



DRAFT SUMMARY MINUTES
Delta Protection Commission Meeting
Thursday, April 9, 2020

Meeting conducted via Skype and telephone as authorized by Governor's Executive Orders N-29-20 and N-33-20 during the COVID-19 emergency

ADMINISTRATIVE AGENDA

1. Call to Order

Chair Villegas called the meeting to order at 3:06 p.m.

2. Welcome and Roll Call

Acting Commission Clerk Stacy Hayden called the roll. Present at roll call: Chair Villegas, Vice-Chair Nottoli, Commissioners Winn, Burgis, Thomson, Kott, Nakanishi, Paroli, van Loben Sels, Bugsch, Lester-Moffitt (for Ross), Vogel (for Crowfoot), McElhinney (for Kim), and ex-officio member Assemblyman Jim Frazier. Commissioners Cabaldon and Mussi were absent with no alternate present.

Chair Villegas welcomed new Commission members Jim Paroli (representing Central Delta reclamation districts), Nancy Vogel (representing CA Natural Resources Agency) and ex-officio member Assemblyman Jim Frazier.

3. Public Comment- Opportunity for the Public to Address the Commission Regarding Items Not on the Agenda

Chair Villegas explained that public comments submitted via email prior to the meeting were shared with Commission members prior to the meeting. He asked for public comment; Locke resident Martha Esch mentioned her communication with Commission staff about the sidewalk hazards in Locke.

4. Chair's Report on Delta Stewardship Council Activities

Chair Villegas reported recent activities of the Delta Stewardship Council, including the Governor's recent appointment of Daniel Zingale to the Council, the Council's withdrawal of the Delta Levees Investment Strategy rulemaking process (to be resubmitted upon Council review of recent levee Lidar data), recruitment of a Delta Lead Scientist, the Council's Regional San (Sacramento region wastewater agency) discharge investigation, and the Council's draft Public Participation Plan. Vice Chair Nottoli commented on the Regional San discharge investigation.

5. Commissioner comments/announcements

There were no Commissioner comments.

CONSENT AGENDA

6. Approval of January 16, 2020 Meeting Minutes

MOTION: It was moved by Commissioner Burgis and seconded by Commissioner Thomson to approve the January 16, 2020 meeting minutes. In a roll call vote, the motion passed 9-0-4 with Commissioners Villegas, Nottoli, Thomson, Burgis, Kott, Nakanishi, van Loben Sels, McElhinney and Bugsch voting aye; Commissioners Winn, Lester-Moffitt, Paroli and Vogel abstained.

REGULAR AGENDA

7. Receive Executive Director Report

Executive Director Vink reported on a call for nominations to fill 13 positions on the Delta Protection Advisory Committee, with applications due on April 24; recent staffing changes (the resignation of staff member Shelley Eckler following the Commission's January meeting, Program Manager Melinda Dorin's departure for a new position at Department of Water Resources (DWR) working on Salton Sea issues, the departure of student assistant Ivy Mooc, and welcoming new student assistant James Yakovlev); mentioned the land use project comment letters since the last Commission meeting report; and the inclusion of a Commission Projects Update as a new feature of the Commission meeting packet.

Chair Villegas asked for public comment and there was none.

8. Receive Delta Protection Advisory Committee (DPAC) Report

DPAC Chair Mark Pruner provided a report on the March 4 DPAC meeting in Walnut Grove, where the Committee received a report from Point Heritage Development Consulting (Delta National Heritage Area consultant) on initial thoughts from its project kickoff meeting and Delta tour, received an update on the Design Construction Authority (DCDCA) Stakeholder Engagement Committee, received a presentation on the Delta Stewardship Council's draft Public Participation Plan, discussed transportation challenges in the Delta and finalized a recommendation for the Commission, and received an update on Commission staff activities.

Mr. Pruner then presented the Delta Transportation Challenges recommendation, as developed by DPAC and approved unanimously at its March 4 meeting.

Ex-officio Commission member Frazier commented on the Legislative Delta Caucus efforts to address transportation challenges and meeting with the Caltrans districts in the Delta, sought suggestions from the Commission on legislative changes so Caltrans could better address the transportation challenges, and mentioned that he has also communicated with Caltrans about the Ryer Island Ferry. Commissioner McElhinney provided comments on behalf of the State Transportation Agency and Caltrans.

Chair Villegas asked for public comment: Bill Wells of the California Delta Chambers and Visitors Bureau described his organization's efforts and characterized the Delta transportation challenges

as a crisis that needs immediate attention; Deirdre Des Jardin of California Water Research described the Delta Levees Investment Strategy omission of high-priority status for State Highway 160 and the need for a plan for both Highways 12 and 160. There was no further public comment.

Vice-Chair Nottoli inquired about how the Commission would proceed with a transportation summit, and suggested that city transportation officials and California Highway Patrol be included. Commissioner McElhinney expressed his interest in working on the summit planning.

MOTION: It was moved by Vice-Chair Nottoli and seconded by Commissioner Burgis to approve the Delta Transportation Challenges recommendation; in a roll call vote, the motion passed 12-0-1 with Commissioners Villegas, Nottoli, Winn, Thomson, Burgis, Kott, Nakanishi, van Loben Sels, McElhinney, Lester-Moffitt, Paroli and Vogel voting aye; Commissioner Bugsch abstained.

9. Receive update on Delta Conveyance project

Chair Villegas introduced Carrie Buckman (DWR Program Manager for Delta Conveyance Project) and Kathryn Mallon (Executive Director of Delta Conveyance Design and Construction Authority); Ms. Buckman presented on the environmental review process for the Delta Conveyance Project (including the Notice of Preparation, with comments due April 17, 2020), and Ms. Mallon presented on the Design and Construction Authority (DCA) and the Stakeholder Engagement Committee (SEC), where Delta community members provide input on tunnel engineering and design components.

Vice-Chair Nottoli inquired about whether people using the DWR phone number to provide comments would know if their comments were received; Ms. Buckman replied that those calls would be acknowledged as being received. Vice-Chair Nottoli and Commissioner Burgis both requested that the DCA delay its SEC meetings until the COVID-19 emergency subsides; Ms. Mallon replied that most of the committee members have agreed to web-based remote meetings, that remote meeting technology can increase the opportunity for community members to participate in the meetings, and that DCA plans to proceed with the April 22 SEC meeting.

Chair Villegas asked for public comment. Malissa Tayaba of the Shingle Springs Band of Miwok Indians (and member of the DCA Stakeholder Engagement Committee), James Sarmiento of the Shingle Springs Band of Miwok Indians, Paul Saldana of the California Indian Environmental Alliance, and Rebecca Allen of the United Auburn Indian Community of the Auburn Rancheria all requested that hearings and meetings related to the Delta Conveyance Project be postponed during the COVID-19 emergency. SEC member Anna Swenson requested a postponement of the SEC meetings and expressed the difficulty of having meaningful engagement during stay-in-place orders. DCA board member Sarah Palmer acknowledged the comments but expressed the need to continue moving ahead on such an important project, and that postponing SEC meetings will only deprive the public the opportunity to provide input as planning proceeds. SEC member Cecille Giacoma stated that the SEC meetings should not proceed at this time and that the planning can proceed when the crisis has passed. Deirdre Des Jardin of California Water Research expressed concern about the transparency of DCA activities given the communication between DCA staff and SEC members about meeting instead of having discussion in a public meeting, and that the DCA is not considering alternatives.

Chair Villegas opened the discussion to Commission members by suggesting that the Commission communicate to DWR and DCA and request to postpone Delta Conveyance Project public meetings until the crisis has passed. Commission members Thomson, Nottoli, and Nakanishi echoed these comments. It was the sense of many Commission members that the Commission should send a letter to DCA requesting postponement during the current crisis, with the Executive Director conferring with the Chair and Vice-Chair on the letter.

10. Delta National Heritage Area (NHA)

Commission Senior Environmental Planner Blake Roberts and Executive Director Vink presented a brief update on the Delta National Heritage Area, including recent efforts on the management plan development. The presentation concluded with a request for the Commission to approve two actions: delegating authority to the Executive Director to execute a National Park Service Cooperative Agreement in an amount up to \$308,582 (rather than \$300,000, as previously approved by the Commission), and approval of a support letter for federal legislation (S. 3217-National Heritage Area Act; H.R. 1049-National Heritage Area Act of 2019) that would create program-level legislation for National Heritage Areas nationwide.

Chair Villegas asked for public comment: Rebecca Allen of the United Auburn Indian Community of the Auburn Rancheria expressed interest in the NHA effort and sought a commitment for the Commission to engage with tribal interests, which Executive Director Vink provided.

MOTION: It was moved by Commissioner Bugsch and seconded by Commissioner Thomson to delegate authority to the Executive Director to execute a National Park Service Cooperative Agreement in an amount up to \$308,582 (rather than \$300,000, as previously approved by the Commission), and to approve a support letter for federal legislation (S. 3217-National Heritage Area Act; H.R. 1049-National Heritage Area Act of 2019) that would create program legislation for National Heritage Areas nationwide. In a voice vote, the motion carried 11-0-0 with Commissioners Villegas, Nottoli, Winn, Thomson, Burgis, Kott, Nakanishi, Bugsch, McElhinney, Lester-Moffitt, and Vogel voting aye.

11. Delta Levees Program funding in FY 20-21 proposed State budget

Executive Director Vink presented background on proposed funding for DWR's Delta levees programs (Delta Levee Maintenance Subventions Program and the Delta Levee Special Flood Control Projects Program) as initially outlined in the Governor's proposed FY 20-21 budget, and confirmed in a recent communication from DWR to the Delta Levees Habitat Advisory Committee. He offered a draft letter addressed to Senator Wieckowski (Chair of the Senate Budget Subcommittee) and Assemblymember Bloom (Chair of the Assembly Budget Subcommittee) supporting funding for both programs in the FY 20-21 State budget. Given information that arrived after the Commission staff report and draft letter were prepared, he suggested a few changes to the letter to reflect recent commitments from DWR to fund these programs from previously appropriated funds.

MOTION: It was moved by Commissioner Burgis and seconded by Chair Villegas to approve the draft letter to the Senate and Assembly Budget Subcommittee Chairs supporting FY 20-21 funding for DWR Delta levee programs. In a voice vote, the motion carried 10-0-1 with Commissioners Villegas, Nottoli, Winn, Thomson, Burgis, Paroli, Nakanishi, Bugsch, McElhinney, and Lester-Moffitt voting aye; Commissioner Vogel abstained.

12. Adjourn

Chair Villegas adjourned the meeting at 5:20 p.m.