

Summary Minutes of the
Delta Protection Commission Meeting
Thursday, January 26, 2012

San Joaquin County WorkNet Building
56 S. Lincoln Street
Stockton, California 95203

ADMINISTRATIVE AGENDA

1. Call to Order/Flag Salute.

Chair Nottoli called the meeting to order at 5:50 p.m.

2. Roll Call.

Present: Chair Nottoli; Commissioners, Cabaldon, Ferguson, Ferrara, Nomellini (for Scriven), Reagan, Ruhstaller, Shubert, van Loben Sels, and Vick.

Absent: Commissioner Bugsch, Eggman, McGowan, and Piepho.

3. Public Comment. Opportunity for Members of the Public to Address the Commission on Items Not on the Agenda.

No one addressed the Commission.

CONSENT AGENDA

4. Approve Minutes of December 8, 2011

5. Receive Update on the Draft National Heritage Areas Feasibility Study Including Review Process by the National Parks Service.

Chair Nottoli asked if the item should be moved to the Regular Agenda. Mike Machado noted that the item was only an update on information being forwarded to the National Parks Service; however, the Commission would discuss the item in March where public comments would take place.

Commissioner Ruhstaller moved approval of the Consent Agenda; Commissioner Vick seconded. The Consent Agenda was approved unanimously by voice vote.

REGULAR AGENDA

6. Receive Presentation From Gerald Meral, Deputy Secretary, Natural Resources Agency, Regarding the Bay Delta Conservation Plan

Dr. Gerald Meral acknowledged the passing of Alex Hildebrand, an advocate for the Delta. Dr. Meral went over the goals of Senate Bill X7-1, and noted that the Bay Delta Conservation Plan (BDCP) is a joint federal/state effort, and attempt to have a conservation plan in place to protect and restore all species. He said that BDCP has been in effect for roughly five years and the whole process would take roughly another ten years. Dr. Meral mentioned that land use issues considered by BDCP include payment in lieu of taxes; who will pay to maintain habitat projects; conversion of ag. to habitat and the economic impacts; and the State's role in levee

subventions/maintenance. Dr. Meral stated that the draft EIS (which contains effects analysis and twelve conservation measures) should be available for public comments in late February and the final available at the end of the year.

Commissioner Shubert asked if there was a “suite of options” mechanism on ag. land conversion proposed for reimbursing landowners. Dr. Meral responded no; however the Department of Water Resources (DWR) was open to suggestions and always looking for new models/proposals.

Commissioner Ruhstaller asked if the process would be pushed to be done sooner. Dr. Meral responded that the process would be done in a respectful manner with all parties being treated fairly, and there would be no fast tracking.

Commissioner Nomellini asked why there were some costs of the BDCP that would be paid by the general taxpayer. Dr. Meral responded that costs have yet to be determined, but it seemed too hard to try to allocate responsibilities to every interest groups and/or activity in the watershed; furthermore, it was recognized by the Legislature to be fair that some costs be allocated through the general bond.

Commissioner Nomellini noted that the Economic Sustainability Plan (ESP) has done a very good job to focus on costs benefit analysis and contains data to support a fair consideration as an alternative to a peripheral canal that would fortify Delta levees and achieve the benefit of preserving and protecting infrastructure. He then distributed photos of levee and habitat projects in the Delta and suggested DWR look to the ESP for data. Dr. Meral responded that he agreed that dual conveyance has to continue to export some water from the South Delta.

Chair Nottoli asked if storage was built into the water bond, as it was not part of the BDCP. Dr. Meral responded that while storage was not built into the bond, a technical appendix would be included. Chair Nottoli stated that local citizens were nervous because large projects are being proposed that would obviously cut into acreage. Dr. Meral responded that large projects are being proposed because no new projects have gone before the Governor as yet; therefore they are still working on the old projects list.

Gene Beley, Stockton asked for an explanation for an earmark by Senator Feinstein to expedite selling water to Kern County. Dr. Meral stated that he was not qualified to answer that question.

7. Receive Final Economic Sustainability Plan With Incorporated Responses to Comments From the Peer Review Panel.

Mike Machado outlined the Commission’s charge under SBX-7 which included review of the Primary Zone, adopting an ESP, completing a feasibility study on a National Heritage Area as part of Delta as a Place; submitting a proposal to protect, enhance, and sustain the Delta as an evolving place; and making a recommendation on the Delta Investment Fund. Mr. Machado reported that the ESP was approved by the Commission and reviewed by the Peer Review Team, whereby the Commission would incorporate those comments. He said that once the changes were incorporated and approved, the Commission would submit the final document to the Delta Stewardship Council (DSC) at the DSC meeting in February for review and (hopeful)

incorporation into the Delta Plan. He asked that Commissioners be present at the meeting for moral support.

Dr. Jeff Michael, UOP reviewed the Executive Summary and outlined some of the key changes in the ESP including co-equal goals, benefit cost analysis and results from the Delta Risk Management Strategy (DRMS) Phase 2 analysis regarding seismic levees.

Commissioner Shubert stated she has concerns with the ESP as it contained preliminary information DWR asked not to be used. She asked Dr. Michael if he tried to retrieve the correct information from either the Deputy Director or appropriate staff. Dr. Michael stated he did not. Commissioner Shubert asked that the ESP include clarifying language to that affect.

Commissioner Cabaldon said that the information does not imply the quality of the results and was appropriate to include in the ESP. He further said that DWR could have flagged the data but did not. However, the Commission must be careful with its tone in using the information. He also asked that the Palm Orwood Tract be corrected to read Orwood Palm Tract on page 61.

Ron Baldwin, SB 27 Coordinator reviewed the Emergency Preparedness Chapter and Appendix M of the ESP. Mr. Baldwin noted that Appendix M is consistent with SB 27, however, there is no mention of SB 27 in the Central Valley Flood Protection Plan, which should be the basis for emergency planning. Mr. Baldwin also went over the Commission's grant application that will be submitted to DWR to become the emergency response entity in the Delta.

Commissioner Cabaldon stated it is not clear who is responsible for emergency response—particularly in the case of West Sacramento—as the City is bisected by a line in the legal Delta. He said he wanted the City to be “in” or “out” of the emergency response planning area, as not to have too many systems to deal with. He asked that the phrase Legal Delta be changed to Delta Region. Mr. Machado responded that there is nothing that states that Delta emergency cannot be expanded into areas such as West Sacramento—particularly to have a coordinated response.

Commissioner Cabaldon moved to approve the ESP with Peer Review Panel Changes; Commissioner Vick seconded. The motion was approved 7:0:2 by voice vote. Commissioners Ferrara and Shubert abstained.

8. Adopt Joint Resolution of Support of Cities, County, and Other San Joaquin County Stakeholders Regarding Land Use, Water, and Other Delta Related Issues.

Mike Machado reported that the Stockton City Council drafted a resolution regarding land use, water and other Delta related issues. He asked that the Commission review and discuss the resolution and take action for adoption.

Commissioner Vick stated that she was hesitant to endorse the resolution because the document was not inclusive of the other Delta counties.

Commissioner Nomellini said that the document should be modified to reflect that it is coming from the Commission and not from San Joaquin County.

Commissioner Ferrara stated that the document reflects a logical activity of stakeholders in the Delta but he could not endorse, as it is not the Commission's role to endorse as a State Agency. Commissioner Cabaldon stated that he agreed as it is not the Commission's role to advocate for local government.

Commissioner Vick moved to deny the Joint Resolution; Commissioner Ferrara seconded. The motion was withdrawn.

Commissioner Nomellini moved to table the document for another discussion; Commissioner Ruhstaller seconded. The motion was approved unanimously by voice vote to table the item.

9. Discuss the Delta Stewardship Council's Delta Plan, the Delta Reform Act (SBX7-1), and Possible Recommendations or Actions by the Commission.

This item was discussed in conjunction with Agenda Item #7.

10. Receive Report From the Executive Director, Including Informational Updates On Delta Stewardship Council and Delta Conservancy Activities and Other Delta Initiatives.

Pete Kutras announced that he would no longer serve as the Executive Director of the Delta Counties Coalition and introduced Doug Brown as the new Executive Director. Chair Nottoli and Commissioner Vick thanked Mr. Kutras for his service.

11. Comments and Announcements From Members of the Commission.

Commissioner Vick announced that this would be her last meeting as her two year term on the Commission has ended, and her term as Mayor of Rio Vista would end in December 2012.

Mr. Machado announced that he has been with the Commission for a little over a year and it was time for an annual review. He thanked staff for helping to facilitate the NHA, Primary Zone, and ESP Feasibility Studies.

Chair Nottoli announced that he would continue to serve as the Chair of the Commission until the Delta Plan was finished.

12. Adjourn

The meeting was adjourned at 9:00 p.m.