



DRAFT

For Review and Adoption by the Council at the September 26, 2019 Meeting

**DELTA STEWARDSHIP COUNCIL
Thursday, August 22, 2019
Park Tower Plaza
2nd Floor Conference Center
980 Ninth Street
Sacramento, CA 95814**

MEETING SUMMARY

1. Welcome and Introductions

Chair Tatayon called the meeting to order at 9:00 AM, August 22, 2019.

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

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

Councilmember Mike Gatto arrived during closed session.

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

No action was taken during the Closed Executive Session.

4. Reconvene Open Session

Open session reconvened at 9:50 AM.

5. Adoption of July 24, 2019 Meeting Summary (Action Item)

There were no changes to the meeting summary.

Motion: Offered by Gatto, second by Fiorini - Approve the July 24, 2019 meeting summary.

Vote: 6/0 – Weinberg, Gatto, Damrell, Fiorini, Mehranian, and Tatayon. Villegas abstained because he was absent at the July Council meeting. 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=2019-08-22> minute 00:02:41.

6. Chair's Report (Information Item)

Chair Tatayon stated that she participated in a panel on August 6 for the Water Resilience Portfolio. The Resilience Portfolio team presented at the State Water

Resources Control Board (Water Board) Meeting. At this time, the Resilience Portfolio team is still taking public comments, and a draft is expected in October.

Councilmember Fiorini provided an update on the Delta Plan Interagency Implementation Committee (DPIIC) workgroup designated to implement the science funding white paper. Currently, four subgroups are meeting to identify implementation steps for the recommendations identified in the white paper and have finalized draft submittals. A steering committee will meet to collate the reports into one final report. The goal is to have the report ready by the November DPIIC meeting.

Councilmember Weinberg thanked staff for helping plan the September Council meeting in Orange County and thanked Councilmember Mehranian on her efforts to bring water experts to the meeting.

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The Chair's Report is viewable on the linked agenda at <https://cal-span.org/unipage/?site=cal-span&owner=DSC&date=2019-08-22> minute 00:03:13.

7. Executive Officer's Report (Information Item)

Executive Officer Jessica Pearson noted that staff from the Council, State Parks and the Department of Water Resources (DWR) toured part of the Sacramento River to visit areas critical for habitat and downstream ecosystems, including the Delta. The goal was to increase understanding of the River's impact on the Delta and to build ties among agencies working on the system. Ms. Pearson noted that July 2019 Outreach Highlights report was available in the Council binders and on the website.

Regarding Delta Plan Implementation and Coordination letters, Ms. Pearson introduced a new draft Active Projects List in response to Councilmember request. The list outlines state, regional, local, and other projects that staff is currently tracking, including both potential covered actions and related plans or programs.

Council staff sent out two comment letters this month:

- Solano County Department of Resource Management regarding a proposed General Plan amendment to incorporate policies regarding ecosystem restoration at Cache Slough. The letter states that the amendment may meet the definition of a covered action.
- Tri-Valley-San Joaquin Valley Regional Train Authority regarding its draft Valley Link Feasibility Report. The project is a proposed railway that would link Tracy and Stockton to existing Bay Area transit systems.

There were no pending or filed covered actions to report. Lastly, Ms. Pearson welcomed back Andy Voong as the new Information Technology Associate.

7a. Legal Update (Information Item)

Ms. Pearson stated that there was no Legal Update.

7b. Legislative Update (Action Item)

Ms. Pearson introduced Legislative Analyst Ryan Stanbra and Sea Grant Fellow Dr. Kate Melanson. Dr. Melanson began the update with a report on AB 912 (Marine invasive species: ballast water and biofouling management requirements). Currently, there is a delay on implementation of the *California Performance Standards* ten-year plan because one of the criteria is not feasible at this time. Research options are being evaluated. A review the Delta Science Program performed on behalf of the State Lands Commission was acknowledged in the bill.

Mr. Stanbra provided an update on the following bills and federal issues.

- AB 638 (Water storage: climate change impacts): This bill would require DWR, in collaboration with the U.S. Bureau of Reclamation (Reclamation) and the U.S. Army Corps of Engineers, to identify water storage facilities vulnerable to climate change impacts and ways to mitigate those impacts as part of the next California Water Plan. Earlier this year, DWR released its vulnerability assessment looking at how climate change could impact the Department's assets and business activities. AB 638 seeks to advance the efforts towards managing climate change, but as the Council moves forward with its own vulnerability assessment, which will consider water supply reliability impacts associated with climate change, there will likely be a substantial amount of new information to better inform decision-making going forward.
- SB 204 (State water project contracts): Previous versions of the bill sought to augment the Legislature's scope of review for State Water Project contracts by adding Delta conveyance-related contracts to the Legislature's purview, as well as adding additional compliance criteria for long-term water supply contracts, which are currently subject to legislative review. The bill was subsequently amended to provide the Water Commission, rather than the Legislature, with the prescribed authority to annually review the design, construction, and financing of any new Delta conveyance.
- The Trump Administration finalized rule changes to the Endangered Species Act. Mr. Stanbra reminded the Council that in September 2018 Ms. Pearson submitted a letter, to the U.S. Fish and Wildlife Service's Division of Conservation and Classification regarding the acts proposed changes. In the letter, Ms. Pearson specifically addressed proposed changes relevant to the Council's mission.

Regarding AB 912, Chair Tatayon asked if the Council informed the drafting of the bill's scientific research. Mr. Stanbra stated that the review was provided to the State Land Commission who informed the bill.

Regarding SB 1, Chair Tatayon asked if the bill created State baselines joined with current federal baselines and how both would work together. Mr. Stanbra stated that in the current draft bill California is free to adopt its own standards as long as it is not below standards set by the federal government.

Councilmember Villegas asked if the Active Projects List could include a status of where each project is in the covered actions process and to clarify the order of operations.

7c. Contract and Budget Update (Information Item)

Ms. Pearson invited Chief Deputy Executive Officer Jessica Law to provide an update on the Budget and Contract Report.

Councilmembers and staff discussed the importance of assessing staff's ability to complete work and execute the covered actions process for projects. Staff will continue to discuss work planning, communications and branding strategies, and enhance communications around science funding.

Ms. Pearson wrapped up her report with a review of the remaining agenda items.

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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=2019-08-22> minute 00:06:37.

8. Lead Scientist's Report (Information Item)

Lead Scientist Dr. John Callaway provided his report which included: an update on two recent journal publications, a review of the recent Water Data Science Symposium, a summary from the Social Science Task Force Workshop, a summarization of the Brown Bag Seminar about the estuary's place along the continuum from the mountains to the ocean, and the By the Numbers Report.

Dr. Callaway reminded the Council of the International Symposium on DIStributed Computing (DISC) next week (August 29) at the University of California, Davis. Dr. Callaway invited Deputy Executive Officer for Science Louis Conrad to provide information on the 10 essential Bay-Delta articles.

Councilmembers asked staff to summarize the ten findings and create a way to distribute the information easily, specifically regarding Delta Smelt. Ms. Conrad stated that staff would develop a summary for the councilmembers.

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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=2019-08-22> minute 00:35:30.

9. Delta Independent Science Board Chair Update (Information Item)

Delta Independent Science Board (Delta ISB) Chair Dr. Elizabeth Canuel and former Chair Dr. Stephen Brandt provided the Delta ISB update to the Council. Dr. Brandt provided an overview of the Delta ISB review process and update on activities over the past year. Their current workplan includes reviews and *potential* reviews for the following:

- Interagency Ecological Program (IEP)

- Delta Monitoring Enterprise
- Water Supply Reliability
- Delta Plan Ecosystem Chapter: Non-native species
- DPIIC Science Needs Assessment
- Implications of Rapid Environmental Change
- Delta Lead Scientist Recruitment
- *Delta Plan Ecosystem Amendments performance measures*
- *Climate Change Vulnerability Assessment and Adaptation Strategy*

Dr. Canuel provided an update on current activities such as the IEP Review and next steps. She provided the Boards recommendations which included:

- Promoting the value of long-term data management which supports adaptive management and rapid environmental changes;
- Broaden and integrate improved monitoring technologies into existing programs;
- Provide additional resources to support experimentation and synthesis;
- IEP should undertake a formal, transparent assessment to develop a consistent set of goals that define its mission and activities; and
- Develop a new and clear sense of direction to be more strategic, efficient, and effective.

During Dr. Canuel's presentation, Councilmembers discussed the resources available for the IEP, the collection of data for the Delta Monitoring Enterprise, and whether the Council needs to take any action to assist in IEP activities, such as setting priorities. Councilmembers expressed the importance of the Council and the Delta ISB to remain in sync by reviewing and incorporating each other's workplans and goals.

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The Delta ISB Report is viewable on the linked agenda at <https://cal-span.org/unipage/?site=cal-span&owner=DSC&date=2019-08-22> minute 01:03:09.

10. Draft Delta Plan Five-Year Review Report (Information Item)

Ms. Pearson opened with an overview of the Five-Year Review process. She then introduced Assistant Planning Director, Harriet Ross, and Supervising Engineer, Andrew Schwarz. Ms. Ross provided a visual representation of the Five-Year Review process and reviewed the priorities from the Council Retreat and the draft Delta Plan Five-Year Review Report. Mr. Schwarz provided an overview of the general findings and recommendations.

Councilmembers discussed the Delta Plan's successful guidance of local and State agency actions. They also discussed how environmental justice and the Social Science Task Force fit into the Council's actions going forward. Councilmembers and staff also

discussed using the staff recommended Federal Coordination and Participation issue paper as a coordination tool.

Councilmember Weinberg asked that staff ensure that the Council is included in the discussion when it is time to review the lessons learned from previous covered action appeals.

Lastly, Councilmembers and staff discussed the importance of Delta as a Place and the need to focus on improving coordinated outreach and consultation. Ms. Pearson mentioned that Council staff would discuss the development of the Public Participation Plan to the Delta Protection Advisory Committee in September.

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The Draft Delta Plan Five-Year Review Report is viewable on the linked agenda at <https://cal-span.org/unipage/?site=cal-span&owner=DSC&date=2019-08-22> minute 01:48:09.

**11. Public Hearing on Proposed Rulemaking for Section 5001 (Definitions) and Section 5012 (Delta Levees Investment Strategy)(Delta Plan RR P1) of Title 23 of the California Code of Regulations (Government Code §11346.8)
(Action Item)**

The Council held a public hearing regarding the Proposed Rulemaking for Section 5001 (Definitions) and Section 5012 (Delta Levees Investment Strategy)(Delta Plan RR P1) of Title 23 of the California Code of Regulations (Government Code §11346.8). The hearing commenced at 1:01 PM. on August 22, 2019.

- a. Opening of Hearing and Explanation of Hearing Process by the Chair
- b. Conduct Hearing

(Note: A certified shorthand reporter recorded the hearing proceedings, and the hearing was also available to view live online at: <http://cal-span.org/static/meetings-DSC.php>)

The complete transcript of the hearing proceedings, along with all supporting documents is available upon request.

Staff presented an overview of the regulatory process, proposed changes to the regulation, and the recommended action outlined in Resolution 2019-2.

The following audience members presented comments:

- Dante John Nomellini, Central Valley Water Association
- Gil Cosio, MBK Engineers
- Kris Tjernell, Department of Water Resources
- Darren Suen, Central Valley Flood Protection Board
- Tyson Zimmerman, Regional District 830
- Justin Fredrickson, California Farm Bureau Federation
- Alf Brandt, California State Assembly

- Osha Meserve, Local Agencies of the North Delta
- Deidre Des Jardins, California Water Research
- Melinda Terry, California Central Valley Flood Control Association
- Dan Whaley
- Doug Brown, Douglas Environmental

Chair Tatayon and Councilmembers Weinberg, Gatto, Damrell, Mehranian, Fiorini, and Villegas were present for the hearing. Upon conclusion of the hearing, Councilmembers voted based on the official record and comments received regarding the matter.

Motion: Offered by Gatto, second by Mehranian – To adopt Resolution 2019-02, which states in part:

- 1) The Council hereby finds the foregoing recitals to be true and correct and incorporates them herein; and
- 2) The Council authorizes and directs the Executive Officer, or designee(s), to prepare written responses to the public comments received by the Council on the proposed rulemaking; prepare other pertinent documents, including a Final Statement of Reasons; incorporate any changes identified by the Council at the August 22, 2019 meeting, and any other changes as necessary subsequent to that meeting; present the proposed regulations, including any such changes and the related pertinent documents, to the Council for consideration and possible adoption at a future Council meeting; and to take such actions and steps as are necessary to effect the intent of this Resolution.

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

The video of the hearing proceedings on August 22 is viewable on the linked agenda at: <https://cal-span.org/unipage/?site=cal-span&owner=DSC&date=2019-08-22> minute 02:30:32.

12. Public Comment

There was no public comment

13. Preparation for Next Council Meeting

The meeting adjourned at 2:48 pm.

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