



DELTA STEWARDSHIP COUNCIL

A California State Agency

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COMMUNICATION DISCLOSURE FORM

Filed by: Bethany Pane, Chief Counsel, Delta Stewardship Council

1) Project (e.g., covered action): Lower Yolo Ranch Restoration Project

2) Date and time of receipt of communications: May 14, 2020, approx. 10:30 AM (Westlands Water District); and, May 15, 2020, approx. 10:45 AM (Solano County Water Agency) respectively

3) Location and means of communication: Telephone. I was in Sacramento County; I do not know the location of the other parties.

4) Identity of person(s) initiating communication: Jon Rubin, Westlands Water District (Westlands); Jeanne Zolezzi, Solano County Water Agency (SCWA)

5) Identity of person(s) on whose behalf communication was made: See #4 above

6) Identity of persons(s) receiving communication: Bethany Pane

7) Identity of all person(s) present during the communication: 1st call between Jon Rubin and Bethany Pane; 2nd call between Bethany Pane and Jeanne Zolezzi to share the contents of the Westlands discussion with SCWA

8) Describe the substance of the communication and any response (use extra pages if necessary; attach copies of any written communications and materials presented):
While not an ex parte communication, in the interest of full disclosure, after receiving an appeals procedure-related call from Westlands, I shared the information discussed on that call with SCWA.

Procedural items discussed on the Westlands call, and then shared on the SCWA call were:

- Whether the Council has split enforcement/advisory team functions when staffing appeals. (It does not. There is no requirement that the Council split enforcement/advisory team functions, because there is no enforcement role for the Council. The Council serves in an appellate capacity, necessitating staff and attorneys to serve only in advisory roles to the Council.)
- Whether the SCWA appeal was timely submitted. (It was. The Council's Administrative Procedures Governing Appeals require the Council to conduct a completeness review, which is why the appeal was deemed filed the day after it was received by the Council.)

"Coequal goals" means the two goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. The coequal goals shall be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place."

– CA Water Code §85054

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- What happens if a party were to withdraw its appeal? (There would be nothing for the Council to decide, and the project proponent could proceed with the project.) And,
- The process involved if Westlands decides that it would like to request an extension to the amount of time required to submit the administrative record. (The Council would be willing to consider a stipulation that proposes extensions of time.)

Procedural items discussed on the SCWA call:

- The Council will add SCWA General Counsel Jeanne Zolezzi to the service list
- SCWA anticipates that it will be able to discuss the Council's proposed stipulation re: time extensions with Westlands early next week.

May 15, 2020

Date

E-Signature