



DRAFT

**SUMMARY: JULY 27, 2023
DELTA STEWARDSHIP COUNCIL MEETING**

For review and adoption by the Council at the August 24, 2023, 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 10:02 AM on July 27, 2023, at Peter's Steakhouse in Isleton and at the teleconference location in Humboldt.

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.

Chair Madueño invited the Mayor of Isleton, Pamela Bulahan, to address the Council. Mayor Bulahan shared information about the historic building and her experience growing up in Isleton.

3. PUBLIC COMMENT

Chair Madueño asked for public comment.

There was no public comment in Isleton or Humboldt.

4. CONSENT CALENDAR (ACTION ITEM)

a. Adoption of June 22, 2023, Meeting Summary

Chair Madueño presented the agenda item for adopting the June 22, 2023, meeting summary.

Chair Madueño asked for public comment.

There was no public comment in Isleton or Humbolt.

Motion (approve the consent calendar): offered by Councilmember Hueso, seconded by Councilmember Mehranian.

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 bit.ly/47P42mb, minute 00:04:36.

5. CHAIR'S REPORT (INFORMATION ITEM)

Chair Madueño began by expressing how pleased she was to be in a Delta legacy community. Following her opening remark, Chair Madueño provided details on her meeting with the Miwok Indians of Shingle Springs. The Chair commented on the candidness and transparency of the tribal representatives and highlighted the importance of working collaboratively with tribal nations to find appropriate nature-based solutions and establishing meaningful partnerships in consultation.

Chair Madueño followed with observations on a meeting she attended regarding the Pelican Project, a project centered on carbon sequestration. She expressed the importance of exploring the potential of carbon sequestration for the Delta and the state of California, especially through the lens of climate change.

Chair Madueño also provided a glimpse into her personal trip to Croatia and a highlight of a National Public Radio telecast from Guatemala. She noted that certain characteristics of Croatia mirror the California Delta region, with some industries and problems being easily paralleled. Potential solutions from outside of the Delta region could help inform our decision making.

Chair Madueño closed and thanked everyone.

Chair Madueño asked for public comment.

There was no public comment in Isleton or Humbolt.

The agenda item is viewable on the linked agenda at bit.ly/47P42mb, minute 00:05:43.

6. EXECUTIVE OFFICER'S REPORT (INFORMATION ITEM)

Executive Officer Jessica Pearson echoed the Chair's excitement about being in a Delta legacy community and thanked the local attendees and the Mayor of Isleton for attending.

Pearson reported on the May 30, 2023, Department of Water Resources' (DWR) submittal of a Delta Plan certification for Prospect Island title Habitat Restoration Project. The project's 30-day review expired on June 29th without appeal. Pearson highlighted that currently, there is one active covered action, the Ulatis Creek Habitat Restoration Project, for which the Solano Resource Conservation District submitted a Delta Plan certification on July 8th, 2023. The 30-day review period is now underway and will end on August 7, 2023.

Pearson continued with details of the one submitted comment letter since the last Council meeting. The letter addressed the notice of preparation of a supplemental environmental impact report (EIR) for the San Francisco Bay and Delta Sand Mining Project.

Pearson highlighted a new section in her report, which covered tribal consultation periods related to Council activities. As mentioned last meeting, the Council is seeking consultation with interested tribes and tribal organizations on the development of the Council's environmental and tribal justice issue paper. Pearson expressed that the Council is looking to hear more about issues and concerns related to environmental justice and tribal justice surrounding the management of the Delta. This consultation period is open until August 7, 2023.

Second, the Council is seeking consultation with interested Tribes and tribal organizations on the development of the Council's climate change adaptation strategy, Delta Adapts. The Council is interested in guidance on recommended climate adaptation strategies, how to best recognize and advance opportunities for

Tribes to utilize tribal knowledge, and how to encourage opportunities for co-management in the Delta in the context of climate change adaptation. This consultation period is open until August 31.

Pearson welcomed and introduced the following new staff into their corresponding positions: Dr. Xoco Shinbrot; Senior Environmental Scientist, Adaptive Management Unit, James Edwards; Senior Engineer, Delta Plan Development, Policy, and Implementation Unit, Eva Sideris, Delta Science Communications Fellow, and Amelia Totten, Intern/Planning Division.

Pearson also reviewed the Outreach Highlights Report and Active Projects List before passing the item to Chief Counsel, Jorge Aguilar.

a. Legal Update

Chief Counsel, Jorge Aguilar, provided a legal update on a new petition for a writ of mandate filed by the County of Yolo against the California Department of Water Resources concerning the Yolo Bypass Salmonid Habitation Restoration and Fish Passage Project. This project is a covered action for which a certification of consistency was filed with the Council on December 10, 2020, with no appeal. The litigation concerns alleged CEQA violations. Council staff is tracking the litigation and will provide updates as needed.

Chair Madueño, Aguilar, and Councilmember Hueso discussed the certification of consistency status for the project, confirming that the Council is not a party to the lawsuit.

b. Legislative Update (Action Item)

Legislative and Policy Advisor Brandon Chapin provided a legislative update on the discussion points from the previous Council meeting and the proposed Delta Reform Act refinement. Scholars Program intern Gabriela Chen provided an update on Federal bills of interest. Chapin highlighted that there is a new Assembly Speaker, Robert Rivas, and leadership team that took office at the beginning of July 2023. Two are members of the Delta Caucus: Assemblymembers Cecilia Aguiar-Curry and Lori Wilson.

Chair Madueño, Chapin, and Chen discussed Diane Feinstein’s Senate Bill 2126 regarding subsidence mitigation in the Friant Kern Canal, Delta Mendota Canal, certain parts of the San Luis Canal, and the California Aqueduct and the absence of anything in the bill related to the core Delta and H924’s conveyance language.

c. Delta Plan Five-Year Review Update

Jeff Henderson, Deputy Executive Officer of Planning and Performance, and Martina Koller, Program Manager, presented on the Delta Plan Five-Year Review. The presentation covered water code requirements, the Delta Plan adaptive management cycle, the history of past reviews, detailed reports, and highlights of those reviews. The presentation also covered 2019 recommendations to strengthen the Delta Plan and the status of those recommendations, as well as 2019 recommendations on key planning topics and emerging issues and the progress of those recommendations. Koller also reviewed the approach for the 2023 Delta Plan Five-Year Review, Delta Plan performance measures, and progress reports.

Councilmembers and staff discussed the ability to compare trends to performance measures for the first time, as well as the averages of dry-years, the scoring sheet for invasive species, the question of “how we got here” concerning proper management or neglect of the Delta, and climate change.

Chair Madueño and staff also discussed the pursuit of new science and technology that assists with water resilience and decreased reliance on Delta water.

Chair Madueño asked for public comment.

There was no public comment in Isleton or Humbolt.

The item is viewable on the linked agenda at bit.ly/47P42mb, minute 00:14:18

7. LEAD SCIENTIST REPORT (INFORMATION ITEM)

Dr. Laurel Larsen began with a highlight on ABC News 10 conducting a week-long series called “Water Wasted: How California Stores its Water” before introducing her monthly article highlight:

Kourakos, G., Brunetti, G., Bigelow, D. P., Wallander, S., & Dahlke, H. E. (2023). Optimizing managed aquifer recharge locations in California's Central Valley using an evolutionary multi-objective genetic algorithm coupled with a hydrological simulation model. *Water Resources Research*, 59, e2022WR034129.

<https://doi.org/10.1029/2022WR034129>

Larsen summarized the main points of the article using a visual aid of a hydrograph extracted from a simulation model for the Tuolumne River, the amount of water that is available for aquifer recharge, and a graph depicting groundwater storage gain in million-acre feet (MAF) vs the cost in millions, as well as summarizing inset figures depicting the storage capacity of the Shasta River, the storage capacity of the proposed reservoir, and the cost of building the reservoir.

Dr. Larsen shared a special report from the Delta Interagency Invasive Species Coordination Team, in coordination with the California Department of Fish and Wildlife, about nutria in the Delta. Dr. Larsen highlighted new nutria detections in the Delta and Suisun Marsh. Their discovery in California in 2017 caused alarm for protecting California’s vulnerable ecosystems and water infrastructure. Since then, just over 3,500 nutria have been removed by the California Department of Fish and Wildlife (CDFW) – the state agency leading the effort to eradicate nutria from California – from Merced, Stanislaus, Fresno, San Joaquin, Sacramento, Mariposa, Solano, and Madera counties. Dr. Larsen highlighted aspects of the Nutria Eradication Program and efforts and strategies used by CDFW to locate and remove nutria in the Delta.

Councilmember Mehranian and Dr. Larsen discussed the article Dr. Larsen presented and how the models were used to determine water available for storage

and storage locations for the water, and how to apply the model to other areas in California. Councilmember Burgis commented on the nutria report and the damage this species can cause to levees and habitat and stated how important it is for people in the Delta to be aware and to identify and report the presence of nutria. Councilmember Burgis shared information about how to identify nutria and highlighted the need for more awareness and education about this invasive species. Chair Madueño clarified with Dr. Larsen if there is a way to determine if these recharge locations will improve water quality for rural areas in the Central Valley. Dr. Larsen stated that water quality monitoring was not a part of this article, but that this is an area that the science community is working on.

Dr. Larsen shared comments on the Adaptive Management Forum part two, that took place on June 27. This forum built on the theme of adaptive governance explored through plenary sessions and panels in part one. Participants worked through a visioning process to collaboratively identify aspirational goals for the Delta in the year 2050, the strategies needed to achieve those goals, and the governance components to ensure that strategies could be implemented and maintained.

As with part one of the forum, equity and inclusiveness were common threads throughout the conversations. A few examples of goals that the different groups identified were to: 1) create more inclusive governance systems in which all perspectives have a seat at the table, 2) establish an equitable water rights system that is reflective of changing water availability and historical injustices, and 3) develop an equitable, evidence-based, and risk-informed governance system where information easily flows. Approximately 15 external participants attended the workshop in person and participated in the breakout sessions, with another five online.

Dr. Larsen shared that the Delta Science Program released a summary report for the 2023 Integrated Modeling Framework Workshop. The workshop, held in February and March 2023, featured presentations, panels, and breakout group discussions about the challenges and opportunities of developing an integrated modeling framework and collaborative modeling center for the Delta.

The comprehensive summary report captures the full set of topics covered during the two-day workshop and provides a short summary of every workshop session. In addition to providing detailed information about the workshop contents, the summary report is also intended to serve as a foundation for the development of a white paper highlighting key recommendations and near-term actions critical to advancing the vision of collaborative and integrative modeling for the Delta. The workshop summary will be available on the Council's website here: <https://deltacouncil.ca.gov/delta-science-program/integrated-modeling-steering-committee>.

The Delta Science Program is set to release an Executive Summary of the 2022 edition of the State of Bay-Delta Science (SBDS), which focuses on the ecosystem services (e.g., beneficial aspects) and disservices (e.g., negative impacts) of plants and algae in the upper San Francisco Estuary. The 2022 SBDS Executive Summary includes non-technical summaries of all seven chapters and highlights the key points and recommendations provided by each chapter for future Bay-Delta management and science initiatives. The executive summary will be available on the Council's SBDS website: <https://sbds.deltacouncil.ca.gov>.

Dr. Larsen shared a new collaborative working group in partnership with the National Center for Ecological Analysis and Synthesis Working Group. NCEAS regularly facilitates working groups to address important science questions through synthesis approaches while providing training to early-career scientists and the broader science community. The 2023 partnership with NCEAS was designed to address gaps in understanding the human dimensions of the Delta, identified in the Delta Social Science Community of Practice's Advancing Interdisciplinary Research Training and Workshop (<https://deltacouncil.ca.gov/pdf/science-program/2023-02-01-air-event-summary.pdf>), which took place in October 2022

Dr. Larsen closed with a brief discussion on the "By the Numbers" report. Chair Madueño asked for public comment.

There was no public comment in Isleton or Humbolt.

The item is viewable on the linked agenda at bit.ly/47P42mb, minute 01:05:03.

8. CALIFORNIA DEPARTMENT OF WATER RESOURCES (DWR) DELTA CONVEYANCE UPDATE (INFORMATION ITEM)

Carrie Buckman, an Environmental Program Manager with DWR, presented updates on the Delta Conveyance Project. Buckman provided an overview of the need for the project and highlighted the need for functional water infrastructure to adapt to a changing climate. Buckman gave a general status update and outline of next steps for the project. Buckman followed with an overview of what will be included in the Final Environmental Impact Report (EIR) and the Final Environmental Impact Statement (FEIS) and closed with an update on the soil investigation process.

Chair Madueño asked for public comment.

Public Comment

Osha Meserve, at the office of and registered on Zoom as James Crowder, made a comment on behalf of local agencies in the North Delta. Meserve shared concerns about the operational plans of the project and expressed an interest in a more detailed operational plan from DWR. Meserve encouraged DWR and the water export contractors to explore other options to improve water supply and reliability.

Councilmember Zingale and Buckman discussed the project's operational plan and other solutions for water resiliency and the operation of the State Water Project.

There was no public comment in Humbolt.

The item is viewable on the linked agenda at bit.ly/47P42mb, minute 01:42:16.

9. DELTA ADAPTS UPDATE (INFORMATION ITEM)

The Council's Associate Deputy Executive Officer for Planning Harriet Ross provided an update on Delta Adapts, the Council's climate change study, including an overview of the Adaptation Plan and the related work that has been accomplished this year. Ross reviewed key vulnerabilities in the Delta and outlined how the

Adaptation Plan will be prepared. Ross followed with an overview of the Stakeholder Workgroup meeting held June 6, 2023 and discussed the scenarios presented at the Stakeholder Workgroup meeting. There were four scenarios that included objectives, tradeoffs, and benefits presented to stakeholders. Ross provided a review of the metrics used to evaluate each scenario and how those metrics contributed to understanding the benefits and tradeoffs of each scenario. Ross summarized the benefits and tradeoffs for each scenario and provided a brief tutorial on the adaptation scenario dashboard. Ross concluded with a review of scenario insights, key takeaways from feedback received at the meeting and next steps for the Adaptation Plan.

Councilmember Mehranian and Ross discussed the distinct differences between each scenario, particularly how public and private land use are outlined in each scenario. Councilmember Burgis, Ross and Pearson discussed the agricultural strategies and standards for farmers inside the Delta and in the surrounding areas. Councilmember Burgis and Ross also discussed how this adaptation plan will respond to the rapidly changing climates. Chair Madueño shared her meeting with the Shingle Springs Band of Miwok Indians, the importance of having a tribal perspective in this work, and perspectives on restoration from the meeting. Chair Madueño shared the importance of supporting farmers and farm workers as she reflected on the different scenarios. Ross clarified that the agricultural component of the Adaptation Plan is to develop strategies to support farmers.

Chair Madueño asked for public comment.

Public Comment

Gilbert Cosio with River Delta Consulting shared his perspective as an attendee of the Stakeholder Workgroup meeting. Cosio discussed the high-level nature of the planning process and his concerns with the ability to address the challenges on the ground level. He urged Council staff to consider the current state of agriculture in the Delta and the other crops being grown and if the goals of the Adaptation Plan are realistic for how farming exists in the Delta today.

There was no public comment at the Humbolt location.

The item is viewable on the linked agenda at bit.ly/47P42mb, minute 02:02:23.

10. SCIENCE COMMUNICATION AND CALIFORNIA DEPARTMENT OF WATER RESOURCES (DWR) DEVELOPING ENVIRONMENTAL LITERACY, TAKING ACTION (DELTA) EDUCATION PROGRAM (INFORMATION ITEM)

Lynn Takata, a Senior Environmental Scientist Specialist with the Delta Science Program (DSP) began the panel with an overview of DSP's science communication programs. These are programs focused on providing scientific information to resource managers, policy-makers, and members of the public in the Delta. Takata introduced the panelists Kathy Shultz, a Water Education Specialist with DWR and Dr. Melina Baerwald, the Manager of DWR's Collaborative Science and Innovation Section. Dr. Baerwald provided a brief history about the creation of the DELTA education program and outlined the goals of the program to improve community outreach and science communication. Dr. Baerwald spotlighted the partnerships made to support this program, highlighting the Solano Resource Conservation District, Riverview Middle School, and D.H. White Elementary School in Rio Vista. Kathy Schultz discussed the development of the educational curricula for the program, including information about the lesson plans created, and resources for the students. Dr. Baerwald provided an overview of the education programs for sixth, seventh, and eighth grade and highlighted the activities for each group of students. Dr. Baerwald and Shultz closed the presentation with a reflection on the ongoing challenges of the program as well as the accomplishments and importance of this program going forward.

Chair Madueño thanked the presenters for their presentation and expressed the need for more follow up but that due to time constraints, there would not be time for questions. Councilmember Damrell and Dr. Baerwald discussed how the Council can support this program; Dr. Baerwald stated that there is a need for more dedicated resources and funds. Councilmember Zingale asked how this program discusses climate change in schools and stated he would follow up with the presenters at a later date.

Chair Madueño asked for public comment.

There was no public comment in Isleton or Humbolt.

The item is viewable on the linked agenda at bit.ly/47P42mb, minute 02:40:35.

11. CONSIDERATION AND POSSIBLE ADOPTION OF REVISIONS TO PROPOSED RULEMAKING FOR SECTION 5001 (DEFINITIONS) AND SECTION 5012 (DELTA LEVEES INVESTMENT STRATEGY) (DELTA PLAN POLICY RR P1) OF TITLE 23 OF THE CALIFORNIA CODE OF REGULATIONS (“DLIS”) (RESOLUTION 2023-05) (Action Item)

Jeff Henderson, the Deputy Executive Officer for Planning and Performance, began with a brief overview of the presentation. Henderson outlined the rulemaking process for the Delta Levees Investment Strategy (DLIS) including key dates of when the rulemaking package was submitted to the Office of Administrative Law (OAL). OAL recommended clarifying changes to the proposed regulatory language. Council staff addressed the OAL recommendations and released the revised regulatory language for a 15-day public comment period from July 7, 2023, through July 21, 2023.

Henderson summarized the two substantive changes that were made, including the insertion of maps that identify islands and tracts into proposed Appendix P and adding clarifying language to the reporting requirement of the annual report prepared by DWR, outlined in the proposed California Code of Regulations, Title 23 Section 5012. Henderson then outlined the non-substantial changes recommended by OAL and summarized the public comments received during the public comment period. Henderson closed with the requested action that the Council adopt Resolution 2023-05.

Chair Madueño asked for public comment.

There was no public comment in Isleton or Humbolt.

Motion (adopt Resolution 2023-05): offered by Councilmember Zingale, seconded by Councilmember Lee.

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 bit.ly/47P42mb, minute 03:21:19.

12. PREPARATION FOR THE NEXT COUNCIL MEETING

The next Council meeting will take place on August 24 and 25. Please refer to the posted meeting notice 10 days before the meeting for further information or updates.

The meeting adjourned at 2:40 PM.

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