

DRAFT

**SUMMARY: JULY 15-16, 2021
DELTA STEWARDSHIP COUNCIL MEETING**

For review and adoption by the Council at the August 26, 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

1. WELCOME AND INTRODUCTIONS

Chair Susan Tatayon called the meeting to order at 9:00 AM, July 15, 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: Frank Damrell, Virginia Madueño, Maria Mehranian, Don Nottoli, Christy Smith, Susan Tatayon, and Daniel Zingale.

3. PUBLIC COMMENT

There was no public comment.

4. PUBLIC HEARING REGARDING APPEALS FOR THE CERTIFICATION OF CONSISTENCY FOR THE LOOKOUT SLOUGH TIDAL HABITAT RESTORATION AND FLOOD IMPROVEMENT PROJECT (ACTION ITEM)

The Council held a public hearing and pursuant to Water Code section 85225.25 considered proposed findings (presented in the Proposed Determination prepared by staff) and adopted findings regarding four appeals of the certification of consistency with the Delta Plan for the Lookout Slough Tidal Habitat Restoration and Flood Improvement Project, Certification Number C20215, submitted on February 22, 2021 by the Department of Water Resources.

A link to the hearing notice can be found here:

<https://coveredactions.deltacouncil.ca.gov/services/download.ashx?u=0d7db16a-f503-4448-8b87-c19c97f6f391>

The Proposed Determination prepared by staff, along with materials submitted by the parties, can be found here:

https://coveredactions.deltacouncil.ca.gov/profile_summary.aspx?c=ba3c59bf-e359-49f7-b866-60fa781325d0. The hearing commenced at 9:05 am.

Chair Tatayon and Councilmembers Frank Damrell, Virginia Madueño, 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. The restriction is a requirement of California's Administrative Procedure Act and the Council's Appeals Procedures. 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 order of the presentations went as follows:

- i. Opening of hearing and explanation of the process by the Chair.*
- ii. Presentation by the Delta Stewardship Council*
- iii. Presentation by the Department of Water Resources (DWR)*
 - *Cindy Messer, Rachel Taylor, Bonnie Irving, Charlotte Biggs, John Baas, and David Rolloff.*
- iv. Presentation by the Delta Protection Commission*
 - *Erik Vink*
- v. Presentation by Liberty Island Access*
 - *Taylor Dahlke*
- vi. Presentation by the Solano County Water Agency*
 - *Lillian Freeman*
- vii. Presentation by Reclamation Districts 2060 and 2068*
 - *Kathryn L. Oehlschlager*
- viii. Presentation by the Central Delta Water Agency*
 - *Dante Nomellini Sr.*

Councilmembers and Council staff asked questions of the parties after each presentation as they arose.

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

<https://coveredactions.deltacouncil.ca.gov/services/download.ashx?u=623e7b07-5e86-4f65-ba03-9199cfc98ae8>

At 12:02 PM, after the presentation by the Central Delta Water Agency, Chair Tatayon called for the hearing to be in recess and to resume the proceedings at 9:00 AM the next day (July 16, 2021).

The item is viewable on the linked agenda at <https://cal-span.org/unipage/?site=cal-span&owner=DSC&date=2021-07-15> minute 02:10.

Day 2
July 16, 2021

4. PUBLIC HEARING REGARDING APPEALS FOR THE CERTIFICATION OF CONSISTENCY FOR THE LOOKOUT SLOUGH TIDAL HABITAT RESTORATION AND FLOOD IMPROVEMENT PROJECT (ACTION ITEM)

Chair Susan Tatayon called the meeting to order at 9:02 AM, July 16, 2021. Roll call was taken, and a quorum was established. The following Councilmembers were present: Frank Damrell, Virginia Madueño, Maria Mehranian, Don Nottoli, Christy Smith, Susan Tatayon, and Daniel Zingale.

Public comment:

Public comment was received from the following individuals: Bruce Herbold, Devin O'Dea, Bryce Hall, Marc Hansen, Byron Buck, Andrew Goodman, Glen Williams, Braiden Chadwick, Ted Sommer, Alexander Rabidoux, Jason Smith, and Annie Cutsoris.

The Council asked questions and deliberated the Proposed Determination.

The complete transcript of the second day of the hearing proceedings (including the public comments and deliberations of the Councilmembers), along with all supporting documents, can be found here:

<https://coveredactions.deltacouncil.ca.gov/services/download.ashx?u=4872d08d-8ffb-4d6b-96e3-ae30bd428a36>

Upon conclusion of the discussion, Chair Tatayon requested the Council Clerk perform a roll call vote on the proposed motion.

Motion: Offered by Mehranian, second by Smith –

1. Adopt the Proposed Determination and the findings contained therein; and
2. remand the matter, in part, to the Department for reconsideration on the issues recommended for remand under Delta Plan policies **G P1(b)(3)** and **DP P2** as set forth in the Proposed Determination; and
3. deny the appeals, in part, on the issues recommended for denial as set forth in the Proposed Determination; and
4. dismiss the appeals on the issues recommended for dismissal as set forth in the Proposed Determination.

Vote: 7/0 - The motion was approved unanimously (Damrell, Madueño, Mehranian, Nottoli, Smith, Zingale, and Tatayon).

The motion and vote are viewable on the linked agenda at <https://cal-span.org/unipage/?site=cal-span&owner=DSC&date=2021-07-16> minute 1:07:36

Chair Tatayon lifted the ex parte communication restriction in relation to the Lookout Slough Project. The hearing concluded at 10:16 AM.

5. CONSENT CALENDAR (ACTION ITEM)

5a. Adoption of June 24, 2021 Meeting Summary

5b. Consideration and possible approval of a contract with the Regents of the University of California San Diego, California Sea Grant for Delta Independent Science Board and Delta Science Program support.

5c. Consideration and possible approval of an amendment to a contract with the Association of Bay Area Governments for collaborative efforts through the San Francisco Estuary Partnership.

Before the roll call vote for the Consent Calendar, Chair Tatayon announced the removal of item 5b from the Consent Calendar due to a revision to the staff report. Item 5b would be considered immediately after.

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

Vote: 7/0 - The vote was unanimous. The motion was adopted.

The motion and vote are viewable on the linked agenda at <https://cal-span.org/unipage/?site=cal-span&owner=DSC&date=2021-07-16> minute 1:18:40

5B. CONSIDERATION AND POSSIBLE APPROVAL OF A CONTRACT WITH THE REGENTS OF THE UNIVERSITY OF CALIFORNIA SAN DIEGO, CALIFORNIA SEA GRANT FOR DELTA INDEPENDENT SCIENCE BOARD AND DELTA SCIENCE PROGRAM SUPPORT.

Council staff gave an overview of the contract under consideration. Councilmember Nottoli requested clarification from staff that this contract would be providing collaboration and support with the Delta ISB, not replacing or substituting the Delta Independent Science Board's (Delta ISB) reviews. Council staff confirmed the contract is for support of the Delta ISB and not to replace its reviews.

Public Comment

Deirdre Des Jardins, California Water Research, commented that she was hopeful that the total Delta ISB contract hours remained equivalent to the amounts allotted in previous years.

Motion: Offered by Damrell, second by Nottoli – Approve the Consent Calendar.

Vote: 7/0 - The vote was unanimous. The motion was adopted.

The motion and vote are viewable on the linked agenda at <https://cal-span.org/unipage/?site=cal-span&owner=DSC&date=2021-07-16> minute 1:25:54

6. CHAIR'S REPORT (INFORMATION ITEM)

Special Assistant for Planning and Science Amanda Bohl gave an overview of the Delta Plan Interagency Implementation Committee meeting on July 12, 2021. California Department of Fish and Wildlife Director, Chuck Bonham, facilitated a panel exploring ecosystem-based management during drought. Bohl highlighted that one of the themes that emerged from this meeting was a need for credible, accessible, and shared data with an increasing demand for data synthesis. Bohl also announced that the 2020-2021 Delta Crosscut Budget report was recently released and could lead to funding and policy insights in the future.

Chair Tatayon complimented the panel and facilitator, noting that it is viewable online for anyone unable to attend.

Public Comment

Deirdre Des Jardins, California Water Research would like the categories used in past Crosscut Budgets included in the future, and noted that having a funding history of peer-reviewed organizations such as the Delta ISB could be helpful for compliance with public law.

The agenda item is viewable on the linked agenda at <https://cal-span.org/unipage/?site=cal-span&owner=DSC&date=2021-07-16> minute 1:28:56

7. PUBLIC COMMENT

Deirdre Des Jardins, California Water Research, expressed gratitude to Chair Tatayon's compassion during the Delta ISB July 13, 2021 meeting. In addition, Des Jardins thanked the Council for their support in restoring compensation to the Delta ISB.

The agenda item is viewable on the linked agenda at <https://cal-span.org/unipage/?site=cal-span&owner=DSC&date=2021-07-16> minute 1:35:34

8. EXECUTIVE OFFICER'S REPORT (INFORMATION ITEM)

Executive Officer Jessica Pearson announced the invitation to the Delta Adapts team and DWR to present on the Central Valley Flood Protection Plan at the Floodplain Management Association Annual Conference this September. The talk is entitled "Aligning Climate Change Efforts in the Delta-Central Valley Flood Protection Plan and Delta Adapts." Corey Copeland will be presenting at the conference.

Pearson thanked the Council and staff for their hard work over the past five months during the appeals process for the certification of consistency for the Lookout Slough Project.

Pearson reported that the Council sent a letter to the Dudley Ridge Water District in Kings County regarding the Notice of Preparation and Consideration of a Negative Declaration for the Adoption and Implementation of their 2020 Agricultural Water Management Plan. The letter encourages the District to engage in early consultation to discuss potential projects that may need to be implemented to stay consistent with the Delta Plan.

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

8a. Legal Update (Information Item)

There was no Legal Update.

8b. Legislative Update (Action Item)

Ryan Stanbra gave an update on the July 5, 2021 amendments to Senate Bill (SB) 821. These amendments revised the proposed Delta ISB member compensation to

\$150 per hour, increasing annually based on inflation and cost of living adjustments and adding an urgency clause allowing the bill to go into action with the Governor's signature. Council staff would move to immediately execute new contract agreements with each Delta ISB member if that occurs. SB 821 passed out of the Assembly and will be taken up in the Senate when the Legislature reconvenes from their Summer Recess in mid-August.

The Executive Officer's Report is viewable on the linked agenda at <https://cal-span.org/unipage/?site=cal-span&owner=DSC&date=2021-07-16> minute 1:36:55.

9. LEAD SCIENTIST'S REPORT (INFORMATION ITEM)

Delta Lead Scientist Dr. Laurel Larsen presented a paper by Ghalambor et al. (2021), a summary review of discussions and presentations from the 2018 "Ecological and Physiological Impacts of Salinization of Aquatic Systems from Human Activities" Symposium, which was funded in part by the Delta Stewardship Council.

Councilmember Smith commented that she had recently watched a related news report and thanked Dr. Larsen for the timeliness of her presentation. Dr. Larsen elaborated on other research projects that are addressing water temperature issues.

Councilmember Nottoli and Dr. Larsen discussed the Delta Science Program's efforts to closely coordinate with DWR and the Bureau of Reclamation on current actions and science to develop a comprehensive understanding of the ecological and human impacts of drought conditions. Dr. Larsen noted plans to conduct interagency discussions and a workshop this winter to refine drought and salinity planning in the Delta.

Dr. Larsen reviewed the progress of the Science Action Agenda (SAA). The four-year SAA document defines key science actions associated with priority management needs and establishes priorities for within- and cross-agency science funding. Development of the 2022-2026 SAA is underway. As part of the update process, the Delta Science Program hosted a virtual workshop July 13-14, 2021. The goal of the workshop was to identify science actions that responded to six pressing management needs. The management needs are built on the collaboratively developed list of 65 top management questions for the Delta (from 2020) and the 2017-2021 SAA progress summary, providing a framework for science funding for the Delta Stewardship Council and its partners. The Delta Science Program will release a draft 2022-2026 SAA for public review in the coming months, including from the Delta Independent Science Board.

Dr. Larsen reviewed the monthly Delta ISB meeting that occurred on July 14, 2021. This meeting discussed SB 821 and its impacts on future funding for the Delta ISB. The Delta ISB also announced its plan to have an in-person meeting that includes a field tour of the Delta on August 19, 2021, and a half-day session on August 20, 2021.

Dr. Larsen also reviewed the July discussion in the Delta Lead Scientist “Ask Me Anything” (AMA) office hour sessions, held monthly on Instagram Live (@deltastewardshipcouncil) at noon on the third Thursday of every month. The July session focused on highlighting specific projects funded through the Delta Science Program’s Proposal Solicitation Notice.

Dr. Larsen highlighted *Frontiers for Young Minds (FYM)*. This journal publishes peer-reviewed STEM (Science, Technology, Engineering, and Mathematics) papers targeted at 8 to 15-year-old youth, which are edited “for kids, by kids.” Delta Science Program staff have been engaged in editing and contributing papers for a special issue in FYM entitled “Where the River Meets the Ocean: Stories from San Francisco Estuary.” Dr. Larsen briefly reviewed the By the Numbers Summary.

Public Comment

Deirdre Des Jardins, California Water Research, commented that she hopes studies of salinity impacts in the Delta estuary also consider the role of water supply reliability. She noted a significant difference between reservoir water management for economic benefit and management for meeting the Bay-Delta Water Quality Standards. She welcomed the opportunity to contribute to that conversation in the future.

The agenda item is viewable on the linked agenda at <https://cal-span.org/unipage/?site=cal-span&owner=DSC&date=2021-07-16> minute 1:46:32.

10. PREPARATION FOR NEXT COUNCIL MEETING

The next Council meeting is on August 26, 2021, via teleconference.

The meeting adjourned at 11:12 PM.

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