

Summary Minutes of the  
Delta Protection Commission Meeting  
Thursday, September 25, 2008

ADMINISTRATIVE AGENDA (Items 1-3)

**1. Call to Order/Flag Salute**

Vice Chair van Loben Sels called the meeting to order at 5:40 p.m.

**2. Roll Call**

**Present:** Vice Chair van Loben Sels; Commissioners Armor, Becerra, Calone, Dawson, Ferguson, Johnston, Kelly, Newton, Nottoli, Piepho, Reagan, Ruhstaller, Tilghman, Trott, and Mark Wilson.

**Absent:** Commissioners Cabaldon, Dresser, McGowan, Simonsen and Daniel Wilson.

**3. Public Comment**

There were no public comments.

**CONSENT AGENDA (Items 4-8)**

Commissioner Kelly moved Agenda Item 5B to the Regular Agenda.

Commissioner Armor moved approval of the remainder of the Consent Agenda; Commissioner Piepho Seconded. The Consent Agenda was approved unanimously.

**REGULAR AGENDA (Items 5B, 9, 10, 11, 12, 13, 14, 15, 16, 17)**

**5B. Adopt a Position of Commission Support for Senate Bill 27 and Assembly Bill 2504.**

Commissioner Kelly noted that she would abstain from voting on the agenda item.

Commissioner Johnston moved approval of Agenda Item 5B; Commissioner Ruhstaller seconded. The motion was approved 13:0:1. Commissioner Kelly abstained; Commissioner Nottoli did not vote due to late arrival.

**9. Receive Presentation from Department of Fish and Game (DFG) on Canine Invasive Program.**

Warden Roxanne Bowers, DFG canine coordinator stated that the department has 17 teams of dogs and hopes to have 24 teams in the future. Warden Bowers said that the dogs' purpose is to detect and uncover invasive species. Warden Bowers, along with canine Cooper gave a demonstration on how to detect Quagga Mussels in the Delta.

**10A. Receive Informational Update From State Resources Agency Staff and Delta Vision Staff on Delta-Related Activities Including Bay Delta Conservation Plan, State Water Plan Update, and Delta Vision Strategic Plan**

Keith Coolidge, Public Information Officer, reported that DWR is working on the draft conservation strategies, with earlier work done on the BDCP planning agreement. Mr. Coolidge

said that the draft conservation strategies would be coming before the BDCP committee and the committee has asked the work group to come up with more ideas that looked at habitat restoration and other stressors. Mr. Coolidge said that the draft should be finished in November 2008; it will contain conservation strategies that would feed into the EIR/EIS. The EIR/EIS should be finished by 2009 and the FEIR by 2010.

Commissioner Wilson asked why there were so many committees that were not holding public meetings. Mr. Coolidge responded that the committees are being taken out of the lower level, and that there were no non-public meetings being conducted.

Commissioner Ferguson asked where the committee was in its discussions regarding the South Delta floodplain. Mr. Coolidge responded that the issue would be touched on by the work group; however, at a higher level.

Commissioner Piepho commented that the process should be a partnership and the Boards of Supervisors should play a role. She said that this has not been the case, as Contra Costa County felt it had to bully its way into the process. Mr. Coolidge responded that he understood; however, there were things that needed to be explored on the issue.

John Kirlin, Executive Director, Delta Vision, said that the Delta Vision Task Force meets in two weeks and would have the 5<sup>th</sup> draft done by that time. He stated that since the Delta Vision encompasses the Delta in its entirety, there seems to be a lack of information in some areas, and there are still issues to be wrestled with. Mr. Kirlin said the 5<sup>th</sup> draft would be a recommendation to the Governor and then sent to the Legislature at the end of the year.

Commissioner van Loben Sels commented that he is concerned with the 4<sup>th</sup> draft, and reported that since the next Commission meeting would be on November 20, the Commission should express its concerns as soon as possible.

Commissioner Kelly said that she had concerns about the 3<sup>rd</sup> draft. She asked if the Commission's comments on the 3<sup>rd</sup> draft had been incorporated into the 4<sup>th</sup> draft. Mr. Kirlin responded that all comments were assigned to staff members to see if the concerns are valid.

Commissioner Reagan reported that Solano County submitted comments.

Commissioner Tilghman commented that State Parks submitted comments relative to the National Heritage Areas and State Recreation Areas. He pointed out that State Lands Commission submitted comments that have not been recognized, and added that Dan Ray, State Parks would make a presentation at the November Commission meeting.

Commissioner Nottoli stated that Sacramento County would also take up the issue and have a tour of the Delta.

Commissioner Trott stated that Food and Agriculture submitted comments and is also preparing comments on the BDCP's other stressors.

Kamyar Guivetchi, Manager, Department of Water Resources, said DWR would be putting out an administrative draft on the California Water Plan. The project is for flood waters and to look for the opportunity to improve water supply, conveyance, and taking into account water management with the large shelf life. He said that DWR has created a 20-state agency steering committee in addition to a public advisory committee with the purpose of writing a regional report that is representative of meeting the goals/needs for the future water needs. In addition, money is needed to invest in water to get multiple benefits; therefore the water plan is being approached as a strategic plan. He further stated that DWR was looking for input from the State, wanted extensive public involvement, and wanted the Commission to provide comment on the report.

Vice Chair van Loben Sels convened the public hearing.

Rogene Reynolds, Stockton, commented that she was concerned because the Blue Ribbon Risk Force had not recognized the Commission's comments on the 2<sup>nd</sup> draft of the Delta Vision, nor does the Strategic Plan reflect the Commission's, landowners' or local governments' input. Ms. Reynolds added that the plan is basically a plan to take control of the Delta region from stakeholders. She suggested that the Commission discuss the issue as to why its August 14, 2008 letter was not addressed and how the 3<sup>rd</sup> and 4<sup>th</sup> drafts changed without stakeholder input.

Vice Chair van Loben Sels closed the public hearing.

Commissioner Calone moved that the Commission send an amended letter to the Blue Ribbon Task Force; Commissioner Ruhstaller seconded. The motion was approved unanimously.

#### **11. Receive Informational Update on Lower Yolo Bypass Planning Forum**

Dave Ceppos, Center for Collaborative Policy (CCP) reported on the Lower Yolo Bypass Planning Forum, co-sponsored by the Commission and the Yolo Basin Foundation. Mr. Ceppos stated that the Bypass extends from the City of Davis to the City of Rio Vista and is the location where all Delta conditions occur. He said that the purpose of the project is an attempt to create a management plan for the Bypass. He further added that CCP is working to get background information into the plan and the process is currently in the educational phase, then will move on to design element phase. Mr. Ceppos distributed a report on the process.

Commissioner Calone stated that he did not want to be misled by the numbers in the handout.

#### **12. Receive Information Update on the Commission's Management Plan Update Process**

Dorian Fougères, CCP (consultant to the Commission) reported that CCP was putting together a topics hot list for the Management Plan Update Planning Advisory Team. He said the team is advisory only and discussions of the team would result in products going forward to the public—with all decisions being made by the Commission. Mr. Fougères added that during the update process, the Commission will conduct a total of five topical workshops that will be open to the public so that the public is a part of the process. Mr. Fougères distributed a timeline of the process which began in February 2008 and will end in January 2009.

Commissioner Wilson commented that the update was moving too fast and he wanted to see the process stretched out.

Commissioner Kelly commented that the Commission should have serious discussions on the Management Plan. She also said the process was moving fast, the timeline was unrealistic, and the question is whether or not the Commission would be able to get out ahead of the Delta Vision. Linda Fiack stated that she would discuss the concerns with the consulting team.

**13. Consideration of and Possible Commission Action on Proposed Regulations (Title 14, CCR Sections 20000-20013) Concerning Procedures for Appeals of Local Government Decisions to the Commission Pursuant to Public Resources Code, Sections 29770-29772**

Matt Campbell, Office of the Attorney General (OAG) reported that the OAG drafted amendments to the Commission's regulations. He said that as a result of the Commission's input, the draft amendments were revised and then approved at the July 22, 2008 meeting. Mr. Campbell stated that the current regulations before the Commission are identical to the ones submitted at the July 22, 2008 meeting, however it contained clerical changes.

Commissioner Kelly moved to adopt the regulatory amendments dated July 22, 2008 and that the Executive Director be authorized to make any grammatical or other non-substantial changes needed to meet requirements of the Administrative Procedure Act; Commissioner Calone seconded. The motion was approved unanimously.

**14. Review Accomplishment of Strategic Plan Task Priorities for 2007/2008.**

Ms. Fiack reported on the accomplishments to date using the handout as detailed reference.

**15. Discuss Implementation of Provisions of Assembly Bill 2503 Authorizing Specified Members of the Commission to Select an Alternate Designee and the Governor to Appoint Alternates for the Appointed Members.**

Matt Campbell reported that AB 2503 authorizes members of the Commission to appoint an alternate. He said the process is involved and advised that until the appointing board confirms the alternate, that an alternate may only serve for 90 days prior to confirmation.

Commissioner Reagan asked if the alternate must be another elected official. Mr. Campbell responded that the legislation did not specify, therefore the decision would be at the appointing authorities' discretion.

Commissioner Piepho noted that the Commission should be mindful when appointing an alternate, because if the member has a conflict, the conflict carries with the alternate.

**16. Commissioner and Staff Comments/Announcements.**

Vice Chair van Loben Sels announced that Commissioner Calone would be retiring from the Commission at the end of December.

Commissioner Calone asked that the Commission keep property owners in mind when making decisions on the Delta, because those property owners gave up their rights when the Commission was formed.

Commissioner Kelly reported that DWR appointed Bob Yeadon as the new Delta Coordinator. She also reported that DWR would have scoping meetings on October 6-8, 2008 for the Frank's Tract Project, and that there has been a pilot project initiated to construct gates on Old River/Connection Slough.

The next meeting of the Commission is on November 20, 2008.

**17. ADJOURN**

The meeting was adjourned at 9:45 p.m.