



DRAFT

**SUMMARY: JUNE 23, 2022
DELTA STEWARDSHIP COUNCIL MEETING**

For review and adoption by the Council at the July 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, June 23, 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, Virginia Madueño, Maria Mehranian, Don Nottoli, Christy Smith, and Daniel Zingale.

Councilmember Julie Lee was absent.

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 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, Virginia Madueño, Maria Mehranian, Don Nottoli, Christy Smith, and Daniel Zingale.

Vice-Chair Madueño announced that agenda item 12, Delta Independent Science Board Update, would be switched with agenda item 8, Delta Conveyance Update, due to the time constraints of the presenters.

6. PUBLIC COMMENT (INFORMATION ITEM)

Penelope LePone's comment was intended for agenda item 8, Delta Conveyance Update. LePone noted that she opposed the Delta Tunnel project. She was concerned about the impacts of climate change that would impact the project's efficacy and the potential adverse economic and environmental effects if this project were to move forward.

7. PUBLIC HEARING, CONSIDERATION, AND POSSIBLE APPROVAL OF THE FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT FOR THE REVISED CHAPTER 4 OF THE DELTA PLAN (ACTION ITEM)

The Council conducted a public hearing on, and considered possible approval of, the Final Program Environmental Impact Report (Final PEIR) for the Revised Chapter 4 of the Delta Plan (Ecosystem Amendment). In March 2020, the Council, as the lead agency, determined that the Proposed Ecosystem Amendment may result in potentially significant environmental impacts and that a PEIR is required. A Draft PEIR was made available for a 64-day public comment period, from September 27 to November 30, 2021. Council staff reviewed the comments received and presented the Final PEIR, along with an overview of revisions and responses to comments. 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://deltacouncil.ca.gov/delta-plan/amendments>.

Vice-Chair Madueño and Councilmembers Frank Damrell, Maria Mehranian, Don Nottoli, Christy Smith, and Daniel Zingale were present. Vice-Chair Madueño served as the presiding officer, and Executive Officer, Jessica Pearson, gave an overview of the history of the ecosystem amendment. Jeff Henderson, deputy executive officer for planning and performance, Harriet Ross, assistant planning director, and Dan Constable, program manager, provided an overview of the amendment. An electronic court reporter recorded the hearing.

Councilmembers congratulated staff on all their hard work and discussed the details of the amendment and how it would apply within the greater context of the Delta Plan. Councilmember Nottoli expressed concerns with the Good Neighbor Checklist being included as a recommendation under the Delta Plan, rather than part of regulation. Pearson, Henderson, and Ross noted that components of the checklist are included within the mitigation measures of the amendment and other portions of the Delta Plan's regulations.

Public comment:

Luis Molina commented on the importance of the amendment and performance measures and commended the Council staff for their presentation.

Motion (approve Resolution 2022-05 Certification of the Ecosystem Amendment Program Environmental Impact Report; Adoption of Findings and a Statement of Overriding Considerations, Mitigation Measures, and a Mitigation Monitoring and Reporting Program; and Adoption of the Ecosystem Amendment): Offered by Mehranian, second by Smith.

Vote: 6/0 - The motion was adopted (Damrell: 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/3P6s0iq> minute 01:29:21.

12. DELTA INDEPENDENT SCIENCE BOARD UPDATE (INFORMATION ITEM)

Dr. Jay Lund and Dr. Thomas Holzer of the Delta Independent Science Board (Delta ISB) presented the Delta ISB's findings and recommendations from the most recent Delta ISB review on water supply reliability estimation, which is the formal process of quantitatively predicting performance and water delivery from a water supply system under a variety of conditions.

Councilmembers thanked Dr. Lund and Dr. Holzer for their engaging presentation. Councilmember Mehranian discussed various water modeling concepts, including the "One Water" approach. Dr. Lund elaborated that these various water management systems require good analysis to have the models produce the desired results. Dr. Lund specifically noted that some of the discussions around the One Water approach might be too broad for the balance of human and ecosystem objectives.

Councilmember Smith and Dr. Lund discussed the impacts of each agency utilizing different models to answer similar questions. Dr. Lund emphasized the importance of having one overarching model to ground the interagency discussions but allowing for broader perspectives and new modeling techniques to be incorporated.

Councilmember Nottoli and Dr. Lund discussed the probability of having reliable water analysis across the agencies and the role of the Delta Water Master in those discussions. Dr. Lund noted that the Sustainable Ground Water Analysis had been a unifying tool to approach the water supply from an interconnected perspective. Dr. Lund noted that the information and trajectory of water management would change as agencies begin to implement policies from a more unified perspective. Dr. Holzer reemphasized the importance of keeping alternative models in the discussion to explore broader concepts and noted that the Council will play an integral role in this evolution.

Councilmember Zingale and Dr. Lund discussed the most recent update of the water modeling system and the need for a more coherent program in line with the needs of state and federal agencies.

Public comment:

Dierdre Des Jardins thanked the Delta ISB for their presentation. Des Jardins noted that she sent the Council letters asking the Council to engage the California Senate for additional funding for the Delta ISB as they could use more support during this critical time.

The agenda item is viewable on the linked agenda at <https://bit.ly/3P6s0iq> minute 1:30:48.

9. CONSENT CALENDAR (ACTION ITEM)

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

Vote: 6/0 - The motion was adopted (Damrell: 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/3P6s0iq> minute 2:16:21.

10. CHAIR'S REPORT (INFORMATION ITEM)

Vice-Chair Madueño noted that she attended the open house for the recently constructed California Natural Resources Agency building this past month and

complimented its design and construction. She also noted a pleasant exchange with Secretary Crowfoot and Senator Laird.

Vice-Chair Madueño thanked staff for the Delta tour that the councilmembers attended in May.

Executive Fellow, Chris Klier, gave a Delta Plan Interagency Implementation Committee (DPIIC) Meeting preview. The summer DPIIC meeting will take place on July 18, 2022, from 1 pm - 3 pm. It will be a hybrid meeting with an in-person location at the California Natural Resources Building (715 P Street, Sacramento, Room 221) and a Zoom link for those joining remotely (<https://bit.ly/3OdyhrX>). This month's meeting will feature presentations by the Delta ISB, National Oceanic and Atmospheric Administration, Department of Fish and Wildlife, the Delta Science Program, and the U.S. Bureau of Reclamation.

The agenda item is viewable on the linked agenda at <https://bit.ly/3P6s0iq> minute 2:17:09.

11. CHAIR ELECTION (ACTION ITEM)

Vice-Chair Madueño pointed out that Councilmember Lee was not present as a consideration before voting. Madueño also reassured the Council that should she be nominated, she is ready to step away from her private businesses.

Councilmembers Zingale and Mehranian thanked Madueño for her service as Vice Chair and noted that she would make an excellent Chair. Councilmember Damrell noted his hesitance in voting in the absence of Councilmember Lee.

Public comment:

Luis Molina commented that Madueño would make an excellent Chair for the Council.

Dierdre Des Jardins thanked Madueño for considering the Chair position during such a controversial time for the Delta.

Vice-Chair Madueño noted that she appreciates the staff at the Council and thanks everyone for their support, and, if elected, she would work to create a unified body to meet the needs of the Delta.

Councilmember Damrell stated that he had been persuaded by the conversation and was comfortable voting.

Motion: (elect Virginia Madueño as Chair) Offered by Mehranian, second by Smith.

Vote: 6/0 - The motion was adopted (Damrell: 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/3P6s0iq> minute 02:25:21.

8. DELTA CONVEYANCE UPDATE (INFORMATION ITEM)

Department of Water Resources (DWR) Environmental Program Manager for Delta Conveyance, Carrie Buckman, and Interim Executive Director, Delta Conveyance Design and Construction Authority Graham Bradner presented on the continued planning efforts for the Delta Conveyance Project as a part of a regular series of updates.

Councilmember Mehranian and Buckman elaborated on the project's alternatives and the CEQA process that had been carried out for each of the alternatives. Councilmember Nottoli clarified that DWR has continued with its public outreach but that the Stakeholder Engagement Committee is no longer a part of the Department of Water Resources (DWR) process. Councilmember Nottoli noted that there is still significant concern from the community members about the project, which will need to be addressed in the project's design and process.

Councilmember Nottoli and Bradner discussed the revised intake configuration. Bradner stated that the intake structure length would be between 1,000 to 1,500 feet and that the facility would have an overall permanent footprint of approximately 150 acres.

Councilmember Zingale and Bradner discussed the sizes and locations of the Bethany Alternative intakes and the overall construction timeline. Buckman clarified that the community benefits program would be funded through the same bonds that support the project's overall construction. Buckman also elaborated on the water quality impact analysis that will be included in the EIR.

Chair Madueño and Buckman discussed the Delta Conveyance project's public and environmental justice outreach efforts. Buckman elaborated that DWR has also been focused on reaching out to the public through tabling at community events to broaden the opportunity to connect with the community. Buckman also noted that they have been working on translating their materials into various languages.

Public comment:

Dierdre Des Jardin, California Water Research, commented that DWR had not used the best available science to estimate sea level rise. Des Jardins noted her concern about the period of review for this project and urged that more time is needed for the Delta ISB to conduct a thorough evaluation.

Molly Culton, Sierra Club, commented that DWR and the Council should consider local and regional projects to address water resilience and conservation to reduce the dependence on the Bay Delta water supply and meet the needs of the residents in lieu of this project.

Chair Madueño expressed her gratitude to the individuals who submitted public comment letters regarding the Delta Conveyance project. The Council received 1,147 letters (at the time of posting this summary) regarding the Delta Conveyance Project, urging the Council not to approve the project.

The agenda item is viewable on the linked agenda at <https://bit.ly/3P6s0iq> minute 2:35:15.

13. EXECUTIVE OFFICER'S REPORT (INFORMATION ITEM)

Executive Officer Jessica Pearson congratulated Chair Madueno on her election. Pearson also recognized the Council's Executive Fellow from the Capital Fellows Program, Chris Klier. Pearson also thanked Sara Harper, a 2022 Water Leader from the Water Education Foundation's Water Leader Program, for attending the meeting and noted that she would serve as Harper's mentor this year. Pearson said she was the product of both of those programs and is glad to have the opportunity to give back.

Pearson updated the Council on the May 13 submission of certification of consistency by Reclamation District 2093 for the North Delta Fish Conservation Project. The project seeks to restore, enhance, and create habitat for Delta native fish species in the Lower Yolo-Cache Slough area by restoring levees and floodplains and revegetating with native emergent marsh species. The project's public review and appeal period closed on June 13, with no appeals filed. The project can now proceed to implementation.

Pearson reviewed three comment letters sent out on behalf of the Council by staff. Each of these letters states that the respective projects appear to be covered actions, outlines the Delta Plan policies that apply, and invites the proponents to engage with the Council in early consultation. The letters were to:

- The East Bay Municipal Utility District regarding the notice of preparation for a draft EIR for the Mokelumne Aqueducts Resiliency Project. The project seeks to improve the resiliency of the existing Mokelumne Aqueducts by replacing them in a proposed underground tunnel across 16.5 miles of the Sacramento-San Joaquin River Delta.
- The Sacramento County Planning Department regarding the Initial Study/Mitigated Negative Declaration for the Stone Lakes National Wildlife Refuge Restoration Project. The project seeks to restore and enhance freshwater emergent seasonal wetlands and valley riparian communities to benefit wildlife and biodiversity.
- The San Joaquin Area Flood Control Agency regarding the Notice of Preparation of an EIR for the Mossdale Tract Area Urban Flood Risk Reduction Project. The project seeks to provide increased public safety through levee rehabilitation and improvements while implementing a multi-benefit risk reduction project that improves ecological function and habitat in the flood system and contributes societal benefits such as recreation when feasible.

Pearson announced two additions to the Council, Jill Harris, and Erin Meade. Harris joins the Collaborative Science and Peer Review Unit as a Senior Environmental Scientist with a background in surface water protection and regulation with the San Diego Regional Water Quality Control Board.

Meade joins the Council Human Resources unit as a Senior Personnel Specialist with a background of twenty-two years with the California Department of Food and Agriculture.

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)

The legislative bill report was provided in writing.

The Executive Officer's Report is viewable on the linked agenda at <https://bit.ly/3P6s0iq> minute 03:28:44.

14. LEAD SCIENTIST'S REPORT (INFORMATION ITEM)

Delta Lead Scientist Dr. Laurel Larsen gave an overview of two papers authored by Sam Bashevkin of the Delta Science Program and colleagues that focus on leveraging long-term monitoring data to better understand drivers of and trends in Delta water temperature, a key determinant of the survival of imperiled species such as Chinook Salmon and Delta Smelt. The work addresses Management Need 5 of our 2022-2026 Science Action Agenda: Acquire new knowledge and synthesize existing knowledge of interacting stressors to support species recovery and ecosystem health. Both are synthesis studies that draw new conclusions from long-term boat-based monitoring data collected mainly by the Interagency Ecological Program.

Dr. Larsen gave a report out for the Salinity Management Workshop. On April 26-27, 2022, the Delta Science Program convened the first in a series of workshops focused on salinity management in the Delta. The overarching goal of this workshop was to kick off a collaborative adaptive management process for evaluating long-term tradeoffs associated with alternative strategies for salinity management during droughts. The workshop had over 200 registrants, about half affiliated with California State agencies. Other registrants primarily represented federal, local, and nonprofit organizations, universities, and consultancies. Despite diverse interests, a unifying prioritization of social justice and equity emerged. Specifically, a key takeaway was the perceived inevitability of tradeoffs and the recognition of the importance of the intentional effort to mitigate disproportionate cost burdens on vulnerable and historically marginalized communities throughout the Delta. Other discussions focused on a proposal for a demonstration exercise that will use quantitative computer models to evaluate alternative scenarios for future salinity management in the face of drought and sea-level rise. The demonstration will help identify needs and gaps and set the stage for a long-term, collaborative scenario planning and modeling process. Participants expressed a desire to relax model assumptions about how operations of the water projects are conducted and to use complementary quantitative and qualitative approaches to assess socio-economic and ecological impacts.

Workshop feedback will inform a series of meetings to be held later this year, during which the project team will seek more detailed input from stakeholders and other interested or affected parties. Pilot scenarios will subsequently be modeled, and outputs are expected to be presented for discussion in the winter/spring of 2023,

Dr. Larsen announced that the Delta Science Fellowship award decisions would be reported to the Council in July. These awards fund masters and Ph.D. students and postdoctoral scholars for up to two years to advance research that addresses the 2022-2026 Science Action Agenda.

The seventh annual California Water Boards Water Data Science Symposium, hosted by the Surface Water Ambient Monitoring Program (SWAMP) (bit.ly/3GQBBa7) and the California Water Quality Monitoring Council (bit.ly/3xf75DD), will be held virtually from June 28-30, 2022. The symposium aims to improve the collection and use of water quality monitoring data for management decisions.

More information can be found at California Water Data Science Symposium California State Water Resources Control Board (bit.ly/3Oa81PB).

Dr. Larsen reviewed the By the Numbers report.

Councilmembers thanked Dr. Larsen for her hard work and noted their enjoyment of receiving her presentations in person.

Public comment:

Teresa Flewellyn inquired about the topics for the California Water Boards Water Data Science Symposium & California Water Data Challenge on June 29 and 30. Dr. Larsen offered to follow up after the Council meeting with a definitive answer.

The agenda item is viewable on the linked agenda at <https://bit.ly/3P6s0iq> minute 3:37:31.

15. PREPARATION FOR THE NEXT COUNCIL MEETING

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

The meeting adjourned at 2:37 pm.

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