



DRAFT

For Review and Adoption by the Council at the April 30, 2020 Meeting

DELTA STEWARDSHIP COUNCIL

Thursday, March 26, 2020

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.

MEETING SUMMARY

1. Welcome and Introductions

Chair Tatayon called the meeting to order at 9:03 AM, March 26, 2020.

2. Roll Call – Establish a Quorum (Water Code §85210.5)

Roll call was taken, and a quorum was established. The following councilmembers were present: Randy Fiorini, Ken Weinberg, Susan Tatayon, and Oscar Villegas.

The remaining Councilmembers joined during closed session.

3. Closed Executive Session: Litigation (Not Open to the Public) (Action Item)

Chair Tatayon had nothing to report.

4. Reconvene Open Session

Roll call was re-taken, and a quorum was established. The following councilmembers were present: Frank Damrell, Mike Gatto, Maria Mehranian, Ken Weinberg, Randy Fiorini, and Susan Tatayon.

Councilmember Oscar Villegas arrived during the Chair's Report.

Chair Tatayon provided instructions on how the public can participate and the remote meeting would proceed as the Council prudently conducts business in response to COVID-19 social distancing guidance. A full description is available on the Meeting Agenda.

5. Adoption of February 27, 2020 Meeting Summary (Action Item)

Councilmember Weinberg asked to change the text in the Lead Scientist Report section referring to his presentation to read "developed by the Water Reuse Association, California section".

Motion: Offered by Damrell, second by Weinberg - Approve (as amended) the February 27, 2020 meeting summary.

Vote: 7/0 – Damrell, Fiorini, Gatto, Mehranian, Villegas, Weinberg, and Tatayon. The motion was adopted.

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

The motion and vote are viewable on the linked agenda at: <https://cal-span.org/unipage/?site=cal-span&owner=DSC&date=2020-03-26> minute 00:08:29.

6. Chair's Report (Information Item)

6a. Delta Plan Interagency Implementation Committee Update (DPIIC)

Chair Tatayon invited Amanda Bohl to present an update on the recent March 2, 2020 DPIIC meeting. Jeff Mount from the Public Policy Institute of California presented recent ecosystem-based management recommendations. Council staff also provided an update on the Delta Plan Ecosystem Amendment and explained how the amendment contributed to ecosystem-based management. They will draft a collection of current initiatives and programs expected to contribute to ecosystem-based management. DPIIC was also presented with an update on the activities relating to science funding and governance. As a response to COVID-19 social distancing guidance, the Science Needs Assessment Workshop has been postponed. However, the advance paper has been released and staff will collect feedback through virtual brown bags. DPIIC also discussed aquatic weed eradication and containment the recommendations from the Social Science Task Force.

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

The Chair's Report is viewable on the linked agenda at <https://cal-span.org/unipage/?site=cal-span&owner=DSC&date=2020-03-26> minute 00:11:52.

7. Executive Officer's Report (Information Item)

Executive Officer Jessica Pearson stated that the Council office is closed, and that staff is working remotely to support social distancing efforts. The public should contact hello@deltacouncil.ca.gov to be directed to the appropriate staff person for assistance. Additionally, the Council has changed its public meeting formats to be fully remote.

Executive Officer Pearson reminded the public that the Public Participation Plan comment period is open until March 31, 2020, and the fourth and final brown bag for the Lead Scientist Candidates will be held on March 30, 2020.

The Council sent one comment letter regarding active projects during the past month:

- Reclamation District No. 3 regarding the Initial Study/Mitigated Negative Declaration for the District's Grand Island Levee Erosion Repair Project.

The Department of Water Resources comment period on the Delta Conveyance Notice of Preparation document was extended to April 17, 2020. The Council has also welcomed one new employee: 2020 Sea Grant Fellow for Science Byron Riggs.

Lastly, Executive Officer Pearson stated that councilmembers would find the Highlights Report and Active Projects List in their binders.

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The Executive Officer's Report is viewable on the linked agenda at <https://cal-span.org/unipage/?site=cal-span&owner=DSC&date=2020-03-26> minute 00:16:07.

7a. Legal Update (Information Item)

Chief Counsel Bethany Pane provided a written legal update for this meeting.

7b. Legislative Update (Action Item)

Legislative and Policy Advisor Ryan Stanbra provided a written bill summary for this meeting.

No action was taken during this agenda item.

7c. Consideration of a Contract with the United States Geological Survey to Fund Operation Baseline 2.0 Investigations (Action Item)

Executive Officer Pearson provided some background on the contract and introduced Senior Environmental Scientist Dylan Stern to present on the project details. The Executive Officer requests authority to enter into a contract with the U.S. Geological Survey, up to \$943,645, for two science investigations related to the upgrade of the Sacramento Regional County Sanitation District's wastewater treatment plant. The updates to the plant would reduce nutrients by the year 2021 by improving the plant's nitrogen (ammonia) removal process. The goal of the project is to improve the Delta food web.

Councilmembers and staff discussed ways to provide additional outreach on the project by presenting to various organizations like the Hyperion Treatment Plant and Regional Sanitation District Board.

Motion: Offered by Fiorini, second by Damrell – Approve the new contract with the U.S. Geological Survey for two science investigations related to the upgrade of the Sacramento Regional County Sanitation District's wastewater treatment plant for up to \$943,645

Vote: 7/0 – Damrell, Fiorini, Gatto, Mehranian, Villegas, Weinberg, and Tatayon. The motion was adopted.

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The motion and vote are viewable on the linked agenda at <https://cal-span.org/unipage/?site=cal-span&owner=DSC&date=2020-03-26> minute 00:22:50.

7d. Amendment of a Contract with the University of California, Davis for Acoustic Telemetry (Action Item)

Executive Officer Pearson provided details on the contract. The Executive Officer requests authority to approve an amendment to an existing contract with the University of California, Davis that seeks to analyze and synthesize existing datasets of native fish movement in the Central Valley to gain new insight into how changing environmental conditions and water management practices impact fish movements. This amendment would allow for the hiring of a post-doctorate at the University of Maryland. The amendment re-allocates approved funds to accommodate this hiring decision and does not change the total cost or term of the contract.

Councilmembers Weinberg asked if the data used in the project will inform California water projects. Dr. Louise Conrad responded that it would.

Motion: Offered by Villegas, second by Weinberg – Approve the amendment to an existing contract with the University of California, Davis to allow for the hiring of a post-doctorate from the University of Maryland.

Vote: 7/0 – Damrell, Fiorini, Gatto, Mehranian, Villegas, Weinberg, and Tatayon. The motion was adopted.

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The motion and vote are viewable on the linked agenda at <https://cal-span.org/unipage/?site=cal-span&owner=DSC&date=2020-03-26> minute 00:40:00.

7e. Amendment of a Contract with the University of California, Davis for Chinook Salmon Re-introduction Investigations (Action Item)

Executive Officer Pearson provided details on the contract. The Executive Officer requests authority to approve an existing contract with the Regents of the University of California, Davis to increase the contract amount. This amendment supports continuity of the current research that will improve understanding of salmon survival as they migrate through predator hotspots in the San Joaquin River. This amendment will allow the work to continue without interruption.

Councilmembers and staff discussed how publicizing Council actions, including these contract approvals could help communicate the importance of the Council's work related to promoting science..

Motion: Offered by Fiorini, second by Damrell – Approve the amendment to an existing contract with the University of California, Davis to increase funding to continue research that informs best practices for Chinook Salmon re-introduction to the San Joaquin River. The amendment would increase the contract by \$140,277, for a total of \$1,890,277.

Vote: 7/0 – Damrell, Fiorini, Gatto, Mehranian, Villegas, Weinberg, and Tatayon. The motion was adopted.

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The motion and vote are viewable on the linked agenda at <https://cal-span.org/unipage/?site=cal-span&owner=DSC&date=2020-03-26> minute 00:44:04.

8. Lead Scientist's Report (Information Item)

Delta Lead Scientist Dr. John Callaway provided a quick overview of three recent articles, one summarizing the history of *San Francisco Estuary and Watershed Science*, another from the *Journal of American Water Resources Association* on 'perfect droughts', and a third from the *Journal of Fish Biology* on lamprey distribution. He also reviewed the status of upcoming events, and the By the Numbers Report.

There were no questions for Dr. Callaway.

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The Lead Scientist's Report is viewable on the linked agenda at <https://cal-span.org/unipage/?site=cal-span&owner=DSC&date=2020-03-26> minute 00:49:52.

9. Delta Levees Investment Strategy (DLIS) Regulation Update (Action Item)

Pearson provided a brief overview and then introduced Jeff Henderson, Deputy Executive Officer for Planning; Ryan Stanbra, Legislative and Policy Advisor; and Erin Mullin, Senior Water Resources Engineer. Staff presented new information published by the Department of Water Resources, Light Detection and Ranging elevation imaging of the Delta, that could impact the estimation of risk to State interests in the DLIS Decision Support Tool. Staff then asked the Council to withdraw the Administrative filing from 2018 and adopt Resolution 2020-01. *Details of the resolution are stated in the motion.*

Public Comment:

- Gil Cosio, MBK Engineers: Cosio relayed concerns about the basis of the data in the DLIS tool such as the analysis of fragility curves and toe berms. He also asked that the Council reach out to locals regarding the data.
- Osha Meserve, Local Agencies of the North Delta: Meserve shared concerns and asked that the Council be consistent with Central Valley Flood Protection Plan. She also expressed concern about the usefulness of the tool.

- Councilmember Fiorini asked both commenters if they are aware of any funding requests to the Subventions Program that were denied due to the DLIS tool. Both commenters answered no.

Motion: Offered by Fiorini, second by Damrell – Approve the Staff recommendation that the Council adopt Resolution 2020-01 which would:

- 1) Determine that the proposed actions are exempt from environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines sections 15061(b)(3) and 15262;
- 2) Amend Chapter 7 of the Delta Plan to delete text describing DLIS and proposed Policy RR P1 and restore text describing these items previously adopted in 2013 but removed from the Delta Plan in 2018;
- 3) Authorize the Executive Officer to prepare and submit to the Office of Administrative Law (OAL) a Notice of Decision Not to Proceed on Proposed Rulemaking for Section 5001 (Definitions) and Section 5012 (Delta Levees Investment Strategy) of Title 23 of the California Code of Regulations (Government Code section 11347); and
- 4) Direct Council staff to evaluate the new information and report to the Council at a future date for further direction and action.

Vote: 7/0 – Damrell, Fiorini, Gatto, Mehranian, Villegas, Weinberg, and Tatayon. The motion was adopted.

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The motion and vote are viewable on the linked agenda at <https://cal-span.org/unipage/?site=cal-span&owner=DSC&date=2020-03-26> minute 00:55:06.

10. Amendment of a Contract with Stantec Consulting Services, Inc. for Support for the Ecosystem Amendment to the Delta Plan and Delta Levees Investment Strategy (Action Item)

This agenda item is related to Agenda Item 9. Executive Officer Pearson provided details on the contract and then asked Deputy Executive Officer Henderson to provide additional context. The Executive Officer requests authority to approve an existing contract with Stantec Consulting Services, Inc., for additional resources to support the Ecosystem Amendment of the Delta Plan, updates to technical analyses supporting DLIS, and project management over the length of the contract. The contract expires on March 31, 2021.

Councilmembers Weinberg and staff discussed the timeframe for the contract's milestones.

Motion: Offered by Weinberg, second by Damrell – Approve the amendment to an existing contract with Stantec Consulting Services, Inc., to increase funding up to an additional \$960,000 for continued support related to the Ecosystem Amendment to the Delta Plan, updates to technical analyses supporting the Delta Levees Investment Strategy, and project management of the contract for coordination, reporting, and accountability.

Vote: 7/0 – Damrell, Fiorini, Gatto, Mehranian, Villegas, Weinberg, and Tatayon. The motion was adopted.

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The motion and vote are viewable on the linked agenda at <https://cal-span.org/unipage/?site=cal-span&owner=DSC&date=2020-03-26> minute 01:28:32.

11. Public Comment

There was no additional public comment.

12. Preparation for Next Council Meeting

The next Council meeting is April 30 and May 1, 2020. The Council meeting is currently scheduled to be conducted remotely.

The meeting adjourned at 11:43 AM.

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