Don Nottoli, and Christy Smith.

Daniel Zingale joined during item 6.

6. CONSENT CALENDAR

Motion: (approve the consent calendar) Offered by Mehranian, second by Smith.

Vote: 7/0 - The motion was adopted (Damrell: Aye, Lee: Aye, Madueño: Aye, Mehranian: Aye, Nottoli: Aye, Smith: Aye, Zingale: Aye).

The motion and vote are viewable on the linked agenda at <https://cal-span.org/unipage/?site=cal-span&owner=DSC&date=2022-03-24> minute 24:11

7. PUBLIC COMMENT (INFORMATION ITEM)

No public comment.

8. PUBLIC HEARING REGARDING APPEALS OF THE REVISED CERTIFICATION OF CONSISTENCY NUMBER C202110 FOR THE LOOKOUT SLOUGH TIDAL HABITAT RESTORATION AND FLOOD IMPROVEMENT PROJECT AND CONSIDERATION AND POSSIBLE DISMISSAL OF ISSUES ON APPEAL (ACTION ITEM)

The Council held a public hearing regarding two appeals of the revised certification of consistency with the Delta Plan (Certification Number C202110) for the Lookout Slough Tidal Habitat Restoration and Flood Improvement Project, submitted on December 30, 2021, by the Department of Water Resources (Department) to address the Council's findings in its Determination dated July 16, 2021, for Certification Number C20215. After the presentations and public comments on the appeals, the Council considered dismissing issues on appeal. A link to the hearing notice can be found here:

<https://coveredactions.deltacouncil.ca.gov/services/download.ashx?u=659cb80a-0140-4aba-8355-8711734ddf0f> .

Vice-chair Madueño and Councilmembers Frank Damrell, Julie Lee, Maria Mehranian, Don Nottoli, Christy Smith, and Daniel Zingale were present for the hearing.

The Council's legal advisor Vera Bezdicek provided details on the ex parte communication restriction for the Lookout Slough Project certification of consistency appeals process. Councilmembers and staff were reminded that they 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. The restriction is a requirement of California's Administrative Procedure Act and the Council's Appeals Procedures.

The order of the presentations went as follows:

- i. Opening of hearing and explanation of the process by the Vice-chair.*
- ii. Presentation by the Delta Stewardship Council*
- iii. Presentation Solano County Water Agency*
- iv. Presentation Liberty Island Access*
- v. Presentation Department of Water Resources (DWR)*

The appellants were represented as follows: Solano County Water District (Lilliana Selke) and Liberty Island Access (Taylor Dahlke). DWR was represented by: Rachel Taylor, Charlotte Biggs, and Kris Tjernell.

The complete transcript of the hearing proceedings, along with all supporting documents, can be found here:

<https://coveredactions.deltacouncil.ca.gov/services/download.ashx?u=e3b30973-4d6e-42e4-b565-e0c0bf0bc73f>

Public comment:

Public comment was received from the following individuals: Daniel Armstrong, Bruce Herbold, Jacob Katz, John Brennan, John McManus, John Vasquez, Daniel Leue, Mitch Mashburn, Ted Sommer, Bryan Busch, Marc Hanson, Jesse Farver, and Eli Ransdell.

Councilmembers and staff asked questions of the parties at the conclusion of the public comment period.

Councilmember Zingale raised concerns regarding the possibility some members of the public may have been missed during the earlier public comment period. The Council discussed scenarios to accommodate more public comment. Councilmember Zingale suggested that public comment be reopened after the lunch break.

Motion (reopen public comment): Offered by Lee, second by Smith.

Vote: 7/0 - The motion was adopted (Damrell: Aye, Lee: Aye, Madueño: Aye, Mehranian: Aye, Nottoli: Aye, Smith: Aye, Zingale: Aye).

Council reopened the public comment.

Public comment:

Brian Riley, Bobby (no last name given), and Daniel Armstrong gave public comment.

Councilmembers, Council staff, DWR, and the appellants continued discussion of the issues brought up during the parties' presentations.

Motion (approve staff recommendation denying appeals): Offered by Mehranian, second by Smith.

After a discussion of the proposed motion between the Council and staff, Councilmember Mehranian withdrew her motion, in agreement with Councilmember Smith.

New Motion (approve staff recommendations as presented and read by Vice-Chair Madueño, adopting Dismissal of Issues on Appeal of the Certification of Consistency by the California Department of Water Resources for the Lookout Slough Tidal Habitat Restoration and Flood Improvement Project (Certification Number C202110) and directing staff on next steps): - Offered by Mehranian, second by Smith.

Vote: 7/0 - The motion was adopted (Damrell: Aye, Lee: Aye, Madueño: Aye, Mehranian: Aye, Nottoli: Aye, Smith: Aye, Zingale: Aye).

The motion and vote are viewable on the linked agenda at <https://cal-span.org/unipage/?site=cal-span&owner=DSC&date=2022-03-24> minute 04:17:28.

The complete transcript of the hearing proceedings, along with all supporting documents, can be found here:

https://coveredactions.deltacouncil.ca.gov/profile_summary.aspx?c=ba3c59bf-e359-49f7-b866-60fa781325d0

9. CHAIR'S REPORT (INFORMATION ITEM)

Amanda Bohl, Special Assistant for Planning and Science, gave a Delta Plan Interagency Implementation Committee (DPIIC) Restoration Subcommittee update and a preview for the March 28, 2022, DPIIC meeting.

Bohl and Vice-chair Madueño thanked Councilmember Nottoli for stepping in to chair the upcoming DPIIC meeting.

The item is viewable on the linked agenda at <https://cal-span.org/unipage/?site=cal-span&owner=DSC&date=2022-03-24> minute 04:22:48.

10. EXECUTIVE OFFICER'S REPORT (INFORMATION ITEM)

Executive Officer Jessica Pearson announced that the West Sacramento Area Flood Control Agency certification of consistency for their Yolo Bypass East Levee Project received no appeals and can now proceed with implementation.

Pearson reviewed the comment letter sent by Council staff to Reclamation District #756 regarding the Draft Initial Study and Mitigated Negative Declaration for the Bouldin Island Levee Reclamation Project. The letter states that the project appears to meet the definition of a covered action, outlines relevant Delta Plan policies, and encourages the District to meet with the Council in early consultation.

Pearson announced Eva Bush's promotion to Environmental Program Manager in the Planning and Performance Division's Regulatory Review Unit and the hire of Stephen Elser to the Delta Science Program's Adaptive Management unit. Annie Merritt is also rejoining the Council as an Environmental Scientist within the Planning and Performance Division, after having previously been an Americorps Civicspark Climate Fellow at the Council.

The Outreach Highlights Report and the Active Projects List were provided to the Council in writing.

6a. *Legal Update (Information Item)*

There was no legal update.

6b. *Legislative Update (Information Item)*

There was no legislative update.

The Executive Officer's Report is viewable on the linked agenda at <https://cal-span.org/unipage/?site=cal-span&owner=DSC&date=2022-03-24> minute 04:30:51.

11. CONSIDERATION OF AND POSSIBLE DELEGATION OF AUTHORITY TO APPROVE MINISTERIAL AMENDMENTS FOR AGREEMENTS AND INCREASE OF DELEGATED AUTHORITY TO AWARD AND EXECUTE AGREEMENTS (**ACTION ITEM**)

Executive Officer Pearson provided an overview of the request for the Council to consider delegating authority to the Executive Officer to approve amendments for ministerial changes for all agreements and increasing the current delegated amount for the Executive Officer to award and execute agreements from \$500,000 up to \$750,000.

Motion (approve Resolution 2022-02#): Offered by Zingale, second by Damrell.

Vote: 7/0 - The motion was adopted (Damrell: Aye, Lee: Aye, Madueño: Aye, Mehranian: Aye, Nottoli: Aye, Smith: Aye, Zingale: Aye).

The motion and vote are viewable on the linked agenda at <https://cal-span.org/unipage/?site=cal-span&owner=DSC&date=2022-03-24> minute 04:36:22.

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

Due to time constraints resulting from the hearing on appeals of the Certification of Consistency No. C202110 for the Lookout Slough Tidal Habitat Restoration and Flood Improvement Project, the Lead Scientist Report focused only on Delta Science Program activities and upcoming events.

Delta Lead Scientist Dr. Laurel Larsen announced that the final Science Action Agenda is scheduled to be released on Earth Day (April 22, 2022) and will be presented for possible endorsement by the Council at the April 28, 2022 meeting.

Adapting Restoration for a Changing Climate, a two-day symposium that explored the short- and long-term climate change considerations of current restoration projects in the San Francisco Bay-Delta and elsewhere, took place on February 2-3, 2022. A full report-out of this event, including links to symposium talks and presentations, is available here: <https://www.youtube.com/watch?v=4lCJPdqzuBg>

Dr. Larsen gave an overview of the previous Delta Lead Scientist Ask Me Anything presentation that focused on the Delta Science Tracker. Archives of all sessions are available for viewing on the Council's Instagram page (@deltastewardshipcouncil).

The Delta Science Tracker is an online tool to organize and communicate information about science activities in the Delta. Products and outputs related to

each project, such as reports, publications, and links to project data, are also available on each activity page. The Council has been working with ESSA and other external partners to design and create the platform, which is currently in the final stage of development and testing. A full public launch is anticipated for late spring 2022.

The Delta Science Program is hosting a three-part brown bag webinar series on Delta governance. The series will foster discussion of the complex and multi-faceted governance of the Sacramento-San Joaquin Delta. The second webinar will take place on April 13, 2022, focusing on collaborative governance. Attendance is free with registration

(https://us06web.zoom.us/webinar/register/WN_6v65ZvSPR6SqOPa6QjAlmA).

The Interagency Ecological Program (IEP) Workshop took place on March 22-24, 2022. This year's planning committee emphasized early-career scientists and managers within our community. The 2022 IEP Workshop program can be found on the IEP website: <https://iep.ca.gov/Public-Engagement/Annual-IEP-Workshop>. The public may also sign up for future email workshop announcements at this site.

The Delta Science Program and California Sea Grant released a request for applications for the 2022 class of Delta Science Fellows at the end of January 2022. All applicants needed to submit a Notice of Intent by February 28th, and full applications are due April 20, 2022. Awards will be announced in June, and fellows will begin work in August/September 2022. The informational website for the fellowship and application materials can be accessed at <https://caseagrant.ucsd.edu/fellowships/delta-science-fellowship>.

The Delta Science Program is planning a Modeling Summit for late summer 2022. The summit aims to bring together members of the Delta science and modeling community to discuss the vision and identify the next steps toward the development of a modeling "collaboratory" for the Delta, a term used to describe a virtual center that facilitates the use, reproducibility, and transparency of models for planning and prediction of future conditions in the Delta. The expected outcomes of the summit include a refined plan to guide the development of the collaboratory and the identification of opportunities to create a proposal with which to pursue additional funding through competitive solicitations.

The Delta Science Program will be hosting the first part of a two-part workshop on Salinity Management Actions on April 26-27, 2022. The second workshop will occur in fall 2022, tentatively scheduled for October 11-12, 2022. This event will be held

virtually, and registration is free and open to the public. Information on how to register will be provided in a future report.

Dr. Larsen reviewed the By the Numbers report.

Councilmember Mehranian left the meeting during the Lead Scientist's Report.

The agenda item is viewable on the linked agenda at <https://cal-span.org/unipage/?site=cal-span&owner=DSC&date=2022-03-24> minute 4:39:40.

13. APPOINTMENT OF MEMBERS TO THE DELTA INDEPENDENT SCIENCE BOARD
(ACTION ITEM)

Dr. Larsen outlined the process for selecting new Delta Independent Science Board (Delta ISB) members and presented her recommendations for the appointment of members to the Delta ISB: Dr. Jayantha Obeysekera, Dr. Anna Michalak, and Dr. Inge Werner. The Council commended the qualifications of the nominees.

Motion: Offered by Damrell, second by Lee – Approve the appointment of Dr. Jayantha Obeysekera, Dr. Anna Michalak, and Dr. Inge Werner to the Delta Independent Science Board.

Vote: 6/0 - The motion was adopted (Damrell: Aye, Lee: Aye, Madueño: Aye, Nottoli: Aye, Smith: Aye, Zingale: Aye).

The motion and vote are viewable on the linked agenda at <https://cal-span.org/unipage/?site=cal-span&owner=DSC&date=2022-03-24> minute 5:05:48.

14. PREPARATION FOR THE NEXT COUNCIL MEETING

The next Council meeting is on April 28, 2022, in the California Natural Resources Agency Headquarters Building at 715 P St, Sacramento, CA, 95814. The meeting will also be available to access remotely via Zoom.

The meeting adjourned at 3:21 pm.

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