



DRAFT

**SUMMARY: AUGUST 26, 2021
DELTA STEWARDSHIP COUNCIL MEETING**

For review and adoption by the Council at the September 23, 2021 meeting.

In accordance with the Governor's Executive Order N-08-21 issued on June 11, 2021, the meeting's proceedings were conducted entirely remotely.

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

MEETING SUMMARY

1. WELCOME AND INTRODUCTIONS

Chair Susan Tatayon called the meeting to order at 9:00 AM, August 26, 2021.

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, Virginia Madueño, Maria Mehranian, Christy Smith, Susan Tatayon, and Daniel Zingale.

Councilmember Nottoli arrived during Item 6, the Executive Officer's Report.

3. CONSENT CALENDAR

Motion: Offered by Mehranian, second by Smith – Approve the Consent Calendar.

Vote: 6/0 - The motion was adopted.

The motion and vote are viewable on the linked agenda at [https://cal-span.org/unipage/index.php?site=cal-span&owner=DSC&date=2021-08-26&target=minute 2:17](https://cal-span.org/unipage/index.php?site=cal-span&owner=DSC&date=2021-08-26&target=minute%202:17)

4. CHAIR'S REPORT (INFORMATION ITEM)

Chair Tatayon did not provide a report in the interest of time.

The item is viewable on the linked agenda at [https://cal-span.org/unipage/index.php?site=cal-span&owner=DSC&date=2021-08-26&target=minute 02:42](https://cal-span.org/unipage/index.php?site=cal-span&owner=DSC&date=2021-08-26&target=minute%2002:42).

5. PUBLIC COMMENT

There was no public comment.

The item is viewable on the linked agenda at [https://cal-span.org/unipage/index.php?site=cal-span&owner=DSC&date=2021-08-26&target=minute 03:03](https://cal-span.org/unipage/index.php?site=cal-span&owner=DSC&date=2021-08-26&target=minute%2003:03).

6. EXECUTIVE OFFICER'S REPORT (INFORMATION ITEM)

Executive Officer Jessica Pearson gave an update on the second phase of Delta Adapts, an adaptation strategy. Staff presented the Vulnerability Assessment findings to the DWR Climate Change Matrix Team in July and will be presenting findings to the San Francisco Bay Conservation and Development Commission in early September.

Pearson also gave an overview of a certification of consistency for the North Mokelumne River Multi-Benefit Project submitted by Reclamation District 38 on July 20, 2021. The project focuses on landside levee rehabilitation and waterside habitat enhancement along the North Mokelumne River. The public review period closed on August 19, and no appeals were received.

Pearson summarized the two outgoing comment letters the Council submitted in August. The first was to the Department of Water Resources, dated July 29, 2021, regarding the Draft Supplemental EIR for the American River Common Features, Sacramento River East Levee Contract 3 Project. The second was to the State Water Resources Control Board, dated August 13, 2021, regarding a proposed General Order for water quality certification and water discharge requirements for state restoration projects.

Pearson announced that Amanda Bohl had been re-appointed by Governor Newsom as Special Assistant for Planning and Science. Pearson also welcomed Vignesh Gopinath as the new Information Technology Specialist.

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

6a. Legal Update (Information Item)

There was no Legal Update.

6b. Legislative Update (Information Item)

Pearson gave an overview of the current bill SB 821, which was scheduled to be taken up on consent on the Senate Floor on August 26, 2021. Once passed, the bill

will head to the Governor, who will have 12 days to sign or veto the measure. If signed, the bill will take effect immediately.

Councilmember Nottoli arrived during the Legislative Update.

The Executive Officer's Report is viewable on the linked agenda at [https://cal-span.org/unipage/index.php?site=cal-span&owner=DSC&date=2021-08-26&target=minute 03:20](https://cal-span.org/unipage/index.php?site=cal-span&owner=DSC&date=2021-08-26&target=minute%2003:20).

7. LEAD SCIENTIST'S REPORT (INFORMATION ITEM)

Delta Lead Scientist Dr. Laurel Larsen discussed two different papers that look outside the Delta to examine how other large-scale socio-ecological systems are likely to exhibit changes in response to sea-level rise (Vasilopoulos et al., Environmental Research Letters, 2021) and how their institutions are adapting to the challenge of sea-level rise (Lubell and Morrison, Environmental Research Letters, 2021). Collectively, the papers illustrate potential blind spots in anticipating future physical changes induced by sea-level rise and highlight strategies that are proven to be effective in promoting adaptation to those changes.

Dr. Larsen gave an update on the Science Action Agenda, a key part of the Delta science strategy together with the Delta Science Plan and the State of Bay-Delta Science. The Science Action Workshop, held July 13 and 14, 2021, produced 177 science actions responsive to the six management needs that stemmed from the top 65 Delta management questions developed in 2020. Council staff and workshop participants will collaborate in the coming weeks to develop the structure for the 2022-2026 Science Action Agenda.

Dr. Larsen gave an overview of the Delta Science Program's completed independent review of the Delta Mercury Control Program (DMCP). Recommendations will inform updates to the DMCP and mercury targets in the Delta, which will take effect in 2022.

Dr. Larsen highlighted the National Center for Ecological Analysis and Synthesis Working Group and the 2021 State of the Estuary Summit. The 2021 State of the Estuary Summit will take place virtually on October 1, 2021.

In closing, Dr. Larsen gave a brief overview of the By the Numbers report.

Councilmembers discussed the priorities that emerged from the collaborators in the Science Actions Workshop. Councilmembers requested more information on the mercury levels in the current fish populations in the Bay-Delta habitats and the level of communication to the public about those dangers. Dr. Larsen stated she

would provide the information requested and also elaborated on the current sources of Mercury in the Delta.

Public Comment

Dierdre Des Jardins, California Water Research, commented that the current collaborative science and adaptive management programs have collaboratively planned peer reviews. Des Jardins noted that the state requirements recommend independent planning and selection of the peer review panel and transparent documentation of the planning process.

The agenda item is viewable on the linked agenda at [https://cal-span.org/unipage/index.php?site=cal-span&owner=DSC&date=2021-08-26&target=minute 10:38](https://cal-span.org/unipage/index.php?site=cal-span&owner=DSC&date=2021-08-26&target=minute%2010:38).

8. DELTA PROTECTION COMMISSION RECREATION AND TOURISM UPDATE TO THE ECONOMIC SUSTAINABILITY PLAN COMMENT LETTER (ACTION ITEM)

Staff presented the Delta Reform Act and Delta Protection Act requirements for the Council's review of the adoption or amendment of the Delta Protection Commission's (Commission) Economic Sustainability Plan (ESP) for consistency with the Delta Plan. Staff also presented a draft comment letter with proposed findings on the Update to the Recreation and Tourism Chapter of the 2012 Economic Sustainability Plan (ESP Update). Virginia Gardener, Delta Protection Commission, presented the ESP Update. Council staff requested Council approval to submit a comment letter containing findings to the Commission.

Councilmembers discussed collaborative partners and ideas for further revitalization of recreation and tourism in the Bay-Delta with Virginia Gardener.

Public comment

Gilbert Cosio, MBK Engineers, commented on the beneficial reuse of dredged materials for marinas. Cosio previously collaborated with other engineers in a federally funded project to assist with dredging in the Delta. The group found that the California Environmental Quality Act and National Environmental Protection Act mandates, project size, and high cost of permits are barriers that are often too large for these types of projects. Cosio expressed the desire for a higher-level agency to step in and help get the marinas assistance with these projects, which will ultimately aid tourism in the area.

Motion: Offered by Damrell, second by Madueño - Approve submittal of the proposed comment letter containing findings on the consistency of the ESP Update with the Delta Plan.

Vote: 6/0 – Nottoli abstained. The motion was adopted.

The motion and vote are viewable on the linked agenda at [https://cal-span.org/unipage/index.php?site=cal-span&owner=DSC&date=2021-08-26&target=minute 01:14:20](https://cal-span.org/unipage/index.php?site=cal-span&owner=DSC&date=2021-08-26&target=minute%2001:14:20).

9. SOCIAL SCIENCE UPDATE (INFORMATION ITEM)

California Sea Grant Social Science Extension Specialist Dr. Jessica Rudnick, and Environmental Scientist Cory Copeland, updated the Council on the social science integration efforts undertaken by staff in the last year. The presentation provided an overview of the vision for social science integration, including specific goals and objectives, and highlighted progress on current initiatives, including building a social science experts community of practice and developing an approach for surveying Delta residents.

Councilmembers thanked staff for their substantial progress in this area within a short time frame and discussed the ability of social science to assist in the statewide awareness and inclusion on Delta issues. Councilmembers also discussed the factors that quantify areas on the Social Vulnerability Index compiled by Delta Adapts in 2020. Councilmembers also discussed the complexity of distributing the survey to all the Delta residents, given the varied demographics and access to reliable transportation and services. A pilot survey is slated for distribution in 2022.

Public Comment

Deirdre Des Jardins, California Water Research, commented that she was a resident of Hog Back Island and emphasized that the census block data doesn't capture the population in the primary Delta. Des Jardins recommended disaggregating the urban Delta data from the rural Delta data when developing and analyzing results with future surveys.

The agenda item is viewable on the linked agenda at [https://cal-span.org/unipage/index.php?site=cal-span&owner=DSC&date=2021-08-26&target=minute 1:16:10](https://cal-span.org/unipage/index.php?site=cal-span&owner=DSC&date=2021-08-26&target=minute%201:16:10).

10. PUBLIC PARTICIPATION UPDATE (INFORMATION ITEM)

Assistant Deputy Director for External Affairs, Abbott Dutton, provided an overview of the Council's public participation efforts since the endorsement of the Public Participation Plan in June 2020. Public Participation Manager, Brandon Chapin, shared the results from a recent public survey on the Council's participation efforts. The results indicated that the Council overall gets good marks in its

participation efforts, but can continue to improve, and that the public hopes to continue to attend meetings virtually, even after the COVID-19 emergency passes.

Councilmembers discussed solutions to some of the concerns raised by the public in the survey. Councilmembers also noted that a year ago the Council requested further public outreach and thanked staff for their robust effort on this important work and their work towards achieving that goal.

Public Comment

No public comment.

The agenda item is viewable on the linked agenda at [https://cal-span.org/unipage/index.php?site=cal-span&owner=DSC&date=2021-08-26&target=minute 1:59:41](https://cal-span.org/unipage/index.php?site=cal-span&owner=DSC&date=2021-08-26&target=minute%201:59:41).

11. DELTA LEVEES INVESTMENT STRATEGY UPDATE, CALIFORNIA ENVIRONMENTAL QUALITY ACT ADDENDUM APPROVAL, AND RULEMAKING AUTHORIZATION (ACTION ITEM)

Council staff presented an updated Delta Levees Investment Strategy (DLIS) prioritization and Revised Preliminary Draft Regulatory Language for Delta Plan Policy RR P1. Council staff requested approval of Resolution 2021-02, which would authorize staff to adjust the prioritization table and maps and initiate rulemaking and approve an Addendum to the 2018 Delta Plan Amendments Programmatic Environmental Impact Report.

Councilmembers discussed how the qualifiers of the prioritization categories are weighted and the methods for reporting the distribution of subventions funds by the Department of Water Resources.

Public Comment

Dante Nomellini commented that he was opposed to moving forward with the Resolution as it is currently written. Nomellini has been collaborating with Council staff but disagrees with the current prioritization methods.

Laura Hollender commented on behalf of the Department of Water Resources (DWR). Hollender noted that DWR may fund levee improvements that do not follow the DLIS priority tiers and will report the variation as required by regulation. Hollender also commented that the Department is interested in language in the draft regulation which provides that the Council recommend priorities for investment in Delta levees, but does not provide that those priorities are mandatory.

Deirdre Des Jardins, California Water Research, is concerned that Delta legacy towns and River Road are not adequately protected by the current DLIS prioritization. Des Jardins objects to the Clifton Court Forebay embankments receiving a high priority categorization as it is not a levee but a jurisdictional dam owned by DWR.

Melinda Terry, Central Valley Flood Control Association, noted her concern that the Council is voting on initiating the rule-making process when she doesn't feel she has been able to thoroughly review the recent changes to the DLIS documents.

James Crowder, Attorney with Soluri Meserve, spoke on behalf of the Local Agencies North Delta (LAND). Crowder echoed the technical suggestions and concerns made by Dante Nomellini and doesn't believe the environmental review is adequate. Crowder requested that the Council refer the item back to staff for revisions.

Gilbert Cosio, MBK Engineers, has collaborated with Council staff on the DLIS process and has historical knowledge of the Delta. Cosio noted that the priority table doesn't recognize the connectivity of the islands and how the levees need to be maintained as a system.

Darren Suen, Central Valley Flood Protection Board, requested that the subventions program be exempt from the prioritization process.

The Council and staff discussed the concerns raised by public comment, including whether more time should be provided to work out concerns before proceeding with the rulemaking process. Staff stressed that the initiation of the rulemaking process does not end the opportunities for public participation but moves the process forward.

Motion: Offered by Mehranian, second by Damrell- Approve Resolution 2021-02.

Vote: 6/1 – Damrell, Madueño, Mehranian, Smith, Zingale, and Tatayon voted yes; Nottoli voted no. Resolution 2021-02 was adopted.

The motion and vote are viewable on the linked agenda at [https://cal-span.org/unipage/index.php?site=cal-span&owner=DSC&date=2021-08-26&target=minute 04:08:52](https://cal-span.org/unipage/index.php?site=cal-span&owner=DSC&date=2021-08-26&target=minute%2004:08:52).

12. PREPARATION FOR THE NEXT COUNCIL MEETING

The next Council meeting is on September 23, 2021, via webinar.

The meeting adjourned at 1:10 PM.

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