



DRAFT SUMMARY MINUTES
Delta Protection Commission Meeting
Thursday, November 17, 2022

Jean Harvie Community Center
14273 River Road
Walnut Grove, CA 95690

1. Call to order

Chair Nottoli called the meeting to order at 5:07 p.m. and led the meeting participants in a flag salute.

2. Welcome and roll call

Commission Clerk Morgan Matz called the roll. Present at roll call: Chair Nottoli, Commissioners Villegas, Burgis, Kott, Nakanishi, Slater, Agar (for Omishakin), and Eddy (for Ross). Vice Chair Winn, Commissioners Vasquez, Steele, Paroli, Mussi, Vogel (for Crowfoot), and Bugsch, ex-officio designee Udang (for Sen. Talamantes Eggman) and ex-officio Assemblymember Villapudua were absent with no alternate present.

Chair Nottoli announced that agenda item 9 would be moved to the end of the meeting and would now be agenda item 13.

3. Public comment - Opportunity for the public to address the Commission regarding items not on the agenda

Chair Nottoli asked for public comment and there was none.

4. Report on Delta Stewardship Council activities

Chair Nottoli noted that the Council meeting that took place earlier the same day mainly concerned the Delta Levee Investment Strategy (DLIS) regulations. He reported that representatives from multiple reclamation districts, flood control agencies, engineering organizations and farming organizations had commented on the regulations, and that Council staff requested an opportunity to respond to those comments. The discussion will be ongoing.

Chair Nottoli asked for public comment and there was none.

5. Commissioner comments/announcements

Commissioner Agar thanked Executive Director Bruce Blodgett for distributing an updated Delta construction map of ongoing Caltrans projects and provided an update on the Clean California program, noting that another \$100 million is available for upcoming projects and that a call for project proposals would go out in January 2023. He also noted that Caltrans is planning a statewide "Community Day of Action" in March of 2023, meant to educate the public about litter and provide a volunteer clean-up opportunity for both Caltrans employees and local

volunteers from the public. Additionally, multiple projects concerning broadband internet access in the Delta are going out to bid in December 2022, with contracts awarded according to new goals set by Caltrans for participation by small businesses and disabled veteran business enterprises. He then noted that Caltrans Director Tony Tavares had distributed an annual “External Partner Survey” and encouraged other Commissioners to complete that survey. Finally, he thanked Commissioner Burgis for assisting with an investigation into a traffic accident involving injury to a Caltrans employee and reminded everyone present to drive safely and stay aware of work crews on highways and roads.

Commissioner Eddy announced that a report on the impact of drought on Delta agriculture would be released at the end of November 2022 and noted that so far, drought has caused a \$1.7 billion loss in agricultural production.

Commissioner Slater noted that the Flood Control Association is struggling to acquire funding, but it is working with the California Legislature to try to find solutions.

Chair Nottoli offered his support for both the Flood Control Association’s funding efforts and Caltrans’ cleanup efforts

Chair Nottoli asked for public comment and there was none.

CONSENT AGENDA

6. Consider approval of September 15, 2022 meeting minutes

Motion: It was moved by Commissioner Villegas and seconded by Commissioner Burgis to approve the July 21, 2022 meeting minutes; in a voice vote, the motion passed 8-0-0 with all Commissioners present at roll call voting aye.

7. Consider approval of 2023 meeting schedule

Motion: It was moved by Commissioner Villegas and seconded by Commissioner Burgis to approve the 2023 meeting schedule; in a voice vote, the motion passed 8-0-0 with all Commissioners present at roll call voting aye.

8. Consider one-time authorization for Executive Director to execute HR services and IT contracts

Motion: It was moved by Commissioner Villegas and seconded by Commissioner Burgis to approve one-time authorization for Executive Director Bruce Blodgett to execute HR service contracts and IT contracts; in a voice vote, the motion passed 8-0-0 with all Commissioners present at roll call voting aye.

REGULAR AGENDA

9. Receive Executive Director report

Executive Director Bruce Blodgett mentioned that December 16, 2022 would be the end of the comment period for the Delta Conveyance project and that there had been a hearing earlier today on the DLIS, but noted that full presentations on those topics would follow his report.

He reported that proposed changes to the Delta Stewardship Council appeals process would greatly limit the role of the Commission, but that the Council planned to move forward with the changes despite the Commission's objections; that a new Financial Officer, Debra Waltman, would be joining Commission staff on November 21, 2022, but that the Commission is still working on filling another vacancy; and that progress is being made on the National Heritage Area (NHA) Management Plan, which is scheduled to be completed in 2023.

Commissioner Kott asked whether those in charge of the NHA were still working with a contracted consultant, and Program Manager Dr. Blake Roberts answered that state rules would not allow the contract to be renewed so another consulting contract is now out for bid. Commissioner Kott then asked whether the development of the management plan was still subject to a time limit by statute, and Dr. Roberts explained that the time limit had been removed. Dr. Roberts then provided a brief summary of activities at the Delta Heritage Forum, which Commission staff hosted on November 3, 2022.

Director Blodgett then continued to provide updates on Commission activities, reporting that the next DPAC meeting would be held on December 1, 2022; that Commission staff had finished moving from one office suite to a smaller one in the same building; that staff has recently provided land use comments on various projects; and that details regarding upcoming events and budget matters can be found in the meeting packet.

Chair Nottoli encouraged reaching out to County Supervisors as part of the NHA development process. Commissioner Villegas thanked Commission staff for their assistance in Coastal Cleanup Day efforts and reported that the event was a success.

Chair Nottoli asked for public comment and there was none.

10. Receive Delta Protection Advisory Committee (DPAC) report

Executive Director Bruce Blodgett filling in for DPAC Chair Mariah Looney, who was absent from the meeting, reported that the Committee had recently successfully conducted a hybrid meeting on November 1, 2022 at the offices of the Delta Conservancy. Discussion centered entirely around the Delta Conveyance Project, emphasizing the importance of considering project alternatives. Director Blodgett highlighted predicted impacts that the project will have on local roads, disadvantaged communities, natural and historical resources, and agriculture.

It was noted that Commissioner Vasquez arrived at 5:42 p.m.

Chair Nottoli asked for public comment and there was none.

11. Review and approve draft comment letter on the Delta Levee Investment Strategy Administrative Procedure Act Rulemaking Process

Senior Environmental Planner Kirsten Pringle provided some contextual background for the draft comment letter on the Delta Levee Investment Strategy (DLIS) Administrative Procedure Act Rulemaking Process. She stated that the DLIS was originally suggested in the 2009 Delta Reform Act, which requested that the Delta Stewardship Council create recommendations for prioritization of operational investments and maintenance of levees in the Delta region; that those recommendations became the DLIS, which was adopted by the Council in 2018 as part of preparations for making changes to the Office of Administrative Law rulemaking process. In 2019, the Council gained access to new geographical data that impacted the priorities listed in the DLIS. After reviewing the data and making further changes to the DLIS, the Council is once again considering changes to the rulemaking process.

She then explained that the DLIS assigns a priority status of Very High, High, or Other to each island and tract in the Delta based on several variables, and according to the proposed rulemaking process, funding for operations, maintenance, and improvements would be allocated based on that priority status; that changes to the rulemaking process redefine the activities that would determine priority status for each island and tract; and that the Commission has submitted multiple comment letters throughout the development of the DLIS that informed the draft comment letter under consideration.

She then summarized the main points of the draft comment letter: all levees in the Delta are interconnected, and any levee failure has the potential to cause other levees to fail as well; a common standard of structural integrity should be adopted for all levees in order to prevent a catastrophic domino effect of levee failure; the Commission is offering to organize an educational tour of Delta levees; and the maintenance activities allowed by Delta Levee Maintenance Subventions Program should not be subject to the DLIS prioritization process.

Finally, she detailed two small corrections yet to be made to the draft letter submitted to the Commission for consideration.

A discussion followed wherein Chair Nottoli along with Commissioners Slater, Villegas, and Vasquez expressed their support for the letter. Commissioner Kott asked whether the DLIS includes all levees in the Delta or only certain levees. Ms. Pringle noted that not all levees are included in the DLIS, but Director Blodgett added that the aim of the letter is to encourage support for all levees. Commissioner Burgis asked how much the new geographical data impacted the DLIS, and Ms. Pringle said that several islands were given higher priority in light of the new data. Commissioner Eddy asked if all subvention funding is subject to prioritization, and Ms. Pringle said that none of it is subject to prioritization, and the Commission's goal is to keep it that way.

Chair Nottoli asked for public comment and comment was heard from Gilbert Cosio and Melinda Terry further describing some of the debate surrounding the DLIS and related issues.

Motion: It was moved by Commissioner Villegas and seconded by Commissioner Slater to approve the draft comment letter on the Delta Levee Investment Strategy Administrative Procedure Act Rulemaking Process, including corrections; in a voice vote, the motion passed 9-0-0 with all Commissioners present voting aye.

12. Elect Chair and Vice Chair for 2023

Chair Nottoli reminded Commissioners of statutory requirements pertaining to the election of the Commission's Chair and Vice Chair, noting that according to Commission conventions, Commissioner Burgis would typically be nominated for Chair and Commissioner Vasquez would typically be nominated for Vice Chair. He also noted that January 3, 2023 would mark the end of his own tenure as Commission Chair.

Chair Nottoli asked for public comment and there was none.

Motion: It was moved by Commissioner Villegas and seconded by Commissioner Eddy to elect Commissioner Burgis Chair and Commissioner Vasquez Vice Chair of the Commission for the year 2023; in a roll-call vote, the motion passed 9-0-0 with all Commissioners present voting aye.

It was noted that after voting had been completed, Commissioners Burgis left the meeting at 6:50 p.m.

13. Review and consider approval of draft comments on Delta Conveyance Project

Program Manager Virginia Gardiner noted that the Commission's position on the Delta Conveyance Project has been clearly stated in multiple previous comment letters and has not substantially changed. However, she pointed out that the Commission has developed a new focus on policies intended to protect Delta heritage and cultural resources.

Chair Nottoli asked for public comment and comment was heard from Melinda Terry expressing support for the comments and noting that promising design changes had been made that appeared to take previous comments into account.

Motion: It was moved by Commissioner Villegas and seconded by Commissioner Vasquez to approve draft comments on the Delta Conveyance Project; in a roll-call vote, the motion passed 6-0-2 with all Commissioners present voting aye except Commissioners Agar and Eddy, who abstained.

14. Adjourn

Chair Nottoli adjourned the meeting at 7:13 p.m.