



1450 Halyard Drive, Suite 6
West Sacramento, CA 95691
www.deltaconservancy.ca.gov

MEETING SUMMARY AND ACTION ITEMS

May 22, 2019

Sacramento-San Joaquin Delta Conservancy Board Meeting
1450 Halyard Drive, Suite 6, West Sacramento

Agenda Item 1 – Call to Order

Meeting called to order at 9:00 a.m. by Chair Katherine Miller.

Agenda Item 2 – Welcome, Pledge of Allegiance, Roll Call, and Introductions

After the Pledge of Allegiance and life safety announcement, roll call was taken. Agenda items were heard by the Board in the order indicated below.

Board Members Present: Katherine Miller, Dolly Sandoval, Christopher Lief, Sandi Matsumoto, Don Nottoli, Jim Provenza, Mike Roberts, Skip Thomson, Leo Winternitz,

Ex Officio Members Present: None

Liaison Advisors Present: Steve Chappell, Erik Vink, Jessica Davenport

Agenda Item 3 – Public Comment

None.

Agenda Item 4 – Consent Calendar

MOTION: *Supervisor Nottoli moved, seconded by Board Member Winternitz to approve the following.*

- *January 23, 2019 Board Meeting Summary and Action Items*
- *March 27, 2019 Board Meeting Summary and Action Items*
- *The Executive Officer to enter into an interagency agreement with the Department of Water Resources to obtain information technology resources and services*
- *Sacramento-San Joaquin Delta Conservancy Conflict of Interest Code*

A voice vote was taken by the Board to approve the motion. Supervisor Thomson abstained. The motion passed.

Agenda Item 5 – Executive Officer’s Report

Executive Officer Campbell Ingram briefed the Board as follows.

- The Conservancy welcomes Jessica Adel as our new Fiscal and Board Analyst, Shelly Boxx as our new Office Technician and extends the appointment of Kirt Sandhu, Environmental Scientist, for another year.
- Statements of Economic Interest (Form 700) were due by April 2, 2019 from voting and non-voting Board members.
- Office expansion will begin shortly and is expected to be completed in mid-July. Our July Board meeting will be offsite and include a tour of a Conservancy funded project site.
- The Conservancy has two Requests for Proposals out for Delta carbon projects.
- Delta Salmon Rearing Habitat project team conducted a technical workshop May 6, 2019 to get feedback on initial concepts and will put out a draft report in August 2019.
- Delta Mercury Exposure Reduction Program to date has posted 54 signs throughout all five Delta counties.
- Delta Marketing: Delta Protection Commission is Developing a Delta recreation map. The Marketing Task Force meeting is May 28, 2019.
- Delta Waterway Cleanup: As part of Creek Week this April the Conservancy participated at four sites around the Delta with more than 80 volunteers helping to remove more than 3,200 lbs. of trash from Delta waterways.
- Board Directives from the March 27, 2019 meeting was for staff to provide information to the Board regarding how the Fish Friendly Farming Certification Program work funded through the Proposition 1 Grant Program and the contract considered by the Board at the March 27, 2019 meeting complement each other. Staff explained that the purpose of Fish Friendly Farming Certification project funded through Proposition 1 Grant Y1-2015-005 is to develop Fish Friendly Farming best management practices for specific Delta crops and educate farmers about the program, while the purpose of the Fish Friendly Farming Certification Program contract presented for consideration at the March 27, 2019 Board meeting is to enroll farmers in the program, develop plans for their specific farms, and implement those plans.

Deputy Executive Officer Debra Kustic presented the Budget and Expenditure Report.

Executive Officer Ingram presented the Outreach-Delta Meeting Matrix.

Agenda Item 6 – Ratification of Program and Policy Subcommittee Members

Deputy Executive Officer Kustic presented this item for annual ratification of membership for the Program and Policy Subcommittee. The Subcommittee is chaired by the Vice Chair of the Conservancy Board. The Subcommittee shall be comprised of a minimum of three (3) and a maximum of five (5) volunteer members who shall be selected from the voting members of the Board. Membership on the Subcommittee must include at least one (1) local government member, one (1) public member, and one (1) State department or agency member.

MOTION: *Vice Chair Sandoval moved, seconded by Supervisor Thomson to ratify the members of the Sacramento-San Joaquin Delta Conservancy Program and Policy Subcommittee as Supervisor Provenza, Board Member Winternitz, Board Member Mike Roberts, and the Chair as the Conservancy Board Vice Chair.*

A roll call vote was taken by the Board to approve the motion. The motion passed unanimously.

Agenda Item 7 – Proposition 68 Program Update

Community Projects Supervisor Robyn Krock provided an update on Proposition 68 and how the Conservancy will support community and economic projects in the Delta with the \$12 million in available funding. The Conservancy will implement a non-competitive grant program. Staff are in the process of developing grant guidelines, which will include community outreach and public workshops. Draft guidelines will be brought to the Board for consideration before a public comment period. The Conservancy plans to finalize the guidelines and begin implementing the program by the beginning of 2020. There was comment by a Board member that public safety, infrastructure, and access projects be considered.

Agenda Item 8 – Proposition 1 Program Update

Program Manager Laura Jensen provided an update on the Proposition 1 Grant Program.

- **Cycle 4:** recommendations were presented in a separate item on the agenda for this meeting.
- **Cycle 3:** There are six active grants, which is three more than at the March Board meeting.
- **Cycle 2:** The land upon which the Peterson Ranch Working Waterway Habitat Enhancement Project is to be implemented has been sold. A Land Owner Access Agreement has been executed that ensures that through the transition of ownership the project will remain viable.
- **Cycle 1:** Managers of the Lower Marsh and Sand Creek Watershed Riparian Restoration Planning Project reported that they will finish in June; however, the contract is being amended to add time for the grantee to submit a Delta Plan Consistency Determination. Executive Officer Ingram distributed a fact sheet, titled Ecosystem Restoration Contributions which shows the types of habitat improvements achieved through the Proposition 1 Grant Program.

Agenda Item 9 – Request for Approval to Execute a Grant Agreement for the Yolo Bypass Wildlife Area Habitat and Drainage Improvement Project

Executive Officer Ingram noted that several conditions needed to be worked through for this project and the applicant had not accomplished that by the September 2018 deadline. However, at the time of the Board meeting, all conditions had been met and it remained a viable, ecologically significant project that can be completed within the amended budget.

MOTION: *Supervisor Provenza moved, seconded by Vice Chair Sandoval that the Board authorize the Conservancy to enter into a grant agreement, not to exceed \$2,026,814 with Ducks Unlimited Inc. to implement the Yolo Bypass Wildlife Area Habitat and Drainage Improvement Project.*

A roll call vote was taken by the Board to approve the motion. The motion passed unanimously.

Agenda Item 10.1 – Request for Approval of Grant Awards for the Fourth Cycle of the Proposition 1 Ecosystem Restoration and Water Quality Grant Program

Liaison Advisor Chappell recused himself from discussion on this item. Program Manager Laura Jensen presented recommendations for Cycle 4 funding. Staff recommended that the Board conditionally approve funding for seven projects, not take action at the May 22, 2019 meeting on three proposed projects that scored at least 75 points, and deny funding for one proposed project which scored less than 75 points. The Proposition 1, Cycle 4 projects were presented one at a time in the following order.

Agenda item 10.4 Prop 1 – 1803-Blacklock Restoration: Phragmites Control Study

Applicant: Department of Water Resources

This planning project is proposed to characterize the feasibility, efficacy, and environmental impact of Phragmites control methods in the Blacklock property in Suisun Marsh.

MOTION: *Board Member Winternitz moved, seconded by Supervisor Thomson, that the Board approve a grant not to exceed \$387,440 to the Department of Water Resources for the Blacklock Restoration: Phragmites Control Study project, conditional upon the applicant submitting and Conservancy staff approving by September 1, 2019 the items noted in the staff recommendation.*

A roll call vote was taken by the Board to approve the motion. The motion passed unanimously.

Agenda item 10.5 Prop 1 – 1804-Delta Working Waterways Habitat Restoration Planning

Applicant: Solano Resource Conservation District

This planning, permitting, and site design project is proposed to bring at least eight habitat restoration sites to shovel ready condition in Solano County.

MOTION: *Supervisor Thomson moved, seconded by Supervisor Nottoli, that the Board approve a grant not to exceed \$347,481 to the Solano Resource Conservation District for the Delta Working Waterways Habitat Restoration Planning project.*

A roll call vote was taken by the Board to approve the motion. The motion passed unanimously.

Agenda item 10.6 Prop 1 – 1806-Paradise Cut Conservation and Flood Management Phase 2

Applicant: San Joaquin County Resource Conservation District

This proposal is part of a multi-phase project to construct a bypass and restore the floodplain along the lower San Joaquin River in San Joaquin County. The applicant is the same as in Phase 1 which is slated to be completed in June 2019.

MOTION: *Supervisor Provenza moved, seconded by Supervisor Nottoli, to approve a grant not to exceed \$265,254 to the San Joaquin County Resource Conservation District for the Paradise Cut Conservation and Flood Management Project, Phase 2, conditional upon the applicant submitting and Conservancy staff approving by September 1, 2019 the items noted in the staff recommendation.*

A roll call vote was taken by the Board to approve the motion. The motion passed unanimously.

Agenda item 10.8 Prop 1 – 1808-Lower San Joaquin Riparian Corridor

Applicant: American Rivers

This planning project is proposed to develop design plans and permit applications for riparian and floodplain restoration along a 2.5 mile stretch of the San Joaquin River in San Joaquin County.

MOTION: *Board Member Winternitz moved, seconded by Board Member Roberts, that the Board approve a grant not to exceed \$522,027 to American Rivers for the Lower San Joaquin Riparian Corridor project, conditional upon the applicant submitting and Conservancy staff approving by September 1, 2019 the items noted in the staff recommendation.*

A roll call vote was taken by the Board to approve the motion. The motion passed unanimously.

Agenda item 10.9 Prop 1 – 1809-Marsh Creek Channel Restoration

Applicant: American Rivers

This planning project is proposed to complete design and permitting for a multi-benefit ecosystem restoration to improve habitat on three acres of Marsh Creek Channel in Contra Costa County.

MOTION: *Supervisor Nottoli moved, seconded by Vice Chair Sandoval, to move that the Board approve a grant not to exceed \$519,494 to American Rivers for the Marsh Creek Channel Restoration project.*

A roll call vote was taken by the Board to approve the motion. The motion passed unanimously.

Agenda item 10.11 Prop 1 – 1813-Nutria Eradication Project – Phase Two

Applicant: California Department of Fish and Wildlife

This project seeks to eradicate nutria from California. The proposed project would occur both inside and outside of the legal Delta.

MOTION 1: *Board Member Winternitz moved, seconded by Supervisor Provenza, that the Board make the findings specified in the Recommended Board Findings in the staff report as required by Public Resources Code section 32360.5 in order to approve funding for activities outside the Delta.*

A roll call vote was taken by the Board to approve the motion. The motion passed unanimously.

MOTION 2: *Supervisor Provenza moved, seconded by Vice Chair Sandoval, that the Board approve a grant not to exceed \$8,483,080 to the California Department of Fish and Wildlife for the Nutria Eradication Project – Phase Two, conditional upon the applicant submitting and Conservancy staff approving by September 1, 2019 the items noted in the staff recommendation.*

A roll call vote was taken by the Board to approve the motion. The motion passed unanimously.

Agenda item 10.12 Prop 1 – 1814-Oakley Creekside Park Restoration

Applicant: City of Oakley

This planning project is proposed to complete the design and permitting for a multi-benefit restoration project on 2.4 acres along Marsh Creek in Contra Costa County.

MOTION: *Supervisor Thomson moved, seconded by Supervisor Provenza, that the Board approve a grant not to exceed \$436,465 to the City of Oakley for the Oakley Creekside Park Restoration project, conditional upon the applicant submitting and Conservancy staff approving by September 1, 2019 the items noted in the staff recommendation.*

A roll call vote was taken by the Board to approve the motion. The motion passed unanimously.

Agenda item 10.10 Prop 1 – 1810-Phase 1 San Joaquin River Floodplain Restoration and Floodway Enhancement at Banta-Carbona

Applicant: Banta-Carbona Irrigation District

This planning project is proposed to design and permit a multi-benefit habitat restoration project that would advance planning for restoration of 30 acres of seasonally-inundated floodplain at Banta Carbona in San Joaquin County.

This proposal met the 75-point threshold to be considered for funding, but staff did not recommend funding the project. The Board directed Conservancy staff to meet with the applicant, determine if they are able to clarify information and address concerns raised by the review panel, and bring the proposal back to the Board for consideration at a future meeting.

Dave Weisenberger, General Manager for Banta-Carbona Irrigation District, stated that the District is willing to work with the staff.

Agenda item 10.7 Prop 1 – 1807-Elk Slough Fish Passage and Flood Improvement

Applicant: Reclamation District 999

The project is proposed to prepare a detailed design plan for Elk Slough that the applicant asserts will provide an alternative route for federally-threatened winter run and spring-run Chinook salmon migrating through the Delta, enhance habitat, improve the slough's water quality, and implement flood improvements. The project is located in Yolo County.

This proposal met the 75-point threshold to be considered for funding, but staff did not recommend funding the project. The Board directed Conservancy staff to meet with the applicant, determine if they are able to clarify information and address concerns raised by the review panel, conduct a feasibility review to determine the ecosystem benefit, and bring a recommendation to the Board at a future meeting.

Stephen Heringer, Board Member, Reclamation District 999 and Doug Brown of Douglas Environmental addressed the Board.

MOTION: *Supervisor Provenza moved, seconded by Supervisor Nottoli to bring the proposal back to the Board for consideration no later than the September 2019 Board meeting.*

A roll call vote was taken by the Board to approve the motion. Board Member Christopher Lief abstained. The motion passed.

Agenda Item 10.3 Prop 1 – 1801-Mello/Jensen Heirs Sandhill Crane Preserve Conservation Easement

Applicant: Agricultural Natural Resources Trust

The project is proposed to preserve Sandhill Crane habitat by placing a conservation easement on 275 acres of farmland in Sacramento County.

This proposal met the 75-point threshold to be considered for funding, but staff did not recommend funding the project. The applicant contested staff's determination to not recommend funding for the project. The Board directed Conservancy staff to meet with the applicant, determine if they are able to clarify information and address concerns raised by the review panel, and bring the proposal back to the Board for consideration at a future meeting.

Liz DiGiorgio, representing the applicant, addressed the Board.

Prop 1 – 1811-Implementing Resilient Circulation and Drainage Projects in Suisun Marsh Managed Wetlands for Improved Wildlife Habitats and Water Quality

Applicant: Suisun Resource Conservation (SRC) District

This project scored fewer than 75 points, which is below the threshold to be considered for funding. The applicant contested Conservancy staff's recommendation to deny funding for the project.

John Takekawa, Operations Manager, SRC District requested that the Board consider funding the proposal.

Motion 1: *Supervisor Thomson moved, Supervisor Provenza seconded to allow the applicant to submit the missing information and have staff reconsider the application and provide an updated recommendation.*

A roll call vote was taken by the Board to approve the motion. The vote was three aye and five nay. The motion did not pass.

MOTION 2: *Vice Chair Sandoval moved, seconded by Board Member Matsumoto, to deny funding for the project.*

A roll call vote was taken by the Board to approve the motion. The vote was three aye and five nay. The motion did not pass.

The Board meeting recessed at 12:08 p.m. and reconvened at 12:13 p.m.

Deputy Attorney General Nicole Rinke confirmed that the previous motions did not pass; statute requires that an affirmative vote of six members is required for a motion to pass.

Agenda Item 11 – Delta Stewardship Council Update

Due to time constraints, this agenda item was tabled.

Agenda Item 12 – EcoRestore Updates

Due to time constraints, this agenda item was tabled.

Agenda Item 13 – California Delta Conveyance Update

Due to time constraints, this agenda item was tabled.

Agenda Item 14 – Delta Protection Commission Update

Due to time constraints, this agenda item was tabled.

Agenda Item 15 – Potential Agenda Items for the July 24, 2019 Board Meeting

Tentative agenda items for the July 24, 2019 Board meeting

- Consideration of Grant application for Prop 1-1811, Implementing Resilient Circulation and Drainage Project in Suisun Marsh Managed Wetlands for Improved Wildlife Habitats and Water Quality Project.

Agenda Item 16 – Public Comment

None.

BOARD DIRECTIVES TO STAFF

- Work with the applicants for the following Proposition 1 Grant Program, Cycle 4 proposals to obtain additional information and address concerns and present a recommendation regarding the proposals to the Board at a future meeting.
 - Prop 1-1801 Mello/Jensen Heirs Sandhill Crane Preserve
 - Prop 1-1807 Elk Slough Fish Passage and Flood Improvement Project
 - Prop 1-1810 Phase 1-San Joaquin River Floodplain Restoration and Floodway Enhancement at Banta-Carbona

MEETING ADJOURNED by Chair Katherine Miller at 12:15 p.m.

Respectfully submitted on June 3, 2019

Prepared by Jessica Adel, Fiscal and Board Analyst

Contact

Jessica Adel, Fiscal and Board Analyst

Sacramento-San Joaquin Delta Conservancy

Email: jessica.adel@deltaconservancy.ca.gov

Phone: (916) 376-4022