



March 19, 2021

Via email

Jessica Pearson, Executive Director  
 Delta Stewardship Council  
 980 Ninth Street, Suite 1500  
 Sacramento, CA 95814

**Re: Questions regarding contracts for scientific review by Delta Independent Science Board members**

Dear Director Pearson,

As you know, there were major changes in FY 2020-21 in the status and compensation structure for the Delta Independent Science Board (“DISB”) members. These administrative changes are of major concern to our organizations, since they have affected the ability of the “nationally and internationally prominent scientists with appropriate expertise to evaluate the broad range of scientific programs that support adaptive management of the Delta” on the DISB to meet the DISB’s statutory mandate to oversee the “scientific research, monitoring, and assessment programs that support adaptive management of the Delta” (Wat. Code § 85280(a.))

The causes, basis and authority for the administrative changes remain unclear. We therefore respectfully request answers to the following questions.

**A. History of contracts with Delta Independent Science Board members**

We ask that you confirm the following:

1. Prior to Fiscal Year 2020-21, DISB members were paid through contracts with the Delta Stewardship Council (“DSC”) at rates typical for academic consulting.

2. This method of compensation was a continuation of the method of remuneration established for the CALFED Independent Science Board.
3. The DSC was given the authority to execute contracts with the DISB members by Water Code sections 85210 and 85213.
4. The DSC's 2017-2020 contracts for the DISB members totaled about \$2 million dollars over 3 years, approximately \$680,000 a year.
5. The 2017-2020 contracts with the DISB members expired around the end of FY 2019-20.

**B. Review of contracts by the Department of General Services**

We also ask the following questions with respect to review by the Department of General Services of the DSC's contracts for scientific review:

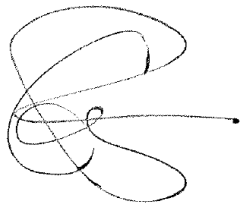
1. Water Code section 85213(a)(4) authorizes the DSC to issue contracts for “[p]erformance of scientific review to inform water and environmental decisionmaking in the Delta.”
2. Section 10295 of the Public Contract Code requires the Department of General Services to approve contracts for services. However, Water Code section 85213(b) exempts contracts for consultant services issued pursuant to Water Code section 85213(a) from Part 2 of Division 2 the Public Contract Code (PCC 10100 et. seq.), and “any rules or regulations adopted pursuant to those laws.”
3. During calendar year 2020, has the DSC entered into, renewed, or extended any contracts for scientific review without approval by the Department of General Services on the basis that said contracts are exempt from review?
4. If so, which contracts?
5. Were the DSC's 2017-2020 contracts with the DISB members reviewed by the Department of General Services?
6. Did the DSC submit new or renewed contracts with DISB members to the Department of General Services for review in calendar year 2020?
7. If so, did the Department of General Services disapprove the new or renewed contracts with the DISB members?
8. If so, on what grounds were the contracts disapproved?

### C. Review of contracts by other state agencies or departments

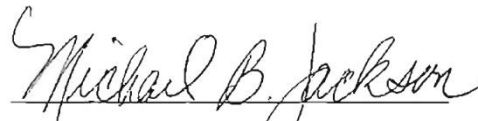
We also ask the following questions with respect to review by other state agencies or departments:

1. Did the DSC submit new or renewed contracts with DISB members to any state agencies or departments other than the Department of General Services for review in calendar year 2020?
2. If so, did any state agencies or department(s) decline to approve the new or renewed contracts with the DISB members?
3. If so, what were the title(s) of the person(s) who declined to approve the contracts, and on what grounds?

Thank you for your time and attention to this matter.



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The Honorable Wade Crowfoot, Secretary of Natural Resources  
The Honorable Jared Blumenfeld, Secretary for Environmental Protection