

BOARD OF DIRECTORS MEETING

MINUTES

REGULAR MEETING

Thursday, October 19, 2023

2:00 p.m.

(Paragraph numbers coincide with agenda item numbers)

**1. CALL TO ORDER**

The regular meeting of the Delta Conveyance Design and Construction Authority (DCA) Board of Directors was called to order in person, by teleconference, and remotely - Conference Access Information: Phone Number: (669) 444-9171, Code: 83319267911#, <https://dcdca-org.zoom.us/j/83319267911?from=addon> at 2:03 pm.

**2. ROLL CALL**

Board members in attendance from the DCA Boardroom were Sarah Palmer, Martin Milobar, Robert Cheng, Miguel Luna, and Adnan Anabtawi. Tony Estremera participated from Valley Water Headquarters Boardroom and Gary Martin participated from the Santa Clarita Boardroom.

Alternate Directors in attendance remotely were John Weed, Bob Tincher, Barbara Keegan, and Dan Flory.

DCA staff members in attendance were Graham Bradner, Joshua Nelson, and Valerie Martinez.

Department of Water Resources (DWR) staff members in attendance were Carrie Buckman, Anecita Agustinez, and Janet Barbieri.

The State Water Contractors were represented by consultant, Rebecca Nicholas.

**3. CLOSED SESSION**

a) CONFERENCE WITH LABOR NEGOTIATORS

(Government Code Section 54957.6)

Agency designated representative: Chair Sarah Palmer

Contractor: Executive Director

b) PUBLIC EMPLOYEE PERFORMANCE EVALUATION DISCUSSION

(Government Code Section 54957)

Title: Executive Director

c) CONFERENCE WITH LEGAL COUNSEL

Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2): 1 case

i. *Sierra Club et al. v. California Department of Water Resources*, Sacramento County

Superior Court Case No. 34-2020-80003517

**4. OPEN REGULAR MEETING & PLEDGE OF ALLEGIANCE**

President Sarah Palmer convened the open session at approximately 2:03 p.m. and led all present in reciting the Pledge of Allegiance.

President Palmer dedicated this meeting to the residents of the island of Maui, Hawaii.

**5. APPROVAL OF MINUTES: August 17, 2023, Regular Board Meeting**

Recommendation: Approve the August 17, 2023, Regular Board Meeting Minutes

Motion to Approve Minutes from August 17, 2023, as

Noted:	Luna
Second:	Estremera
Yeas:	Palmer, Milobar, Martin, Luna, Estremera, Cheng, Anabtawi
Nays:	None
Abstains:	None
Recusals:	None
Absent:	None
Summary:	7 Yeas; 0 Nays; 0 Abstain; 0 Absent. (Motion passed as MO 23-10-01).

**6. DISCUSSION ITEMS:**

a) **August DCA Monthly Report**

*Information Item*

DCA Executive Director, Graham Bradner, presented an overview of the monthly board report. He started with Section 1: Work Performed in September 2023. The Program Controls team continues program-wide support activities and implementation of the Program Management Information System. The team continues the implementation and training of Standard Operating Procedures (SOP) and Management Plans. The draft annual report was submitted to the Delta Conveyance Office (DCO) in September 2023 for their review. The DCA decided to no longer extend task orders past the end of the fiscal year, which allows for the final annual report to be completed and submitted in October 2023. Currently the report is in the process of being finalized and we have included the financials from last year in the monthly report for reference.

Mr. Bradner moved on to the administrative functions, stating that the Administrative team continues to support functions including Information Technology (IT), in-person and virtual meetings and social media content and updates. The alignment tours have been going very well, and the outreach team will be discussing this later in the agenda.

Regarding engineering, the Engineering team continues to focus on supporting DWR and DCO permitting efforts while also continuing to develop and progress engineering studies. This includes providing support to DCO in reviewing and responding to comments received on the Draft Environmental Impact Report (DEIR) and preparing the updates to the engineering project reports (EPRs). This report is a document that supplements the draft issued as an accompaniment to the DEIR allowing engineers to capture any revision or updates to the engineering project report

facilities associated with the concept designs as they evolve through the public comment period of the DEIR.

Mr. Bradner went on to update the Board on fieldwork activities. This department has completed the summer program and is finishing up the laboratory testing and reporting activities. This allows the fieldwork team to gear up for the fall program, which will be the last program of the year conducted under the initial study mitigated negative declaration (ISMND).

Mr. Bradner continued to Section 3: Budget and stated that the fiscal year (FY) 23/24 DCA budget was approved for \$40.44M. DCA has issued through task orders and contracts with a total amount of \$32.5M. Currently there is a reserve of about \$8M. DCA will reassess scope and budgets in the second half of the fiscal year of task orders currently executed. At this moment DCA is forecasting an Estimate at Complete (EAC) that would fully expend the budget. In reassessing, the DCA will look at the costs to date and whether the project has underruns and see where we can redirect any resources. From that point DCA usually resets the scope and realigns task orders.

Mr. Bradner continued to the Cash Flow, DCA shows projections at the beginning of the fiscal year as it is based on the need to utilize the entire budget. Currently the budget is on track and anticipate staying on track assuming full expenditures of the budget.

Mr. Bradner continued to the FY 22/23 Financial Reports. To show transparency of the budget, there is a possibility of the numbers changing as the final invoices come through. The FY22/23 DCA approved budget was \$31.16M. DCA committed \$25.34M. This includes the transfer of \$488K that was used for last spring's investigative laboratory testing and reporting work. There is currently an underrun of \$5.8M. Once DCA finalizes the FY22/23 annual report, this report will no longer be included in the monthly report.

Mr. Bradner continued to Section 5: The Program Schedule. The Program Management team continues to work on the support activities, including the Systems of Procedures (SOP) and trainings. The Engineering team continues to prioritize permit support to Delta Conveyance Office (DCO) as well as progressing any supplemental concept validation studies. There is also support to the fieldwork activities schedule and outreach. The Summer Program is completing the lab analysis and documentation, while the Fall Program is preparing for the Environmental Clearances.

No comments or questions were received from the Board, nor were any public comment requests received.

**b) DCA Programmatic Governance Update**

*Information Only*

Mr. Bradner presented to the Board the Programmatic Governance Analysis. The objective of this work is to ensure program management policies and procedures align with DCA requirements as the team continues to progress through the Program Initiation phase and considers transition to the Program Delivery Phase. DCA reviewed the policies, procedures and plans with a focus on quality management, health and safety risk management and the overall structure optimization.

Mr. Bradner stated that the Joint Powers Agreement (JPA) approved in December of 2020 with 16 participating public water agencies formed the DCA. The Joint Exercise of Powers Agreement (JEPA)

executed in May of 2018 between DCA and DWR and is currently on the 7<sup>th</sup> amendment of the document as of December of 2022. This JEPA states the roles and responsibilities of DWR and DCA. The By-Laws were amended in 2021 to align with the updated JPA and current DCA governance. Mr. Bradner stated that all documents presented are available on the DCA public website.

Mr. Bradner presented to the Board that DCA started the Programmatic Governance Analysis with a Gap Analysis to see what is currently in place, what is working and how to build upon things that are working well. The Gap Analysis identified 35 Programmatic Governance categories with Program Governance at the top of the list and continuing down in more detail other elements of the program. DCA has developed a timeline which identifies quarters as to when to update plans throughout the years ahead while also identifying trainings and implementations. The graph outlines a perceived level of effort in terms of where DCA is and how it will align with growth plans. DCA has identified 26 priority plans and procedures that are planned to be developed or updated during this year.

Director Luna asked for clarification on the term what LOE stands for and what are the 3 dots on the graph.

Mr. Bradner stated that it is a relative level of Effort (LEO) per category, more dots mean a larger lift in the process.

Director Anabtawi asked what is DCA's process on how items are revised or reviewed in the current planning phase.

Mr. Bradner stated that the DCA has a continuous improvement element process and plan at a minimum to revisit all plans annually.

Mr. Bradner continued to inform the Board of the updated and developed plans during FY 22/23. The team considered 16 out of the 26 identified plans to be top priority. Several plans already existed and required significant or insignificant updates, while others were entirely new plans. The new plans are as followed: Budget Management, Change Management, Contract Management, Cost Management, Document Management, Funding Management, Health, Safety, and security Management, Information Technology Management, Knowledge Technology Management, Knowledge Management and Continuous Improvement, Onboarding, Offboarding and Certification, Project Management Information System (PMIS) Management, Procurement Management, Program Management, Quality Management, Sustainability Management and Training Management. At this time, these plans have been shared with the DCO and approved.

Mr. Bradner continued to the Training and Implementation of Program Management Plans (PMP). This process is to identify all the training needs required to implement plans, policies and related SOPs. To date there have been trainings for 9 out 16 phase 1 plans and will complete remaining trainings in November. This will allow for further development and refinement of webinars, job aids training materials and other training collateral. As part of the continuous improvement, DCA will continuously be evaluating the training effectiveness and adopt any recommendation that is collected internally.

Director Luna asked if these plans apply to all DCA consultants even though they are their own entities.

Mr. Bradner stated that yes, they do apply to all participants in the program. DCA does have specific requirements and the current plans are specific to the program needs.

President Palmer stated that the plans are basically to fit in.

Mr. Bradner confirmed that President Palmer's statement was correct.

Mr. Bradner continued to the next steps of the PMPs. DCA has identified 19 more PMPs for phase 2, 10 of which will be new plans, while the remaining 9 will be updates. DCA has added a new management system to assist in improving how staff access the plans, policies and trainings.

Director Martin asked if the PMP plans were prepared by the DCA team or consultants.

Mr. Bradner stated that all members working with DCA are considered consultants, the plans were created by members working on the DCA and tailored to fit the needs of the program.

Director Martin asked who is currently providing the trainings.

Mr. Bradner stated that there are different plan leads who are responsible to provide the trainings. Mr. Bradner himself is a responsible trainer, the Quality Lead, Health and Safety Lead and the administrative team also support the trainings as they are conducted. The training sessions are recorded, there are webinars and a learning management system to obtain other resources available.

No further comments or questions were received from the Board, nor were any public comment requests received.

c) **Sr. Leadership Spotlight, Valerie Martinez, DCA Communication Manager**

*Information Only*

DCA, Communications Manager, Valerie Martinez stated to the Board that in terms of talking to the community and developing public-facing materials allows for an understanding of what her story is and where she comes from. Ms. Martinez is a Latina who grew up in Montebello, Ca, in a bilingual household as her grandparents were from Zacatecas, Mexico and Ciudad Juarez, Mexico. Her father was a forklift driver for over 45 years in the City of Commerce, while her mother worked in schools as a classified employee. Ms. Martinez grew up respecting Labor Unions at the time that Cesar Chavez was in the Central Valley, with her grandfather in the meat cutter's union and her father a Teamster. From an Environmental Justice standpoint, her grandparents lived downwind from a landfill in Monterey Park and on warm days could smell the landfill. While her parents lived down the hill from the Puente Hills landfill nestled between two freeways. Ms. Martinez started college as an engineering major and during her freshman year in Material Science, Ms. Martinez discovered writing was a better fit. She eventually graduated with a Journalism degree and a Political Science degree from the University of Southern California all while working full-time as a draft person and technical writer, then newspaper reporter. She became the first in her family to graduate from college. Ms. Martinez has had many great opportunities and experience. As a start in her career, she became a news reporter. She had the opportunity to complete an internship as a producer and writer with Fernando de Rio who back then was delivering editorials at KHJTV and now KCAL9. She had multiple reporter experiences within

different organizations including Herald Examiner and Long Beach Press-Telegram. Ms. Martinez then moved on and became the Chief Consultant for the California Latino Legislative Caucus where she focused on issues of importance to socioeconomically disadvantaged communities including education, immigration, health care, jobs and public safety. After a few years in that role, Ms. Martinez decided to start her very own firm.

VMA Communications was started and has now successfully been running for almost 30 years with 35 staff members. VMA does Infrastructure Development focusing on Environmental Justice/Equity-focused Outreach initiatives, CEQA/NEPA Outreach, Community Relations/Construction Communications, Small Business Outreach/Development and Local Hiring Initiatives. They also do Public Affairs assisting roughly 40 School Districts & Cities across California. In addition, VMA does Marketing Communications for clean tech and biotech firms.

Ms. Martinez came to the project with community outreach components, public affairs components and marketing that seemed to serve the project well. Ms. Martinez takes on large projects including the High-Speed Rail, Water Agencies, Los Angeles County Public Works, San Francisco PUC Biosolids Digester Facility, Metrolink, Kern Council of Governments and many other great projects within the State of California.

Ms. Martinez stated to the Board as the DCA Communications Manager, she provides oversight of the DCA communications program and works closely with DWR and the Public Water Agency (PWA's). Within DCA, Ms. Martinez provides strategic communication and oversees a team of comms experts providing public engagement and education, social media, digital geotargeting, informational videos, printed materials, website content, meeting facilitation and outreach support.

Ms. Martinez stated that from a DCA standpoint being directed by the Board, Mr. Graham Bradner and the Governor's Office, the core values are authentic/ respectful engagement with transparency and an integration of community experience into the project development.

Ms. Martinez is very proud of the work that DCA and DWR have done, especially with trying to integrate comments from the community into the design aspects of the project. VMA tries to meet communities where they are and work closely with communities within the Delta and other areas within California. This allows DCA to have open communication exchanges with communities. VMA creates communication plans that align with partner agencies, create systems and processes designed to execute plans and publish simple, impactful materials to support public understanding and solicit feedback about the proposed project.

Director Cheng stated that Ms. Martinez had a very impressive resume. As an Engineer himself, many people believe that the hardest part is the designing and constructing of projects, but also the ability to educate the benefits of projects to communities can be challenging but important. Director Cheng stated that DCA is very fortunate to have Ms. Martinez and the talented team on board.

Director Anabtawi stated that DCA is very lucky to have Ms. Martinez on the team and understand the importance of educating the community. With a project like the Delta Conveyance Project (DCP), it cannot be overstated on how important it is.

Director Anabtawi asked Ms. Martinez if there was anything unique about the project that she did not expect.

Ms. Martinez stated to the Board that she has worked on many projects, but those who are on this project are very focused on trying to develop a project that truly contemplates community through design and construction logistics.

Director Luna stated that VMA has provided a place where the Board and the DCA team feel supported with the documentation that has been provided to the public with an organized message. As complicated as the project may be, easy messaging will allow others to understand, follow and provide the right input that is needed to make a successful project.

Director Milobar asked Ms. Martinez how DCA found VMA.

Ms. Martinez stated that she received information about the Communications Services opportunity with the DCA and was encouraged to submit an SOQ in response to the RFP. Ms. Martinez works side by side with Communications Lead, Janet Barberi, creating a dynamic team.

Director Milobar stated that he appreciated Ms. Martinez's valuable positive response to the constant changing program.

Director Martin stated that he appreciated DCA for having the Senior Spotlight section in the agenda as it is one of his favorite items. Also stated that Ms. Martinez has a very impressive background and that relates to her background as Southern California is home to Mr. Martin as well. Ms. Martinez's skills far exceed the expectation and DCA is fortunate to have her on the team.

President Palmer stated that she enjoyed working with Ms. Martinez at the Stakeholder Engagement Committee and everyone involved appreciated her ability to make difficult things clear.

No further comments or questions were received from the Board, nor were any public comment requests received.

d) **DCP Communication and Outreach Update**

*Information Only*

Mr. Bradner presented Janet Barbieri to the Board, she leads Communications for DWR. Rebecca Nicholas from State Water Contractors (SWC) is also part of the Communications team and is present online. Valerie Martinez, who leads Communications for DCA and just presented to the Board is also part of this dynamic team.

Ms. Barbieri stated to the Board that she will build on Ms. Martinez foundation from her presentation and the Communication Program.

Ms. Barbieri continued to speak about the objectives of the program, to build awareness and understanding of the proposed project, including the environmental review, permitting and design process and the project's purpose and need. Then to ensure transparency by providing information and materials that are accessible and responsive to audience needs, interests and

concerns. DCA understands that individuals have concerns about the project and the goal is to continuously provide the public with access to information. The team works diligently to address public concerns about environmental and community effects of the proposed project.

Ms. Barbieri stated that the Communications program is a team and all work together seamlessly including DWR, DCA, PWA and SWC. The Communications team has several focus areas, including Tribes, Public Information, Public Participation, Public and Outreach Education, Media, Community Benefits, Disadvantaged Communities. In terms of the audiences, it includes various town councils, community organizations and Non-Government Organizations (NGO's). There is a lot of information that the Communications team makes accessible and readable. This includes facts sheets, videos, animations, eblast updates, websites, toolkits, and social media posts. Outreach efforts include briefings, presentations, conferences and tours. The public is invited to participate in public meetings, public workshops and informational webinars.

Ms. Barbieri stated that there is a toolkit available on the DWR's website and it includes links to all the material that are available to the public. There are also facts sheets that describe the Public Outreach and Engagement Overview and more of the type of work that has been completed for the last three (3) years. This includes Intakes, North Delta Traffic Management, Launch Shafts, Pile Driving, Seismic Resiliency, Soil Testing, Bethany Complex. There are closer look videos that have been produced with more information about the project and available to the public through the DCA website.

Ms. Barbieri went on to mention that the team works with an Environmental Justice consulting firm, Ag Innovations. They have been assisting DWR with reaching communities in the Delta and Statewide. They did a statewide survey to collect information and successfully collected over 2,000 responses. Ag Innovations participates in various community events and speaks to community members to inform and educate the community of the project.

Ms. Barbieri informed the Board that DCA has been coordinating with the PWA's to tailor information for each agency and provide information that is relevant to their programs and service areas.

Ms. Martinez went on to mention that the Communications team has created these fact sheets for the different PWA's to provide to the community. The sheets highlight each PWA's region and the important role the State Water Project (SWP) plays in providing water to their service area. Also, a monthly eblast goes out to DCP partners about the process and where the project currently stands.

Ms. Martinez continued to discuss the Geotargeting and Digital Outreach efforts. People that live in Northern California do not want to know what is happening in Southern California. People want to know what is impacting them locally more so than in other parts of the State. The Communications team started to refine their messaging to speak more directly to people about what is currently happening within their community. Currently through social media, the media campaign continued to be successful with reaching over 50,000 Californians. The DCA Facebook page had 76,724 impressions in September and 15,424 played videos.

Ms. Martinez notes the role that the Stakeholder Engagement Committee (SEC) played in outreach. During the SEC meetings there was discussion around how information is provided and received, and if the project gets approved and minimizing impacts. The 20 Committee Members



represented everything from geography, recreation and sports fishing to public safety. All presentations from the meetings are online and available for the public to view.

Ms. Martinez mentioned the Delta Tours and how they continue to be a success, reaching close to 200 attendees in total. Participants include PWA's, Regulatory Agencies, DCP Partners and Staff. The Delta Tours provide great information and give a better perspective of being out in the Delta to see what the proposed alignment and the proposed components look like.

Ms. Nicholas went on to present to the Board, that the SWC did a Statewide poll in California in early February of 2023 that ran for 1 week. This included reaching out by phone and online and was available in English and Spanish. From June 2019 through February 2023, DCP maintained a 76% in favor of the State Project. This shows that there is an acknowledgement of the work that DCA does and gives the opportunity to reach out to individuals that do not know or oppose the project and educate the communities. The SWC continues to host legislative briefings, legislative tours and continues to cascade all the information that Ms. Barbieri and Ms. Martinez do through their communication and social media channels. The SWC assists PWA's communication to their rate payers about the value of this project, especially in the context of the broader SWP. One last item that Ms. Nicholas found interesting was that voter concerns over infrastructure water investment and the condition of existing infrastructure increased from forty-nine percent (49%) in 2019 to sixty-eight percent (68%) in 2023. This created a large opportunity to see the importance of maintaining and upgrading the water infrastructure.

Ms. Barbieri stated to the Board that the Communications program works very hard to provide and make information about the project easily accessible to the community. The final Environmental Impact Report (EIR) is expected to be finalized by the end of the year and the goal is to provide information when the document is released. The DWR will consider project approval as soon as the EIR has been released.

Ms. Barbieri stated that there is a Community Benefits Program that will roll out next year. There will be public input related to the program. In addition, there will also be ongoing permitting processes that are coming along in the project.

Director Luna asked regarding the most recent earthquake that took place in California on October 18<sup>th</sup> and how this can be an opportunity to address the importance of this project to communities.

Ms. Barbieri stated that the Communications team produced a digital article with information regarding seismic resiliency and the nature of the project in July 2023 and will continue to push that information through social media. The article was also pushed through local PWA's service areas and Statewide channels.

Director Luna stated that Seismic has always been an interest of his and how it relates to this project and the ability to have ambassadors or external information that not only comes from the project but also experts.

Ms. Barbieri stated that that there was a local CBS affiliate report the day before that had a lot of quotes from the United States Geological Survey (USGS) with helpful information that reinforces that groundwork we are doing.

President Palmer stated that she has had previous conversations with people who erroneously stated that there is no real seismic risk. And obviously there is.

Director Cheng asked since the Communications team is supporting the PWA's, do they aggregate the amount of public outreach that each agency does.

Ms. Barbieri stated that the Communications team is working closely with the individual PWA Communications departments and asking them to put information out through their channels since they have great ways of reaching out to their rate payers and constituents.

President Palmer appreciates the Communications team giving information that has been very useful.

Ms. Martinez stated that if there is ever a need for information to please advise the Communications team.

No further comments or questions were received from the Board, nor were any public comment requests received.

e) **DCP Tribal Consultation Update**

*Information Only*

DWR, Tribal Policy Advisor, Anecita Agustinez updated the Board about the Tribal Consultation and Engagement. Ms. Agustinez stated to the Board that the engagement process has been helpful and how much time and effort has been put into it.

The DWR has been engaged with thirteen (13) Tribes that are considered active consulting Tribes and are culturally affiliated Tribes in the Delta region. Many of these Tribes are considered Culturally Affiliated Tribes to the Delta Region. There have been over one-hundred and fifty (150) Government-to-Government consultation meetings. During the Coronavirus Virus shutdown, the Tribes requested to not only the Governor but the also the Secretary of State to pause consultation, which would have caused a pause in the California Environmental Quality Act (CEQA) process, but it was determined it did not apply to the Delta Conveyance Project (DCP). Many of the Tribes were upset by the continuation of the Government-to-Government consultation as many felt they did not have the capacity to continue. DWR was able to connect with the Tribes through Zoom and continue the discussions and develop opportunities for site visits and obtain Tribal feedback that was needed to develop the documents and the information to draft the EIR. Many of the EIR comments include Tribal comments including actively consulting Tribes and Tribes throughout the State.

Ms. Agustinez stated that DWR committed to sending formal letters and emails to consulting Tribes that inform them on a regular basis of milestones that the project reaches. Currently, DWR is in the process of the closing AB-52 consultation under CEQA. AB-52 resulted in a new amended description and classification of a Tribal Cultural Resource. It has been a challenging process to be able to cover the number of affiliated Tribes, but we are e fortunate that the consultation process has continued and are now at the step of completing the EIR with Tribal participation.

Ms. Agustinez described to the Board that the Tribal outreach would continue and DWR is committed to Tribal engagement that DWR has a Tribal engagement website on the DWR webpage. When DWR knew it would move forward with the DCP and that it would fall under the AB-52 Consultation, DWR elected to do a series of Pre-AB-52 meetings. This was a new process that DWR engaged in and it's now considered a best practice that has been institutionalized not only through DWR but other State agencies and they too are engaging in the Pre-AB-52 informational meetings to let Tribes know that if they are not on the AB-52 Consultation list that there is an opportunity to do so. This allows for early engagement of what is meaningful consultation. The Tribal Engagement website includes the early meetings, early agendas and all of the presentations. In addition to the Government-to-Government consultations that DWR conducted, this website includes annual informational meetings that are conducted on behalf of the Tribes for information. Those informational meetings were open to a Statewide audience and Tribal non-government organizations (NGOs) that were assisting other Tribes in understanding the nature of this project. DWR participated in the Tribal Coalition meetings that also included Graham Bradner and Carrie Buckman. Mr. Bradner and Ms. Buckman provided subject matter expertise and a lot of it was aligned with what was happening during the DCA process of the Stake Holder Engagement Committee (SEC) meetings and there were Tribal Governmental Representatives participating in the SEC process. The Tribal Representatives coordinated with DWR to revisit several SEC agenda items and review the items for the larger Tribal community. This created an opportunity to reinforce the information and was welcomed by the Tribes. DWR appreciates the work that DCA does to schedule Delta Tours with the Tribes.

Ms. Agustinez stated to the Board that the DWR message to the Tribal Governments and Tribal communities is that consultation does not end, and that consultation is an ongoing process and will continue. DWR is under the California Natural Resources Agency's Consultation Policy as well as DWR's own Engagement Policy, which allows Tribes to continue to consult with DWR as the engagement process continues.

Ms. Agustinez continued to note that DWR wishes to continue coordination with culturally affiliated Tribes regarding any potential post-approval implementation of mitigation measures proposed in the EIR to avoid, minimize and mitigate potentially significant impacts. One thing that has been front and foremost from all the Tribes is the Tribal Cultural Resources protection. DWR has learned through the engagement process the importance of the Delta to the Tribes. This is their ancestral lands, if you look at a map of the Delta, it is difficult to find Tribal lands that were not under Tribal jurisdiction. Their access has been removed due to the State and Federal practices of removal of the Tribes to lands outside of the Delta. The Delta remains a sacred area and when the Tribes look at the levees, they look at ancestral lands that have been built upon their ancestral homes. This is something that is important to the tribes and DWR is listening. DWR is incorporating in their mitigation measures to inform how to avoid and minimize cultural resource impacts. This is continued through site tours, various types of investigations and Tribes that have been assisting DWR. DWR would like to state that tribes have also noted that based on the alternatives that DCA has made to the project, these changes are based on what has been brought through consultations. Above all, Tribes have expressed to DWR that this is an unwelcomed project. Tribes do not want to see any further destruction to their ancestral lands. But the Tribes have chosen to stay engaged, and to be a part of the CEQA process for the consultation and for the Cultural Resources Protection. If this project continues in the future, DWR looks forward to continued dialogue with Tribes on mitigation, community benefits, and otherwise ensuring we can incorporate Tribal knowledge into what is done with the mitigation and what can be done with the community benefits and incorporate their perspectives and their desires.

President Palmer stated that Ms. Agustinez's role is very impactful, important and appreciated. The role of the Ms. Agustinez and the Tribes is crucial.

Director Luna thanked Ms. Agustinez for her role and what she does for DCA. Director Luna asked if there were any Tribal monitoring programs.

Ms. Agustinez stated that DWR is monitoring and working closely with Tribes. There is a commitment on behalf of DWR to have Tribal monitoring and during site visits they be compensated due to DWR working with Tribes as subject matter experts. Tribes bring in Tribal ecological knowledge that is important to develop an appropriate mitigation measure. There are increasing new State policies through Legislation and Governors Executive orders to incorporate Tribal knowledge through nature-based solutions as a policy planning tool for water management adaptation. DWR has developed a Public Entity Agreement Contracting Process that allows DWR to develop direct contracting with Federally recognized Tribes. Non-Federally recognized Tribes are not able to utilize the Public Entity Agreement Contracting Process, however DWR is working on other contracting mechanisms. DWR is Consulting with thirteen (13) Tribes total while several of those Tribes are non-federally recognized Tribes.

Director Adnan stated that he appreciates the work that Ms. Agustinez does and would like to know if there are any Tribes that are interested from outside of the Delta that have been engaged in the project.

Ms. Agustinez stated to the Board that there are several Tribes from the Northern State areas to the Southern State areas that are interested in the project. There have been Tribes from the San Diego County area that have asked to be updated. The Tribes stated that it is a State Water Project and would like to know the potential impacts. The Northern California Tribes are interested and are concerned about the impacts.

President Palmer appreciates Ms. Agustinez's efforts.

Ms. Agustinez stated that an ongoing commitment by the Board as DCA goes through these various changes. Especially now that DWR looks at mitigation, the community benefits are going to be important to make sure that the Tribal perspectives are included.

No further comments or questions were received from the Board, nor were any public comment requests received.

## **7. STAFF REPORTS AND ANNOUNCEMENTS:**

### **a. General Counsel's Report**

DCA General Counsel, Josh Nelson, informed the Board the General Counsel continues to provide legal assistance as requested. This has included reviewing the management plans discussed during the meeting. Our office has also assisted staff with implementing the procurement and travel policy updates approved in August. In addition, Mr. Nelson highlighted the end of the Legislative cycle. The Governor of California had until the end of last week to decide whether to sign the bills and review all bills that were signed that will become law on January 1, 2024. He will bring back any information to the Board for discussion as appropriate.

In addition, he provided an update on SB 537. As discussed previously, this bill would have allowed “multijurisdictional,” cross-county bodies to utilize more flexible remote meeting rules. Unfortunately, this bill was not passed by the legislative deadline and may be considered by the Legislature next year.

President Palmer stated that Mr. Nelson will keep the Board updated as to how to function properly.

Mr. Nelson stated to the Board that the rules that the DCA has operate under will remain in effect. He thanked Chief of Staff, Claudia Rodriguez and her team for keeping the remote meetings running smoothly.

No further comments or questions were received from the Board, nor were any public comment requests received.

**b. Treasurer’s Report**

Bernadette Robertson presented on behalf of DCA Treasurer, Katano Kasaine. Ms. Robertson informed the Board that the report is for the first quarter of FY 24. The beginning cash balance for the Delta Conveyance Design and Construction Joint Powers Authority (Authority) on July 1, 2023, was \$1,412,837. Receipts for July through September 2023 totaled \$8,638,822 representing contributions from the DCO for payment of the Authority’s obligations and total disbursements for the same period were \$8,223,031 resulting in an ending cash balance of \$1,828,628 on September 30, 2023. As of September 30, 2023, the Authority’s receivables totaled \$2,506,967 consisting of 10 invoices to the DCO.

Ms. Robertson continued informing the Board of the balances for prepaid expenses and accounts payable, as of September 30, 2023, were \$84,008 and \$3,538,164, respectively. For the same period, advances totaled \$800,000 and total net position was \$81,439.

President Palmer stated that the presentation was nice and clean.

No further comments or questions were received from the Board, nor were any public comment requests received.

**c. DWR Environmental Manager’s Report**

DWR’s Environmental Manager, Carrie Buckman informed the Board that Staff is continuing to work to finalize the EIR, which is expected to release the report by the end of the year. Many people are following the Geotechnical investigation, and if the public is interested in the status, there is a rolling map of two weeks look ahead on the DWR website with all the current information.

No comments or questions were received from the Board, nor were any public comment requests received.

**d. Verbal Reports**

No Comments or verbal reports were received.

**8. FUTURE AGENDA ITEMS:**

No future agenda items requested.

**9. PUBLIC COMMENT:**

President Palmer opened the Public Comment item for all items not on the agenda, there were no public comment requests received and she proceeded to close the comment period.

**10. ADJOURNMENT:**

President Palmer adjourned the meeting at 3:32 p.m., remotely-Conference Access Information:  
Phone Number: (669) 444-9171, Code: 83319267911#, <https://dcdca-org.zoom.us/j/83319267911?from=addon>