



DRAFT

**SUMMARY DECEMBER 14, 2023
DELTA STEWARDSHIP COUNCIL MEETING**

For review and adoption by the Council at the January 25, meeting.

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

MEETING SUMMARY

1. WELCOME AND INTRODUCTIONS

Chair Virginia Madueño called the meeting to order at 9:30 AM on December 14, 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. PUBLIC COMMENT

There was no public comment.

4. CONSENT CALENDAR (ACTION ITEM)

a. Adoption of November 16, 2023, Meeting Summary

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 Hueso, 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 <http://bit.ly/47HorYK>, minute 00:02:12.

5. CHAIR'S REPORT (INFORMATION ITEM)

Chair Madueño began with a review of her attendance at the Association of California Water Agencies conference with Executive Officer Jessica Pearson and Special Assistant to Planning and Science, Amanda Bohl. Chair Madueño next shared her opportunity to attend the graduation ceremony for Water Education for Latino Leaders and her participation in the Collaborative Science and Adaptive Management Program policy meeting. Chair Madueño closed by sharing a slide show highlighting the Council's 2023 activities.

Chair Madueño asked for public comment.

There was no public comment.

The agenda item is viewable on the linked agenda at <http://bit.ly/47HorYK>, minute 00:02:57.

6. EXECUTIVE OFFICER'S REPORT (INFORMATION ITEM)

Executive Officer Jessica Pearson began with a review of one new Covered Action Certification of Consistency with the Delta Plan filed by Sacramento County for an addition to the existing Stone Lakes National Wildlife Refuge. The addition would restore and enhance freshwater emergent seasonal wetlands and valley foothill riparian communities for wildlife benefits and diversity in a 453-acre area. The public review period for potential appeals is open through January 1, 2024. Pearson reported that the Department of Water Resources (DWR) released its final

Environmental Impact Report for the Delta Conveyance Project, more information can be found on DWR's website.

Pearson also noted that the Outreach Highlights Report and the Active Projects List were included in the distributed meeting materials.

a. Legal Update

Legal Extern, Rebecca Wilson, provided an overview of the U.S. Department of Justice's (DOJ) first annual report on the implementation of its Environmental Justice strategy. Wilson reviewed the four principal strategies outlined in the report to ensure DOJ would prioritize Environmental Justice cases, strategically employ legal tools, meaningfully engage with impacted communities, and promote transparency in Environmental Justice efforts. Wilson provided examples of past cases filed by the DOJ that reflected the different strategies outlined in the report.

Councilmember Burgis and Wilson discussed the technical details of one of the example cases involving straight piping and the complications associated with that form of sewage treatment. Chair Madueño and Wilson discussed the Department of the Interior's implementation of Environmental Justice safeguards, how this will translate to California water policy, and what it means to increase understanding surrounding these issues in Environmental Justice communities.

b. Legislative Update (Action Item)

There was no Legislative Update.

**c. Delta Protection Commission and Delta Conservancy Update
(INFORMATION ITEM)**

Bruce Blodgett, executive director of the Delta Protection Commission began with a review of the Delta Leadership Program. Blodgett next shared about the upcoming Delta Protection Advisory Committee (DPAC) meeting held on December 19, 2023. Blodgett highlighted that DPAC is currently looking for a Tribal representative and a public representative to join the committee and shared updates on the process to fill those positions. Blodgett next provided an update on the most recent National Heritage Area Advisory meeting and the anticipated timeline for the Management Plan as well as an update on the signage for the National Heritage Area. The Delta

Protection Commission will hold its next meeting on January 18, 2024, at the Port of Stockton.

Chair Madueño and Blodgett discussed the term length of the open positions for DPAC. Councilmember Mehranian, Councilmember Burgis, and Blodgett discussed the outreach process to increase applicants for the newly established open position for a Tribal representative on DPAC. Chair Madueño confirmed the location of the upcoming Delta Protection Commission meeting.

Campbell Ingram, Executive Director of the Delta Conservancy, began with a review of the Delta Invasive Species Symposium that occurred on November 30, 2023. Ingram reviewed past funding awarded to the Metropolitan Water District and provided an update from the Delta Conservancy's October board meeting. In this meeting, the board approved three new nature-based solutions projects. Ingram provided an overview of each project:

- a project with the Nature Conservancy to provide outreach to private farmers in the Delta to convert subsidized lands to rice cultivation,
- a project with the Nature Conservancy to create a managed wetland on Staten Island,
- a project with the John Muir Land Trust to acquire land on Bethel Island for future use as a managed wetland.

Ingram outlined potential future funding opportunities in 2024. Ingram shared an update on Frank's Tract. The Delta Conservancy has entered into an interagency agreement with the California Department of Fish and Wildlife to reinitiate planning for the area. Ingram closed with an overview of other ongoing efforts at the Delta Conservancy including the 2023 Delta Drought Response Pilot Program. The next Delta Conservancy Board meeting will be held on January 24, 2024.

Chair Madueño and Ingram discussed converting subsidized land to rice and the economic monitoring and process for this conversion, and the carbon market for managed wetlands and rice cultivation. Councilmember Mehranian and Ingram discussed the funding scope awarded to the Metropolitan Water District for their work on Webb Tract, how the work and priorities for the project are coordinated

between the two agencies, how this project was funded, strategies for future funding sources, and the timeline of the project and program.

Chair Madueño asked for public comment.

There was no public comment.

The item is viewable on the linked agenda at <http://bit.ly/47HorYK>, minute 00:10:39.

7. LEAD SCIENTIST REPORT (INFORMATION ITEM)

Lead Scientist Dr. Lisamarie Windham Myers began with a reflection on Dr. Larsen's tenure and more about her background and future goals for her time as Lead Scientist. Dr. Windham Myers next shared her monthly article highlight:

Dybala, K. E, Sesser, K. A, Reiter, M. E, Shuford, W., Golet, G. H, Hickey, C., & Gardali, T. (2023). Priority Bird Conservation Areas in California's Sacramento-San Joaquin Delta. San Francisco Estuary and Watershed Science, 21(3).
<http://dx.doi.org/10.15447/sfews.2023v21iss3art4> Retrieved from <https://escholarship.org/uc/item/5r53m1k6>

Dr. Windham-Myers summarized the main points of the article using a visual aid. This article performed a synthesis study using data from 2,547 surveys of riparian landbirds and 7,820 surveys of waterbirds. They used sophisticated statistical modeling techniques to predict the probability of presence of nine species of riparian landbirds and 46 species of waterbirds as dependent on the land-use, climate, and hydrologic characteristics of each point in space, as well as of the distance to nighttime roosts or to waterways. Subsequently, they used the modeled probability of presence of each species at each location to identify locations that are the most probable for finding most species within each group (riparian landbirds and waterbirds). Within each group, the 5% most important locations for landbirds and waterbirds were mapped. The research team then evaluated how many of these areas fell into areas prioritized for conservation in the Delta Plan or areas that are already preserved, the land uses that they overlapped with, and how many areas are likely to be inundated through sea-level rise by 2050 as identified in the

Delta Adapts Vulnerability Assessment. While most of the wetlands overlapping with the priority bird conservation areas are currently protected, most of the riparian and agricultural lands are not. This analysis suggests where this shift might have the highest consequences for bird conservation, as well as which additional, currently unprotected areas may be most important for meeting bird conservation goals.

Councilmember Mehranian and Dr. Windham-Myers discussed the frequency of protection for landbirds on these kinds of areas in other parts of the state.

Dr. Windham-Myers highlighted an upcoming seminar series the Delta ISB, with support from the Delta Science Program, will host. The seminar series will explore concepts from decision-making under deep uncertainty and present tools that can help managers and stakeholders evaluate and plan for a wide range of plausible futures in the Sacramento-San Joaquin Delta.

Dr. Windham-Myers provided an overview of recently completed reviews from the Collaborative Science and Peer Review unit:

- Department of Water Resources (DWR) Delivery Capability Report
- US Bureau of Reclamation (USBR) Water Temperature Modeling Platform

The following reviews are underway:

- USBR Fish and Aquatic Effects
- DWR Summer-Fall Habitat Action (SFHA)

Dr. Windham-Myers next provided a summary of the Tidal Wetland Restoration Symposium focused on emerging tidal wetland science in the Delta and Suisun Marsh, with an emphasis on restoration projects being implemented and monitored by the Fish Restoration Program, a joint effort led by the California Department of Water Resources and the California Department of Fish and Wildlife. Delta Science Program Environmental Program Manager Dr. Dylan Chapple led a session on adaptive management, linking science to on-the-ground implementation

of projects. Dr. Windham-Myers provided an update on the Delta Research Solicitation. Applications are expected to be open in early 2024, this solicitation is focused on participatory research with a new incentive to connect Delta Tribes and communities to researchers.

Dr. Windham-Myers closed with an acknowledgment of the 2023 California Sea Grant State Policy Fellows and a welcome to the new group of fellows for 2024. The 2023 Sea Grant Fellows shared a video about their experience and work at the Council (available here: <https://www.youtube.com/watch?v=3-NUUb0KSUs>).

Dr. Winham-Myers next provided a brief overview of the By the Numbers Report.

Councilmember Zingale and Legislative and Policy Advisor, Brandon Chapin, discussed the Delta Tribes and Community Survey, how the outreach process for this works and the current engagement in this effort. Chair Madueño shared her appreciation for Dr. Windham-Myers and a reflection on the California Grant State Policy Fellows.

Chair Madueño asked for public comment.

There was no public comment.

The item is viewable on the linked agenda at <http://bit.ly/47HorYK>, minute 00:49:36.

8. CONSIDERATION OF PROPOSED AMENDMENT TO THE COUNCIL'S ADMINISTRATIVE PROCEDURES GOVERNING APPEALS (APPEALS PROCEDURES) AND POTENTIAL PUBLICATION OF THE APPEALS PROCEDURES IN THE CALIFORNIA CODE OF REGULATIONS (ACTION ITEM) (RESOLUTION 2023-09)

Deputy Executive Officer of Planning and Performance, Jeff Henderson, provided an overview of the background of the Administrative Procedures Governing Appeals (Appeals Procedures), the purpose of publishing the Appeals procedure in the California Code of Regulations, the proposed modifications and additions, and the staff recommendation to adopt Resolution 2023-09.

Councilmember Burgis, Henderson, and Chief Counsel Jorge Aguilar discussed the publishing process of the Appeals Procedure.

Chair Madueño asked for public comment.

There was no public comment.

Motion (adopt Resolution 2023-09): offered by Councilmember Lee, 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 item is viewable on the linked agenda at <http://bit.ly/47HorYK>, minute 01:24:40.

9. DEPARTMENT OF WATER RESOURCES REPORT TO THE COUNCIL ON FLOOD RISK MANAGEMENT INVESTMENTS (INFORMATION ITEM)

Supervising Engineer for the Delta Stewardship Council, Erin Mullin, provided opening remarks and introduced the Department of Water Resources (DWR) flood risk management panel.

Councilmember Burgis and Mullin clarified the historical nature of the reports and how the agenda report reflects the past four years.

DWR's Senior Engineer Bryan Brock and Supervising Engineer with the Delta Levees Office Sean Begheban presented on the purpose of the report, DWR's reporting requirements, background sections, reporting categories, program descriptions, proposal tables, project listing tables, project examples (Bouldin Island, Libby McNeil Tract, Twitchell Island, and New Hope Tract), project status, Delta subventions funding, Delta levee investments, current efforts, and future reports.

Councilmember Mehranian and Executive Officer Pearson discussed the content of the regulation passed, how it takes effect in January of 2024, and the panel's report containing their most recent funding investments following the regulation process.

Councilmember Lee and Begheban discussed reporting timelines.

Chair Madueño, Begheban, and Brock discussed the subventions program (funding is mainly used for maintenance), differing sections of water codes (concerning funding discretion), and how the subventions program could be used for funding outside of maintenance if it provides more protection or changes the geometry of the project.

Mullin provided a follow-up comment on receiving the by-island funding for the subventions program and provided a further explanation that most activities that would have been provided funding through subventions are not subject to prioritization and that all maintenance and operations are a high priority.

Chair Madueño asked for public comment.

Public Comment

Gilbert Cosio, River Delta Consulting, provided comment on the complexity of the agenda item and the historical entities (Delta Levees Habitat Advisory Committee) that have been working on them for decades, before thanking the panel for explaining a very complex concept well.

Mehranian thanked the panel for their presentation.

Burgis, Brock, Begheban, Pearson, and Councilmember Lee discussed the status of funding for the subvention program, assistance for fungible funding, project increase/decrease, clarity moving forward, uplifting obscurities in programs to a governing body, and how these reports can help build trust in communities that may otherwise not trust governing bodies.

Chair Madueño, Brock, and Pearson discussed the increase/decrease in funding over the last four years (this report), funding needs, lack of money for project work, potential bond funding, and future planning.

Mullin provided closing remarks and Chair Madueño closed the agenda item.

There was no further public comment.

The item is viewable on the linked agenda at <http://bit.ly/47HorYK>, minute 01:33:07

10. PREPARATION FOR THE NEXT COUNCIL MEETING

The next Council meeting will take place on January 25. Please refer to the posted meeting notice 10 days before the meeting for further information or updates.

The meeting was adjourned at 12:07 p.m.

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