



**DRAFT**

**SUMMARY: SEPTEMBER 22, 2022  
DELTA STEWARDSHIP COUNCIL MEETING**

For review and adoption by the Council at the October 27, 2022, meeting.

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

MEETING SUMMARY

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1. WELCOME AND INTRODUCTIONS

Chair Virginia Madueño called the meeting to order at 9:00 AM on September 22, 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, Don Nottoli, 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 9:02 am.

Councilmember Christy Smith joined during this agenda item.

4. RECONVENE OPEN SESSION

Chair 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, and Don Nottoli.

6. CONSENT CALENDAR (ACTION ITEM)

Councilmember Smith rejoined the meeting during this agenda item.

**Motion: (approve the consent calendar)** Offered by Lee, second by Nottoli.

**Vote:** 5/0 - The motion was adopted (Damrell: Aye, Lee: Aye, Madueño: Aye, Nottoli: Aye, Smith: Aye).

The motion and vote are viewable on the linked agenda at [https://cal-span.org/meeting/dsc\\_20220922/](https://cal-span.org/meeting/dsc_20220922/) minute 6:31.

7. CHAIR'S REPORT (INFORMATION ITEM)

Chair Madueño highlighted her trip to Los Angeles, CA where she met with Director and General Manager of LA Environment Sanitation, Barbara Romero. The meeting was beneficial and engaging, covering topics of new technologies and the discussion of developing a robust water system to sustain the city of Los Angeles in an equitable framework.

Following the meeting, the Chair met with Mark Pestrella, the Director of the County of Los Angeles Public Works. The Chair noted Pestrella's upcoming presentation on the new infrastructure installation for the County of Los Angeles at the October Council meeting.

Chair Madueño shared that she would be speaking at the Science for Communities Workshop on October 6, 2022. The workshop will highlight how Delta communities' day-to-day activities are impacted by science. Chair Madueño noted that this topic was of critical importance for people throughout the Delta.

Chair Madueño also met with the Delta Independent Science Board (ISB) including the previous Chair, Dr. Stephen Brandt. Chair Madueño thanked Dr. Brandt for his service, and welcomed the new Delta ISB Chair, Lisa Wainger. Chair Madueño provided a summary of the last Council meeting and emphasized the Environmental Justice Issue Paper Interview Results agenda item and the refocusing of the Delta Plan Interagency Implementation Committee.

The agenda item is viewable on the linked agenda at [https://cal-span.org/meeting/dsc\\_20220922/](https://cal-span.org/meeting/dsc_20220922/) minute 7:31

8. PUBLIC COMMENT

There was no public comment.

9. EXECUTIVE OFFICER'S REPORT (INFORMATION ITEM)

Executive Officer Jessica Pearson provided notice on the upcoming Science for Communities Workshop on October 6, from 3-7 PM, at the Big Break Center in Oakley. This workshop aims to boost the Delta community's awareness and access to the environmental data and technical tools available to them and to foster interaction between scientists and community members looking to get more engaged.

Pearson highlighted two opportunities for the public to comment on the Draft Environmental Impact Report (EIR) for the Delta Conveyance project. Public comment will be held on September 22 from 12-2 PM and again on September 28 from 5:30-7:30 PM.

Pearson also provided an update on the review period for Reclamation District 348's certification of consistency for the South Mokelumne River Setback Levee Project—the proposed project's review period closed on September 12, with no appeals, and the project may now proceed.

On behalf of the Council, staff sent three comment letters this past month. A letter was sent to the Department of Water Resources regarding the Draft EIR for the West False River Drought Salinity Barrier Project, stating that the project appears to be a covered action and identifying several applicable Delta Plan policies for the project.

The second was sent to the Central Valley Flood Protection Board regarding the Program EIR for the Yolo Bypass Cache Slough Partnership Multi-Benefit Program Master Plan. The proposed program appears to meet the definition of a covered action, and the letter identifies applicable Delta Plan policies.

Lastly, a letter was sent to the State Water Resources Control Board (Board) regarding the Notice of preparation of an EIR for the Lower San Joaquin River and Southern Delta portions of the Bay-Delta Plan. While the update to the Bay-Delta Plan is not a covered action, future actions taken to meet standards might apply.

The comment letter to the Board strongly supports the implementation of the Bay-Delta Plan and its updates.

Pearson congratulated the new Deputy Executive Officer for Science, Henry DeBey on his promotion. Henry has been the Environmental Program Manager for our Collaborative Science and Peer Review unit since 2020 and has spent over a dozen years working at the intersection of environmental science and policy

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

*9a. Legal Update (Information Item)*

There was no legal update.

*9b. Legislative Update (Information Item)*

Legislative and Policy Advisor, Brandon Chapin, highlighted Senate Bill 905 (Caballero), the report was signed by the governor and charges the Air Resources Control Board to establish a unified permitting process by January 2025. The Council will be monitoring how this bill impacts the legal Delta. Assembly Bill 2108 (Rivas) was also signed last week. This bill requires the State Water Resources Control Board to perform Environmental Justice (EJ) outreach and engagement as early as possible in the planning, policy, and permitting processes.

All materials mentioned in the Executive Officer's report can be found on the Council's website (<https://deltacouncil.ca.gov/council-meetings>)

The Executive Officer's Report is viewable on the linked agenda at [https://cal-span.org/meeting/dsc\\_20220922/](https://cal-span.org/meeting/dsc_20220922/) minute 20:40.

**10. LEAD SCIENTIST REPORT (INFORMATION ITEM)**

Dr. Laurel Larsen featured a study by Lehman, Kurobe, and Teh (affiliations: California Department of Water Resources and UC Davis) that highlights the impact of switching between extreme drought and wet conditions, a.k.a. "climatic whiplash" on cyanobacteria harmful algal blooms (CHABs), within the upper San Francisco Estuary (USFE). It is expected that the frequency and duration of these whiplash events are likely to increase with continued climate change. Understanding the effects, these events have on CHABs, and the related primary producer communities is essential.

Dr. Larsen announced that the hybrid Science for Communities workshop would be held on October 6 from 3-7 PM at the Big Break Visitors Center in Oakley, CA. This

free public workshop aims to foster opportunities for scientists to contribute to communities and communities to contribute to science.

This fall, work continues towards integrating the Bay-Delta Social Science Community of Practice into the Delta science landscape, by hosting a two-part “Advancing Interdisciplinary Research” event. Both events will be free to register for and held online, with an optional in-person networking event hosted in Sacramento late afternoon on Oct 20th. Registration links and additional event details are now on the Council’s social science webpage (<https://deltacouncil.ca.gov/social-science>).

The Delta Salinity Management Workshops, a two-part series spanning 2022-2023 that kicked off with an April 2022 workshop, aims to develop a collaborative, scenario-based strategy for salinity management planning in the face of extended drought and sea-level rise. A second, more general focus group meeting will be advertised for later this fall.

Dr. Larsen and Senior Environmental Scientist Pascale Goertler reviewed the recent bloom of *Heterosigma okashiwo* detected in the San Francisco Bay, near Alameda/Oakland. The bloom is a non-cyanotoxin HAB event, with toxicity impacts on fish and potentially other wildlife, with a potential for depletion of water-column dissolved oxygen. By mid-August, the bloom expanded over large swaths of the South Bay, with evidence that it may expand into Central Bay and possibly San Pablo Bay. Although blooms of this organism have been observed previously in the San Francisco Estuary (SFE), their frequency has been rare (about 2 out of every 30 years) and of a smaller extent than the current bloom. The trigger for this year’s bloom is unknown, but the combination of elevated nutrients within the Bay, warm temperatures, and long residence times have been hypothesized to play a major role. The Delta Science Program (DSP) is contributing to the collection of data on the fish kill associated with the bloom event.

One of the ways in which the DSP funds work responsive to the Science Action Agenda is through directed actions. Directed actions fund urgent, important scientific work outside of the regular Public Solicitation Notice (PSN) cycle that must meet one of the following criteria: 1) responsive to rapidly developing or rapidly changing conditions, 2) responsive to priorities of collaborative groups/workshops, 3) advances new techniques or new technology that may still be experimental in nature, 4) helps promote diversity, equity, and inclusivity in Delta science. All directed actions undergo peer review by three independent reviewers prior to a decision by the Lead Scientist to fund the work.

Starting this month, pending directed action awards will be featured in the Lead Scientist's report. Four directed actions are currently pending: Delta social-environmental science data integration, Salinity Management Workshop Series demonstration exercise, Evaluating the impacts of fire retardants on Chinook Salmon and Rainbow Trout, and Refining strategies for applying Early Detection and Rapid Response (EDRR) for eradicating invasive species, using a case study involving ribbon weed.

Dr. Larsen reviewed the By the Numbers report.

Councilmember Nottoli and Dr. Larsen discussed the environmental testing requirements on the impacts of the widescale use of fire retardants in combatting wildfires.

The agenda item is viewable on the linked agenda at [https://cal-span.org/meeting/dsc\\_20220922/](https://cal-span.org/meeting/dsc_20220922/) minute 31:17.

11. DELTA WATERMASTER UPDATE (INFORMATION ITEM)

As required by Water Code §85320(d), the Delta Watermaster Michael Patrick George presented a report that included: efforts to address the ongoing drought and its impact on the Delta; the water year 2023 (dry-year risk mitigation planning); how the Delta fits among proposed voluntary agreement; and the recruitment of the next Delta Watermaster.

Pearson and Delta Watermaster Michael George discussed illegal diversions in the water system. George explained that the issue's complexity makes it very complicated to decipher, and any action taken will lead to litigation, causing delays in final decisions. This dynamic emphasizes the need for collaborative action to address the current issues.

Councilmember Nottoli and George discussed unauthorized water diversions, the roles of various agencies in this matter, and some of the complexities derived from legal concerns. The scope of the diversion question has been narrowed following research on open water evaporation, evapotranspiration of riparian vegetation, restoration activities, and evapotranspiration of aquatic vegetation.

Pearson and George discussed the recent court decisions on curtailments and their impact on water diversions. George noted that the information the courts gave is valuable but does not impact how the California State Water Resources Control Board is currently proceeding.

Councilmember Damrell and George spoke on the concerns of varying decision-making outcomes in the Delta.

Chair Madueño thanked George and expressed an interest in setting up a meeting to address her further questions.

The agenda item is viewable on the linked agenda at [https://cal-span.org/meeting/dsc\\_20220922/](https://cal-span.org/meeting/dsc_20220922/) minute 1:20:43.

12. WORKSHOP: DRAFT AMENDMENTS TO ADMINISTRATIVE PROCEDURES GOVERNING APPEALS (INFORMATION ITEM)

The Council conducted a workshop to provide information and obtain input from the public on draft amendments to the Council's Administrative Procedures Governing Appeals ("Appeals Procedures"). Staff presented draft revisions to the Appeals Procedures for Councilmember and public discussion and input, with a recommendation to revise based on input received and bring back to the Council for potential adoption at a future Council meeting.

*Public Comment*

Brenda Bass (California Chamber of Commerce), Rebecca Harms (San Luis Delta Mendota Water Authority), Robert Horton (Metropolitan Water District Southern California/ State Water Contractors), Antonio Alfaro (Santa Clara Valley Water District), Brian Barnhart (Department of Water Resources), Bruce Blodgett (Delta Protection Commission).

Councilmember Nottoli spoke on the Delta Protection Commission's (DPC) role regarding the different perspectives offered in public comment. Councilmember Nottoli emphasized the need for the DPC not to be so limited that they cannot be an effective voice for the Delta. Chair Madueño acknowledged Councilmember Nottoli's comments.

**Motion: (Direct staff to revise the current draft of the proposed Amended Appeals Procedures and bring them back to the Council for consideration and potential adoption at a future public Council meeting)** Offered by Lee, second by Damrell.

Councilmember Nottoli and Deputy Executive Officer for Planning and Performance Jeff Henderson confirmed that with the motion, staff would consider the input heard today and present new revisions at a later meeting for possible adoption by the Council. Councilmember Nottoli and Chief Counsel Jorge Aguilar discussed the possibility of a discussion between the Delta Protection Commission and Delta Stewardship Council concerning the role of the DPC.

Councilmember Zingale rejoined during this agenda item. **Vote:** 5/0 - The motion was adopted (Damrell: Aye, Lee: Aye, Madueño: Aye, Nottoli: Aye, Zingale: Aye).

The motion and vote are viewable on the linked agenda at [https://cal-span.org/meeting/dsc\\_20220922/](https://cal-span.org/meeting/dsc_20220922/) minute 3:27:35.

13. PREPARATION FOR THE NEXT COUNCIL MEETING

The next Council meeting is on October 27-28, 2022; in the California Natural Resources Agency Headquarters Building at 715 P St, Sacramento, CA, 95814.

The meeting adjourned at 2:11 PM.

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