

DRAFT

**SUMMARY: APRIL 28, 2022
DELTA STEWARDSHIP COUNCIL MEETING**

For review and adoption by the Council at the April 28, 2022, meeting.

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

MEETING SUMMARY

1. WELCOME AND INTRODUCTIONS

Vice-chair Virginia Madueño called the meeting to order at 9:00 AM, April 28, 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, Maria Mehranian, Christy Smith, and Daniel Zingale.

Councilmember Don Nottoli joined during item 3.

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 9:03 am.

4. RECONVENE OPEN SESSION

Vice-chair Virginia 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, Maria Mehranian, Don Nottoli, Christy Smith, and Daniel Zingale.

6. CONSENT CALENDAR

Motion: (approve the consent calendar) Offered by Mehranian, second by Smith.

Vote: 7/0 - The motion was adopted (Damrell: Aye, Lee: Aye, Madueño: Aye, Mehranian: Aye, Nottoli: Aye, Smith: Aye, Zingale: Aye).

The motion and vote are viewable on the linked agenda at <https://bit.ly/3LogGMc> minute 6:14

7. PUBLIC COMMENT (INFORMATION ITEM)

No public comment.

8. CONSIDERATION AND POSSIBLE ADOPTION OF WRITTEN FINDINGS REGARDING APPEALS OF THE REVISED CERTIFICATION OF CONSISTENCY NUMBER C202110 FOR THE LOOKOUT SLOUGH TIDAL HABITAT RESTORATION AND FLOOD IMPROVEMENT PROJECT (ACTION ITEM)

Pursuant to Water Code Sections 85255.20 and 85225.25, the Council considered proposed written findings presented in the Proposed Determination prepared by staff, and considered approval of Resolution 2022-03 adopting written findings, regarding appeals of the revised certification of consistency with the Delta Plan (Certification Number C202110) for the Lookout Slough Tidal Habitat Restoration and Flood Improvement Project, submitted by the Department of Water Resources to the Council on December 30, 2021, to address the Council's findings in its Determination dated July 16, 2021, for Certification Number C20215.

A link to the notice of public meeting for consideration of findings on appeal and release of the draft staff findings for comment can be found here:

<https://bit.ly/3wz97gp>.

The Draft Determination prepared by staff can be found here: <https://bit.ly/3wnAriX>

All other related materials, including those submitted by the parties, can be found here: <https://bit.ly/3Nk9pi6>.

Vice-chair Madueño and Councilmembers Frank Damrell, Julie Lee, Maria Mehranian, Don Nottoli, Christy Smith, and Daniel Zingale were present. Vice-chair Madueño served as the presiding officer and gave an overview of the process.

The order of the presentations went as follows:

- i. Presentation by the Delta Stewardship Council*
- ii. Presentation by Solano County Water Agency (did not appear)*
- iii. Presentation Liberty Island Access (LIA)*
- iv. Presentation Department of Water Resources (DWR)*

Taylor Dahlke presented on behalf of Appellant LIA was given by Taylor Dahlke. Rachel Taylor, Charlotte Biggs, and Kris Tjernell presented on behalf of DWR.

Public comment:

Public comment was received from the following individuals: Bruce Herbold, Ted Sommer, John Brennan, Daniel Armstrong, Jennifer McKenzie reading a statement on behalf of Solano County Board of Supervisors Mitch Mashburn and John Vasquez, Jacob Katz, Steve Shaw, Andrew Goodman, David Miller

Councilmembers and staff asked questions of the parties and staff after the public comment period. Councilmembers discussed the issues brought up during the parties' presentations.

Motion (approve Resolution 2022-03 Delta Stewardship Council Findings on Appeal of the Revised Certification of Consistency C202110 for the Lookout Slough Tidal Habitat Restoration and Flood Improvement Project): Offered by Zingale, second by Smith.

Vote: 7/0 - The motion was adopted (Damrell: Aye, Lee: Aye, Madueño: Aye, Mehranian: Aye, Nottoli: Aye, Smith: Aye, Zingale: Aye).

The motion and vote are viewable on the linked agenda at <https://bit.ly/3LogGMc> minute 02:19:16.

The Department may proceed with implementing the Lookout Slough Project. Vice-chair Madueño thanked everyone who participated in the appeal process and announced that the ex parte communication restriction related to the Lookout Slough Project had been lifted.

The complete transcript of the proceedings, along with all supporting documents, can be found here: <https://bit.ly/3Nk9pi6>.

9. CHAIR'S REPORT (INFORMATION ITEM)

Special Assistant for Planning and Science, Amanda Bohl, summarized the March 28, 2022, Delta Plan Interagency Implementation Committee (DPIIC) meeting and gave an update on the DPIIC Restoration Subcommittee.

Vice-chair Madueño thanked Councilmember Nottoli for stepping in to chair the March DPIIC meeting and Bohl for her leadership with DPIIC. Councilmember Nottoli and Executive Officer Jessica Pearson also thanked Bohl for her essential efforts with DPIIC.

Vice-chair Madueño gave an overview of her experience with the Delta Protection Commission's Delta Leadership Program earlier this month. Madueño thanked Erik Vink for the invitation to serve as a judge and the opportunity to learn about the various Delta projects that are ongoing. Madueño also noted that she was able to attend the Water 101 Workshop hosted by the Water Education Foundation and the Delta Salinity Management workshop hosted by the Delta Science Program. She expressed gratitude for all that she learned from both opportunities.

The item is viewable on the linked agenda at <https://bit.ly/3LogGMc> minute 02:28:00.

10. EXECUTIVE OFFICER'S REPORT (INFORMATION ITEM)

Executive Officer Jessica Pearson gave an update on Reclamation District 756's certification of consistency for the Bouldin Island Levee Rehabilitation Project filed on March 24, 2022. The project's public review and appeal period closed on April 24, 2022, with no appeals filed. The project can now proceed to implementation.

Pearson reviewed three comment letters sent by Council staff last month. Two of the letters were to the DWR stating that the respective projects (notice of preparation for an EIR for the False River Drought Salinity Barrier Project and a Phase B Supplemental EIR for the McCormack-Williamson Tract Levee Modification and Habitat Restoration Project) appear to be covered actions, outlining the Delta Plan policies that apply, and encouraging DWR to meet with the Council in early consultation. The third letter was to the U.S. Bureau of Reclamation regarding the Notice of Intent to Prepare an Environmental Impact Statement on the 2021 Endangered Species Act Re-initiation of Section 7 Consultation on the Long-Term Operation of the Central Valley Project and State Water Project (or biological opinion). The objective of the EIS is to review and analyze alternatives, topics, and important issues related to the multi-year operations of the CVP and SWP. The

letter emphasizes that Reclamation should support California's coequal goals for the Delta and DWR's compliance with the 2020 Incidental Take Permit. The letter also recommends Reclamation account for the effects of climate change on the operations and management of its facilities in the environmental analysis.

Pearson announced that Yolanda Jackson would be rejoining the Council as a Fiscal Liaison (Associate Governmental Program Analyst) in the Business Services.

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

6a. Legal Update (Information Item)

There was no legal update.

6b. Legislative Update (Information Item)

The legislative bill report was provided in writing. Pearson noted that SB 1218 is no longer expected to move forward in the legislative process, per the author's office.

The Executive Officer's Report is viewable on the linked agenda at <https://bit.ly/3LogGMc> minute 02:42:25.

11. LEAD SCIENTIST'S REPORT (INFORMATION ITEM)

Delta Lead Scientist Dr. Laurel Larsen concluded the spotlight on the 2018 class of Delta Science Fellows by highlighting a recent paper by Megan Sabal (UC Santa Cruz) et al. that sought to explore further how predation impacts Chinook salmon populations. The authors found that, compared to other factors, the presence of shade seemed to elicit the biggest antipredator response in Chinook salmon. This study advances Action 4 of the 2017-2021 Science Action Agenda (SAA): Improve understanding of interactions between stressors and managed species and their communities.

After considering and addressing comments from the public review period on the draft 2022-2026 SAA, Delta Science Program (DSP) staff released the final document on Earth Day (April 22, 2022) and will present it to the Council later in this meeting.

Dr. Larsen gave an overview of the previous Delta Lead Scientist Ask Me Anything presentation that focused on the DSP's recent assessment of the ISB. Archives of all sessions are available for viewing on the Council's Instagram page (@deltastewardshipcouncil).

The Delta Science Tracker is an online tool to organize and communicate information about science activities in the Delta. Products and outputs related to

each project, such as reports, publications, and links to project data, are also available on each activity page. The platform is currently in the final stage of development and testing. A full public launch is anticipated for late spring/early summer 2022.

The Delta Science Program is hosting a three-part brown bag webinar series on Delta governance. The series will foster discussion of the complex and multi-faceted governance of the Sacramento-San Joaquin Delta. The final webinar will take place on May 5, 2022, focusing on adaptive governance. Attendance is free with registration

(https://us06web.zoom.us/webinar/register/WN_6v65ZvSPR6SqOPa6QjAlmA).

The Delta Science Program and California Sea Grant released a request for applications for the 2022 class of Delta Science Fellows at the end of January 2022. Notices of Intent (NOI) to apply were due on February 28, 2022. Applications from those who submitted an NOI were due April 20, 2022. Six to eight awards will be announced in June, and Fellows will begin work in August/September 2022.

The Delta Science Program is planning a Modeling Summit for late summer 2022. The summit aims to bring together members of the Delta science and modeling community to discuss the vision and identify the next steps toward the development of a modeling “collaboratory” for the Delta, a term used to describe a virtual center that facilitates the use, reproducibility, and transparency of models for planning and prediction of future conditions in the Delta. The expected outcomes of the summit include a refined plan to guide the development of the collaboratory and the identification of opportunities to create a proposal with which to pursue additional funding through competitive solicitations.

Dr. Larsen reviewed the By the Numbers report.

Councilmember Nottoli and Dr. Larsen discussed how large temperature fluctuations in rivers would need to be considered abnormal.

Vice-chair Madueño left during item 11. Councilmember Frank Damrell assumed the role of chair for the remainder of the meeting.

The agenda item is viewable on the linked agenda at <https://bit.ly/3LogGMc> minute 2:48:21.

12. PRESENTATION FROM STAFF TO THE COUNCIL TO RECEIVE FOR CONSIDERATION, AND POTENTIALLY ACCEPT, THE 2022-2026 SCIENCE ACTION AGENDA (ACTION ITEM)

Environmental Program Manager Henry DeBey and Senior Environmental Scientist Rachael Klopfenstein presented the final 2022-2026 Science Action Agenda (SAA) to the Council. The Delta Science Program distributed the final SAA to the public on April 22, 2022. Updated every four to five years, the SAA prioritizes and aligns science actions to address management needs in the Delta. This iteration was developed by and for the Delta science community, beginning in 2020. The SAA: (1) serves as a roadmap for science investments; (2) identifies current, persistent, and emerging management challenges; and (3) promotes scientific collaboration (<https://bit.ly/3MBHTwg>).

DeBey and Klopfenstain presented an overview of the Top 25 Science Actions and Six Management Needs included in the final 2022-2026 SAA, and requested that the Council receive and consider acceptance of the 2022-2026 SAA.

Councilmember Nottoli and Klopfenstein discussed how science actions were selected within each of the management needs outlining their development.

Councilmember Mehranian left the meeting during item 12.

Motion: Offered by Smith, second by Lee – Approve the 2022-2026 Science Action Agenda

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

The motion and vote are viewable on the linked agenda at <https://bit.ly/3LogGMC> minute 3:29:55.

13. DELTA INDEPENDENT SCIENCE BOARD UPDATE

Dr. Stephen Brandt, Dr. Virginia Dale, Dr. Joe Fernando, and Dr. Tanya Heikkila of the Delta Independent Science Board (Delta ISB) presented the Delta ISB's findings and recommendations from the most recent Delta ISB review of the monitoring enterprise, which covers the suite of scientific monitoring programs in the Delta. The Comprehensive Review of the Delta Monitoring Enterprise is available at <https://bit.ly/3Mwkvk8>.

Councilmember Nottoli and Bohl discussed focusing the next DPIIC meeting on monitoring in collaboration with the DSP and the Delta ISB.

Councilmembers and the Delta ISB members also discussed the possible publication of the Comprehensive Review of the Delta Monitoring Enterprise, the importance of the peer review, the need for a clearly established monitoring goal for all levels of staff involved, and to maintain flexibility of those goals as the program needs shift.

The agenda item is viewable on the linked agenda at <https://bit.ly/3LogGMc> minute 3:31:06.

14. PREPARATION FOR THE NEXT COUNCIL MEETING

The next Council meeting is on May 26, 2022, in the California Natural Resources Agency Headquarters Building at 715 P St, Sacramento, CA, 95814. It is anticipated that the meeting will include a tour of the Delta. Portions of the meeting will also be available to access remotely via Zoom.

The meeting adjourned at 2:31 pm.

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