



DRAFT

**SUMMARY: FEBRUARY 23, 2023
DELTA STEWARDSHIP COUNCIL MEETING**

For review and adoption by the Council at the March 23, 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 9:00 AM on February 23, 2023.

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, Lee, Smith, Zingale, and Madueño.

3. CLOSED SESSION: LITIGATION (Gov. Code 11126(e)(1) and 11126(e)(2)(A), 11126(e)(2)(B)(i), and 11126(e)((2)(C)) (ACTION ITEM)

RECONVENE OPEN SESSION

4. RECONVENE OPEN SESSION: ROLL CALL – ESTABLISH A QUORUM (WATER CODE §85210.5)

Roll call was taken, and a quorum was re-established. The following councilmembers were present: Burgis, Damrell, Lee, Smith, and Madueño.

Councilmember Zingale rejoined at agenda item 5.

5. COUNCIL CONSIDERATION AND POSSIBLE ADOPTION OF 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 (GOVERNMENT CODE §11346.8) (RESOLUTION 2023-01) (ACTION ITEM)

*Note: the presentation for this agenda item was restarted to accommodate for technical difficulties with the Zoom link on the meeting notice. Once resolved, the presentation for the agenda item resumed from the beginning for both in-person and virtual attendees.

The Council held a public hearing for the public to present statements, contentions, and arguments, either orally and/or in writing or both regarding the proposed rulemaking action. Chair Madueño presided as the hearing officer and opened the hearing at approximately 10:00 am. The hearing was recorded by a certified court reporter.

Council staff presented the proposed rulemaking for the Delta Levees Investment Strategy (DLIS), including revisions made after the November 17, 2022, public hearing and receipt of public comments, and recommended that Council adopt the proposed regulatory amendments for Section 5001 (Definitions) and Section 5012 (Prioritization of State Investments in Delta Levees and Risk Reduction (Delta Plan Policy RR P1)) of Title 23 of the California Code of Regulations (Office of Administrative Law File No. Z2022-0816-07) for the implementation of DLIS, as revised after November 17, 2022, public hearing and receipt of public comments (Revised Proposed DLIS Rulemaking).

The panel included: Jeff Henderson, deputy executive officer for Planning and Performance; Erin Mullin, supervising engineer; and Eva Bush, environmental program manager (Regulatory Review Unit).

Public Comment

Brian Brock – Department of Water Resources

Patrick Johnston – Resident (Stockton)

Dante John Nomellini Sr. – Central Delta Water Agency

Thomas Zukerman – Delta Resident

Gilbert Cosio – River Delta Consulting

Dominick Gulli – Civil Engineer (Stockton Reclamation Districts)

Melinda Terry – California Central Valley Flood Control Association
Kirstin Pringle – Delta Protection Commission
Tom Slater – Chairman of the Board of Reclamation District 999
Emily Papalardo – MBK Engineers
Alf Brant – Counsel to the Assembly Speaker Anthony Rendon
Bret Baker – Attorney, Nomellini, Grilli & McDaniel PLC
Dan Nomellini Jr. – Central Delta Water Agency
Lawrence Abbott – Lathrop Founder (1 of 5)
James Crowder – Soluri Meserve

Councilmember Burgis sought clarification on transparency and prioritization of Delta levees.

Jeff Henderson and Councilmember Lee discussed the correlation between the prioritization of levees and disadvantaged communities. (Judge Damrell expressed agreement to the question and answers given).

Councilmember Zingale and Henderson discussed how the proposed regulations move the Council forward in transparency (via an annual report, by the Department of Water Resources, to the Council).

Motion: Approve Resolution 2023-01 to adopt proposed rulemaking for section 5001 (Definitions) and section 5012 (Prioritization of State Investments in Delta Levees and Risk Reduction (Delta Plan Policy RR P1)) of title 23 of the California code of regulations (Government Code §11346.8) offered by Councilmember Smith, seconded by Councilmember Damrell

Vote: 5/1 – The motion passed (Resolution 2023-01 was approved) (Burgis: Nay, Damrell: Aye Lee: Aye, Smith: Aye, Zingale: Aye, Madueño: Aye).

The agenda item is viewable on the linked agenda at <https://bit.ly/3SUTnlp>, minute 0:02:50.

6. ROLL CALL – ESTABLISH A QUORUM (WATER CODE §85210.5)

7. PUBLIC COMMENT (Items not on the agenda)

Dominick Gulli – Civil Engineer (Stockton Reclamation Districts), provided comments on state interests (Delta Conveyance), the direction of the adopted DLIS rulemaking and next steps, and prioritization of the Delta, reservoirs (capture water when you can), and infrastructure.

8. CONSENT CALENDAR (ACTION ITEM)

a. Adoption of January 26, 2023, Meeting Summary

b. Consideration and Possible Approval of an Amendment to a Contract with the Regents of the University of California San Diego, California Sea Grant for the Position of Social Scientist Extension Specialist (Resolution 2023-02)

Chair Madueño presented the agenda item for adopting January 26, 2023, Meeting Summary (which includes Resolution 2023-02).

Motion: (approve the consent calendar) offered by Councilmember Lee, seconded by Councilmember Burgis.

Vote: 6/0 - The motion was adopted (Burgis: Aye, Damrell: Aye, Lee: Aye, Smith: Aye, Zingale: Aye, Madueño: Aye)

The agenda item is viewable on the linked agenda at <https://bit.ly/3SUTnlp>, minute 03:00:15.

9. CHAIR'S REPORT (INFORMATION ITEM)

Chair Madueño provided comments on the Tribal nation Conference and the Delta Plan Interagency Implementation Committee (DPIIC) Restoration Forum. She echoed the importance of communication with tribal entities and asked that Brandon Chapin, the Council's Tribal Liaison, report back on the conference.

Chair Madueño highlighted that only one landowner was present at the DPIIC Forum, which she took as a signal to improve the Council engagement of landowner groups.

Following those reports, Chair Madueño congratulated Julie Lee on her confirmation.

Chair Madueño stated that she continues to meet with California legislators and County Supervisors and emphasized that Legislative Director Brandon Chapin was able to organize a legislative briefing last week, attended by Executive Officer Jessica Pearson, Lead Scientist Dr. Laurel Larson, and Deputy Executive Officer for Science Henry DeBey.

The agenda item is viewable on the linked agenda at <https://bit.ly/3SUTnlp>, minute 03:01:40.

10. EXECUTIVE OFFICER'S REPORT (INFORMATION ITEM)

Executive Officer Jessica Pearson congratulated Councilmember Lee on her confirmation.

Pearson reported that the Governor signed an Executive Order on February 13 to address the state's water supplies. The Order authorized the State Water Resources Control Board to consider modifying the requirements for storage releases for the Central Valley and State Water Projects, modifications that were granted on February 22, 2023, by the Water Board. The order also charges state agencies to submit recommendations for how to address ongoing emergency drought response.

Pearson affirmed that Council staff will monitor the actions taken in response to this Executive Order, and will provide future updates as they occur.

Pearson shared that on February 13, the Department of Water Resources submitted a certification for the McCormack Williamson Tract Levee Modification and Habitat Restoration Project – Phase B. This project was initially submitted to the Council as a certification in 2018, but the Department issued a Supplemental EIR due to some project changes to Phase B. The project seeks to degrade existing levees surrounding McCormack Williamson Tract at three locations, allowing regular freshwater and tidal inundation to restore habitat within the interior and significant flood protection downstream during large flood events. The project is currently in its 30-day review period, which expires on March 15, 2023.

a. Legal Update (INFORMATION ITEM)

Chief Counsel Jorge Aguilar provided an announcement that Jennifer Baldwin joined the Council's legal staff as an Attorney III.

b. Legislative Update (ACTION ITEM)

There was no legislative update.

c. Council 2023 Work Plan

Pearson introduced the panel for the Council's 2023 Work Plan after speaking on the Council's long-term and near-term needs, projects, and trends in pursuit of the agency's mission.

Pearson reported that the Delta Adapts Adaptation Strategy and Environmental Justice Issue Paper will be completed this year and that projects, such as the Five-Year Review of the Delta Plan, or other initiatives, such as the 2023 Proposal Solicitation Notice, will begin in earnest.

The panel included: Ryan Stanbra, chief deputy executive officer; Jeff Henderson, deputy executive officer for Planning and Performance; Henry DeBey, deputy executive officer for Delta Science Program; and Amanda Bohl, special assistant for Planning and Science.

The Panel spoke on three overarching objectives:

- Objective 1: Implement the Delta Plan
- Objective 2: Advance One Delta, One Science
- Objective 3: Enhance Outreach and Engagement

Councilmember Lee requested that the Council get regular updates on the Justice, Equity, Diversity, and Inclusion program.

Councilmember Burgis requested that the Dutch Slough meeting be moved to another date, so she could attend.

Chair Madueño, Henry DeBey, and Dr. Larsen discussed extreme weather priority and how to address the phenomena programmatically and scientifically.

Chair Madueño closed the panel by highlighting the idea of progression and the need to facilitate areas to grow the landscape for incorporating equity in the Council's work.

The item is viewable on the linked agenda at <https://bit.ly/3SUTnlp>, minute 03:07:44.

11. LEAD SCIENTIST REPORT (INFORMATION ITEM)

Lead Scientist Dr. Laurel Larsen featured the article:

Environmental DNA Methods for Ecological Monitoring and Biodiversity Assessment in Estuaries *Raman P. Nagarajan, Mallory Bedwell, Ann E. Holmes, Thiago Sanches, Shawn Acuña, Melinda Baerwald, Matthew A. Barnes, Scott Blankenship, Richard E. Connon, Kristy Deiner, Daphne Gille, Caren S. Goldberg, Margaret E. Hunter, Christopher L. Jerde, Gordon Luikart, Rachel S. Meyer, Alison Watts, and Andrea Schreier. Estuaries and Coasts (2022) <https://doi.org/10.1007/s12237-022-01080-y>.*

The article seeks to summarize the state of the science for applying eDNA techniques in estuaries. In addition, it explores how these techniques could address specific management questions in the San Francisco Estuary.

Dr. Larsen reported on the CNRA science day, on February 13, explaining that the Delta Science Program participated as a partner in the first inaugural California Council on Science and Technology (CCST).

Dr. Larsen noted that the Delta Science Program hosting the Integrated Modeling Framework Workshop, on February 28 and March 1—to include focused discussion on topics like cyberinfrastructure, human resources, and best practices for implementing modeling and sharing modeling results.

Dr. Larson highlighted the Interagency Ecological Program (IEP) 2023 Workshop. The workshop will be held in the California Natural Resources Headquarters in downtown Sacramento. The workshop will be a free hybrid (in-person and virtual) event.

Workshop details are available on the IEP Annual Workshop web page. Additional information is available via the IEP Annual Workshop email mailing list. Make sure to subscribe to receive updates and registration information, which will be available in late February. The theme for this year's workshop is "Community," which reflects how the IEP relies upon multidisciplinary teams of agencies, academic and non-governmental agencies, and other scientists to accomplish its mission. The date and time information are below.

Workshop: March 21st-23rd, 2023. 8 am - 5 pm
Training Courses: March 24th, 2023. 9 am - 12 pm
Location: 715 P Street, Sacramento, CA 95814

Dr. Larsen closed with a summary of the "By the Numbers" report.

The item is viewable on the linked agenda at <https://bit.ly/3SUTnip>, minute 03:40:23.

12. SOCIAL SCIENCE INTEGRATION TEAM PRESENTATION (INFORMATION ITEM)

Council staff on the Social Science Integration Team presented the accomplishments in 2022 and the ongoing efforts that aim to increase interdisciplinary science.

The presentation emphasized how social sciences integration into environmental science and management in the Sacramento-San Joaquin Delta (Delta) can contribute to a better understanding of the people who live, work, and recreate in and around the estuary, how the region impacts their health and well-being, and how their behaviors influence environmental issues, in furtherance of the coequal goals.

The panel included: Dr. Jess Rudnick, social science extension specialist; Cory Copeland, senior environmental scientist; Dr. Chelsea Batavia, senior environmental scientist; and Beck Barger, public participation manager.

Councilmember Burgis emphasized the importance of the subject matter, and the need to build community trust and measure it in the future.

Chair Madueño echoed Councilmember Burgis' comments and expanded on the need for community trust, and encouraged advertising the survey broadly through a variety of local media outlets

The item is viewable on the linked agenda at <https://bit.ly/3SUTnip>, minute 03:54:56.

13. SCIENCE GOVERNANCE SURVEY OVERVIEW WITH MARK LUBELL (INFORMATION ITEM)

Dr. Mark Lubell and Tara Pozzi provided an overview of UC Davis' work on analyzing the governance of the scientific enterprise, including a summary of past and ongoing activities, key findings, and recommendations.

Chair Madueño noted her appreciation for the ideas in the presentation and its direction, with Dr. Lubell's and Tara Pozzi's guidance.

Chair Madueño, Tara Pozzi, and Dr. Lubell discussed the general dissemination of information and why there was little participation from DPIIC (and others) in their efforts and how personal/individual contact is an important component of engagement for future efforts.

The item is viewable on the linked agenda at <https://bit.ly/3SUTnlp>, minute 04:25:14.

14. PREPARATION FOR THE NEXT COUNCIL MEETING

The next Council meeting will take place March 23-24, at Belle Vie Vineyard on Sherman Island. Please refer to the posted meeting notice 10 days before the meeting for further information or updates.

The meeting adjourned at approximately 3:28 PM.

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